

Humanity Dying In Sewer: Manual Scavenging

“Kesa Yeh Swaraj Hai, Sewer Mai Marta Smaj Hai”

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INTRODUCTION –

21st century is called the age of social transformation and development in which one technology is replaced by other novel technology. Despite that, even today in the era of advancement, manual scavenging is persistent in our society. Manual Scavenging refers to the unsafe and manual removal of raw and untreated human excreta, due to which thousands of workers are losing their lives by suffocating in sewers. Recently, the Mechanical system to clean sewers is being initiated by the govt. to eliminate the risks associated with manual scavenging,¹ but this tenacious problem is firmly entwined with gregarious hierarchies that more than a technological solution.

According to the 2011 Census report, about 7, 40,000 households' sewage waste and manual scavengers in India are cleaning faecal matter.² About 21 lakh houses disposed of their faecal matter in dry latrines, which are also cleaned manually.³ According to SECS, in 2011 over 1.82 lakh households were engaged in manual scavenging for their subsistence.⁴ Safai Karamchari Andolan data says that the number of manual scavengers across India is over seven lakh and in the first 6 months of 2019, 50 workers have died cleaning septic tanks in urban India.⁵

Figures of human death and their condition is getting worst year by year , with no unerring step taken by govt. to enforce the legislation (Prohibition of Employment as Manual Scavengers and their Rehabilitation act ,2013) dealing with manual scavenging .

¹ Drishti Office, *Manual Scavenging in India* ,DIS , January 14 2020 ,6:07 , <https://www.drishtiiias.com/daily-update/daily-news-analysis/manual-scavenging-in-india-1>

² Office of ministry of Home Affair, *Office of the registration general and census commissioner, India*, March 2011, <https://censusindia.gov.in/2011-common/censusdata2011.html>

³ Adam Halliday, Avinash Nair, *Census2011household still use manual scavenging* ,TIE , April03 2012 ,4:01 hrs,

<http://archive.indianexpress.com/news/census-2011-belies-gujarat-s-claims-2500-household-still-use>

⁴ HRW Office, *cleaning human waste: Manual Scavenging*, HRW, 24 August 2014, <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenign-caste-and-discrimination-india>

⁵ *Ib.* at 5

HISTORY OF ILLEGALISING MANUAL SCAVENGING

In late 1950s, G.S Lakshman Iyer the freedom fighter and the chairperson of Gobichettipalaym Municipality became the first local body to ban manual scavenging⁶. Then in 1993, Parliament passed the resolution by the six states requesting the central government to frame legislation called The Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act, 1993. Under this Act, offenders will be punished if it is found that they employed a worker for cleaning of sewage or engaged in the construction of dry latrines. They will be charged with imprisonment for up to one year or the fine of Rs. 2000.⁷

However, people did not adhere to the rules framed which lead to a zero-conviction rate under this legislation for the next 20 years⁸.

Now, seeing the failure in the implementation of the law, a new amendment was proposed to the 1993 law in 2013, to form a new legislation called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. It focused on increasing the punishment for manual scavenging and on the rehabilitation of those workers involved in manual scavenging. However, the state government continued being reluctant to divulge that and the practice is still prevailing under their watch. Several independent surveys observed that until date, 4-5 workers are losing their life while fixing the toxic hole of the manure pit.⁹

SO WHY MANUAL SCAVENGING IS STILL PREVAILING?

The Act has certain loopholes:-

Poor Implementation– The Act bans manual scavenging only if the workers are not equipped with ‘protective gears’ and other ‘cleaning devices’. In addition to this, there is

⁶Ankit Agrawal, *Manual Scavenging-Draft Plan*, Study IQ, 22 August 2019, <https://www.studyiq.com/blog/manual-scavenging-draft-plan-free-pdf>

⁷ The Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act, 1993 Section 3 (1) - cover the punishment of fines who are criminalised under this act.

⁸ Debayan Roy, *Stinking Reality of Manual scavenging in India*, NEWS18, September 18, 2018, 11:45 IST. <https://www.news18.com/amp/news/india/stinking-reality-of-manual-scavenging-in-india-does-the-law-exist-only-on-paper-1880787.html#aoh=16067358582837&referrer=https%3A%2F%2Fwww.google.com&tf=From%20%251%24s>

⁹ Avishek G Dastinder, *To stop Manual scavenging, govt. to amend law, make mechanised cleaning a must*, TiE, November 20, 2020, 11:43 a.m, <https://indianexpress.com/article/india/to-stop-manual-scavenging-govt-to-amend-law-make-mechanised-cleaning-must-7057913/lite/#aoh=16067363960666&referrer=https%3A%2F%2Fwww.google.com&tf=From%20%251%24s>

vagueness in the interpretation of “protective gear”. The private contractors usually take the edge of this knothole and do not provide quality gears to workers while they clean septic tanks. The poor implementation of the Act has been seen on the part of States and Union Territories as identification of insanitary latrines and manual scavengers is very poor.¹⁰

Cast Biasness – According to the Socio-Economic and Caste Census, it says that caste hierarchy still exists and it reinforces the caste’s relation with the occupation as a quantum of manual scavengers belong to a lower caste¹¹. The Supreme Court last year passed a unanimous statement on manual scavenging and caste discrimination. Justice Arun Mishra, who was heading the bench, said,¹² “In no country, people are sent to the gas chamber to die. Every month four to five persons are losing their lives in manual scavenging. All human beings are equal but are not provided equal facilities by authorities, hence cases can’t be filed against the person who is cleaning the manholes but the supervisor on whose instruction the work is carried out should be held liable for this”.¹³ It is painful to see that the state machinery has the audacity to blatantly deny the existence of inhuman practice enforced on a specific group.

