

Manual Scavenging: The unsolved problem of India

Once in a while, newspapers are flooded with incidents of the menace of manual scavenging inflicting India. This menace is nothing but the hazardous act of manually cleaning, hauling, dumping, or handling human excreta. However, it's not a new-age problem that is rooted in economic disparity. Rather, manual scavenging is a caste-laden practice of exploitation of lower strata as designated by the Varna system, which still continues in the so-called modern India of the 21st century.

It's not that all governments have hitherto been blinded to the fatal occupation of manual scavenging. Some measures have been taken to curb it:

- Employment of manual scavengers as well as the construction of dry latrines that warrant manual cleaning have been banned in India since 1993 under the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act.
- This act was broadened in 2013 with the enactment of "The Prohibition of Employment of Manual Scavengers and their Rehabilitation Act" that seeks to reinforce this prohibition of manual scavenging in all its forms and ensure the rehabilitation of manual scavengers.

But, the reality is not unknown. The prevalence of manual scavenging is an open secret which has even been talked about in India's Supreme Court.

"Why are you not providing them masks and oxygen cylinders? In no country in the world, people are sent to gas chambers to die."

- *Remarks by the Supreme Court bench headed by Justice Arun Mishra on September 18, 2019.*

CHALLENGES : Why does manual scavenging continue ?

1. Loopholes in Legislation

Let's look up the definition of manual scavenger according to the fundamental act against manual scavenging in India, " Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013".

(g) "manual scavenger" means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

Explanation.—For the purpose of this clause,—

(a) "engaged or employed" means being engaged or employed on a regular or contract basis;

(b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger';

Do you find something confusing? Read the definition again. Is there inclusion of those who clean sewers and septic tanks? Are those people also not the manual scavengers who often die due to inhalation of toxic fumes released by excreta they clean as per the requirements of their job?

The International Labour Organisation defines manual scavengers as those who engage in septic tank cleaning, the removal of human excreta from dry latrines and gutters, and sewer cleaning.

Significantly, the definition as per Indian legislation forgoes many manual scavengers who are, as a result, left out of government data, rehabilitation efforts, and other government initiatives.

Moreover, the Act fails to define "protective gear," which creates ambiguity that is often exploited by employers. There have been cases where the

mere provision of handkerchiefs and gloves by employers has been considered appropriate to prevent workers from being exposed to hazardous gases that often become fatal. Isn't this infuriating?

2. Missing Data

There has been a mismatch in the data related to manual scavenging published by several organisations and bodies.

SECC-2011 noted that there are more than 26 lakh insanitary latrines in the country and identified 1,82,505 manual scavengers in rural areas alone. On the other hand, the SKA estimated that the number of such scavengers was around 12 lakh.

The two surveys, conducted by the Ministry of Social Justice & Empowerment in the years 2013 and 2018, found 58,098 eligible manual scavengers. However, the 2018 survey was conducted only in a total of 18 states and 170 districts. The National Commission for Safai Karamchari (NCSK) has held that the real picture may emerge only after a nationwide survey on similar lines.

Not only is the data of eligible manual scavengers questionable, but data about their deaths is also. Shockingly, Ramdas Athawale, Minister of State for Social Justice and Empowerment, informed Parliament in 2021, that nobody had succumbed to manual scavenging in the country. However, 941 workers died in the last three decades while cleaning sewers and septic tanks. These deaths are not identified by the government as deaths due to manual scavenging but instead are referred to as deaths due to hazardous cleaning of sewers and septic tanks. This response and the narrow scope of the act's definition have been described by activists as appalling.

Even the NHRC, on multiple occasions, has argued that the government's data citing eradication of manual scavenging is far from the truth.

3. Lack of water supply in toilets

The trade unionist Pragya Akhilesh, called "Toilet Woman of India," in 2018 documented over 10,000 abandoned toilets in rural India, where women were forced to be manual scavengers in both the outlawed dry and newly built sanitary latrines under the Indian government's much-lauded Swachh Bharat Abhiyan. It was found in ground surveys that most of these toilets either don't have a functional tap or the drains are clogged, signalling that toilets are made to look good only on paper.

4. Apathy driven by profit-oriented nature of contractors

On most occasions, local bodies outsource sewer cleaning tasks to private contractors. In the greed of maximising profits by cutting costs, contractors often don't provide sewage cleaners with effective protective gears.