Access to Loans- National Safai Karamcharis Finance & Development Corporation (NSKFDC) provides the loaning facilities directly to the workers engaged as manual scavengers or their self -help groups so that they can be rehabilitated in alternative occupations. But it was seen that it was beyond the capacity of the workers to take loan up to 20 Lakhs, with that being from the marginalized section of the society. They are not generally aware of the help provided to them, or if they are aware of it, they lack the confidence to run a self-employment project.¹⁴

Problems in Swachh Bharat Mission- A nation-wide program for cleanliness was started by the Central govt. in which they had built extensive toilets but those constructions were single pit or double pit toilet that used to get filled in a year or two of usage. It did not stop here as

¹⁰ Krishnadas Rajgopal, *Silent and Suffering*, TIE, 12 Oct 2018, at 5.

¹¹ *Ib* .at 4

¹² Press Trust of India , *Nowhere in the world people sent to gas chamber to die*, India Today, September 18,2019 17:18 IST, iatoday.in/amp/india/story/nowhere-in-the-world-people-sent-to-gas-chambers-to-die-says-sc-on-manual-scavenging-1600455-2019-09-18#aoh=16067372306087&referrer=https%3A%2F%2Fwww.google.com&tf=From%20%251%24s

¹³ Express Web Desk, *SC raps central on manual scavenging ; No country sends its people to gas chamber to die* ,TIE ,Sept 18,2019 2:31pm , <http://indianexpress.com/article/india/sc-raps-central-on-manualscavenging-on-country-sends-its-people-to-gas-chamber-to-die-6005797/>

¹⁴ Abhishek Garg , *Manual Scavenging – Clause and Way Forward*, Abhipedia,3 March2019, <https://abhipedia.abhimanu.com/Article/IAS/NTE2MjAEEQOVV/Manual-Scavening>

these lavatories were often cleaned manually. This defeated the purpose of the Clean India and Happy India campaign. Seeing these lacunas in the 2013 legislation, a Draft has been proposed which provides the national plan for the elimination of manual scavenging and an amendment is to be advanced in the current act

NATIONAL DRAFT PLAN FOR MANUAL SCAVENING 2019

A National Draft Plan for the elimination of manual scavenging has been drafted with the fraternization of four ministries, namely Ministry of Social Justice and Empowerment, Ministry of Rural Development, Ministry of Housing and Urban Affairs, Ministry of Jal Shakti. They planned a draft for eliminating of manual scavenging through a Mechanisation Drive.¹⁵

- 1- First, urban local bodies will have to espouse motorized cleaning of sewers and septic tanks. To enforce the move, an amendment has to be made in the “The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013”. This will lead to conceding the liability directly against officials and heads of urban local bodies in case of sewer deaths. The officialdom will be held legally responsible even in the case where private households hire workers to get their septic tanks cleaned and during the scavenging if, death occurs.
- 2- Second, all urban local bodies will have to cache the apparatus and units of all expenses that can be used for cleaning sewers under their cognizance. Private households will be able to hire these machines for the cleaning of septic tanks.
- 2- Thirdly, NSKFDC will start extending loans to municipalities at an interest of 4% for a period of 15 years. This will help the municipalities to invest more in the required machines. Until now, the NSKFDC was replenishing the loans directly to workers who were employed as manual scavengers or their self-help groups for the rehabilitation program. However, the money will now be given as loans to urban local bodies for procurance of machines.¹⁶
- 3- The govt. have introduced the bill in the Monsoon Session of Parliament to make it as the law, it seems that the bill will be transformed into legislation soon.

¹⁵ Ankit Agrawal, *Manual Scavenging-Draft Plan*, Study IQ, 22 August 2019, <https://www.studyiq.com/blog/manual-scavenging-draft-plan-free-pdf>

¹⁶ *Ib* at 6.

WAY FORWARD-

For it to succeed states need to accurately enumerate the workers who are working as manual scavengers and other serious observations are needed to be made including the following steps:

Mechanized Cleaning – This can be the step towards eliminating manual scavenging. Start-up Company Zen robotics in Kerala developed a robot “Bandicoot”. It is in use in some Municipal Corporations of Kerala, Andhra Pradesh, and Tamil Nadu.¹⁷ Recently, a Global Technology Challenge was held by the Housing and Urban Affairs Ministry to showcase several options of machines available. Small jetting, sucker machines can also be used for cleaning the clogged sewer in a narrow lane.¹⁸

Protective Gears – As stated above that the legislation is quite silent over the definition of “Protective Gears”, an amendment should be made for defining the vagueness in the Act. Even if a human has to be put inside a sewer, at least protective gear of a standard quality should be provided.

Emergency medical facilities – Manual Scavenging has caused an increasing number of that can spawn serious harm. A doctor and an ambulance should withstand in case of emergency.

Finally, to exterminate the profession of manual scavenging it is momentous to provide the toilers with an alternative occupation.

Despite the fact that manual scavenging is banned and is conveniently considered non-existent, but as a citizen of India, we are aware of the ground reality of this malpractice. With the government working on big, hefty ambitious projects for urban and rural development, now it is time that we need to invest our ambition in welfare policies so that we can eradicate this evil profession

¹⁷ Agencies, *Robot that can end India manual scavenging*, TET, November 06,2019, 01:05 pm IST, nomictimes.com/news/politics-and-nation/robot-that-can-end-indias-manual-scavenging/bandicoot-robot-replacing-manual-scavenging/slideshow/71935997.cms

¹⁸ PIB Delhi, *Govt. is fully committed to eradicate Manual Scavenging*, 19 August 2019, 1:05 am, PressReleasePage.aspx?PRID=158229