Here's an excerpt from the interview published by News Minute :

"The contractor made us wear the safety mask, gloves, and boots provided by Express Avenue and pose for a photo", says Ranjith, 22-year-old manual scavenger who lost his brother Arun in Chennai Mall Sewer
He added "After the photo was taken, he told us to take it off, before going into the tank. He said it would be wasted if we use it. This was a regular practice."

Furthermore, many contractors do not maintain proper rolls of sanitation workers, making it easier for them to deny any association if a mishap occurs.

5. Social Discrimination and Stigmatisation

Caste, class, and economic divisions all play a role in the continuation of the practice. Significantly, manual scavenging's linkage with India's caste system wrongly expects the so-called lower castes to undertake this job.

Because of the nature of their work, most manual scavengers are stigmatised by the community. They are treated as untouchables and are compelled to accept their predicament. Their children are also compelled to do the same job.

According to a parliament response dated December 2021, the SC community accounts for more than 97 percent of people involved in manual scavenging.

Category	No. of Manual Scavengers
Scheduled Castes	42,594
Scheduled Tribes	421
Other Backward Classes	431
Others	351

This lingered association of discrimination and stigma with manual scavenging obstacles the liberation of manual scavengers to secure alternative livelihoods.

"How can any human being be happy carrying the faeces and urine of another human being? Manual scavenging is a caste-based occupation imposed on us. It is violence on us."

- Bezwada Wilson, National Convenor,
Safai Karmachari Andolan

6. Lack of political will

Although banned more than two decades ago, there are still thousands of people in India who still work as manual scavengers. The major reason is lack of political will. Laws are there, but implementation is not. Furthermore, when politicians are questioned about the situation, the existence of manual scavenging is denied in toto. Since the problem is not admitted to even exist, solving it is not even a consideration.

After cycles of power change, neither the government nor the opposition seem to take real interest in the mitigation of the plight of manual scavengers. As a result, debates as well as questions on the issue are miniscule.

It's worth noting that "The Prohibition of Employment of Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020," which was supposed to be rushed through during the parliament's monsoon session in 2020, is still following the same problematic path as its prior versions from 1993 and 2013.

However, there have been few cases where politicians have taken responsibility for questioning the administration about the situation of manual scavengers.

- In an unstarred question to the Ministry of Social Justice & Empowerment in July 2021, Congress MP Mallikarjun Kharge and L Hanumanthaiah inquired about the details of people engaged in manual scavenging; several deaths caused by manual scavenging in the previous five years; the number of manual scavengers rehabilitated; the funds allocated in the process; and the steps being taken to ensure proper rehabilitation.
- In December 2021, RJD MP Manoj Jha asked the Ministry what the caste-based separate number of people engaging in manual scavenging is, and what actions have been taken to integrate them into the economy and abolish the practice.
- Jaya Bachchan, SP Member, and MP, in the Parliament, asserted that the preservation of manual scavenging continues to shame India.

Solutions of Manual Scavenging

1. Legislation overhaul

Here we can talk about what the Amendment Bill 2020 should include :
Rehabilitation of sewer and septic tanks cleaners along with the government making sure to define " what are protective gears and devices"

Though we have had a law since 1993, which was broadened in 2013, there are some loopholes that get exploited. This necessitates a legislative overhaul.

A step in the right direction was taken by the union government by drafting 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020'. It aimed to amend the fundamental act to include provisions like complete mechanisation of sewer cleaning and compensation to manual scavengers in case of sewer deaths. It also banned employers from employing people as manual scavengers without protective gear. However, the bill was not tabled and eventually died out.

We could use this opportunity to draft a better law based on multi-stakeholder discussions and debates. Markedly, the definition of manual scavengers should be amended to include sewer and septic tank cleaners. Furthermore, 'protective gears' must be defined in absolute terms to curb exploitation of loopholes.

Apart from enacting stringent and comprehensive laws, their enforcement should also be warranted. For this, the law must include the factor of accountability. A statutory legislative responsibility should be established on the part of state entities to provide sanitary services. This could ensure that the rights of manual scavengers won't be in jeopardy.

2. Incorporation of Technology

In India, the majority of the septic tanks and sewers require periodic emptying and offsite treatment of human waste. The sanitation workers cleaning these septic tanks are in grave danger of asphyxiation, emphasising the problem of poor implementation and non-compliance with safe operating procedures.

New technology solutions, product and process innovation in urban sanitation are urgently needed to improve the safety and welfare of these personnel.

The most immediate solution can be provision of appropriate personal protective equipment (PPE) such as bodysuits, masks, and gloves. These must be of standardised quality and meet the physical and social demands of people of both genders. Given that women account for half of all manual scavengers in India, tailoring PPE to their size and ergonomic requirements is critical.

A medium and long-term solution includes incorporation of the necessary technology to mechanise sewer and septic tank cleaning. Some fascinating and beneficial developments have been made in this area:

- “Bandicoot”, a manhole-cleaning robot developed by a Kerala-based start-up Genrobotics, can clean any type of sewer using its drone unit.
- JALODBUST is a mechanised scavenging system that aims to rid the involvement of human intervention in septic tank cleaning with its IoT based technology and easy operation.
- Bio-toilet is a dry toilet that treats human waste by a biological process called composting. Using specific, high-graded bacteria (aerobic and anaerobic), it decomposes human excretory waste into methane gas and water in the digester tank. According to TERI's research, bio-toilets' introduction in Indian railways resulted in the reduction of the load of track cleaning and subsequent manual scavenging.

3. Empowering Local Administration:

Construction of manual-scavenging free toilets, sewers and drains under central government initiatives such as 'Swacch Bharat Abhiyan' and 'Smart City' can be a tipping point for ending the menace of manual scavenging. Local administration being the major player in ground enforcement of these measures becomes the keystone for effective elimination of manual scavenging. But, funding is scarce for local governments.

In a breath of relief, the 15th Finance Commission has recognised the Swachh Bharat Mission as a top priority area, and money for smart cities and urban development is available, making a strong case for addressing the problem of manual scavenging.

The government must act on the priority in true spirit and award grants to municipalities, particularly for purchasing required higher-end devices.

4. Multi-stakeholder involvement

It would be important to involve all of the main stakeholders in order to tackle the problem through projects such as 'toilets in Smart city' in India. District officials, the Relations Officer, the Chief Medical Officer, and the District Supply Officer, as well as any other relevant officials, are among them. Further, coordination of NGOs and self help groups (SHGs) is significant for the success. For example, Pune based NGO- Centre for advanced studies in policy research (CASPR) through its sanitisation equality initiative, "Arogya Rakshak Toilet (ART)" has standardised several existing status of toilets in public use. Other Tamil Nadu based NGO- Gramalaya along with government coordination has helped to maintain public toilets. Moreover, it is also critical to include the community in the programme around the regions that are most affected.

Obtaining information from officials and the community will assist in making an informed choice on the best course of action for the initiative. After that, workshops should be arranged to determine the extent of the problem and how to remedy it. A community workshop would aid the organisation in gaining a better understanding of the residents' motivations

for engaging in the practise. Locals can offer suggestions for solutions that they are familiar with.

5. Rehabilitation and Reintegration of Manual scavengers

One of the most significant rehabilitation activities is the impartation of new skills as well as creation of more jobs. This, in combination, can aid in integrating manual scavengers into the community.

Some initiatives have been taken by the government in this direction, such as the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), which provides identified manual scavengers with one-time cash assistance of Rs 40,000, loans to start a new business, and paid training and skill-building opportunities (with a stipend of Rs 3,000 per month up to 2 years).

Notably, there are also measures in place to support the education of children of manual scavengers, including a pre-matriculation scholarship scheme and education loans, in order to free future generations from this employment.

However, funding is limited for these initiatives. Therefore, more support and funding are needed to rehabilitate and interrupt the cycle of manual scavenging.

6. Awareness Generation

The community should be educated about the disastrous effects of dry latrines by District Nodal Professionals, NGOs, and health officers. They should also educate the general public on health issues, cleanliness, and sanitation. Officials from the government should provide information on the legal ramifications of scavenging and using dry toilets.

The people should be warned of the consequences of being detained. Sanitation workers, on the other hand, should be educated on their rights and the laws that protect them from abuse by their employers.

This awareness generation at a multi-fold level would not only aid in scaffolding public pressure for combating manual scavenging but will also assist communities engaged in manual scavenging to understand their rights.

7. Social Sensitisation & education

Manual scavenging is a national emergency and fighting it demands a strike at the root cause — caste prejudice.

In order to do so, sensitisation of the public at large is essential so that they recognise and comprehend how and why manual scavenging remains ingrained in the caste system.

Trained professionals like psychologists could help in sensitising people at larger community level such as schools, colleges, offices, private contractor firms etc.

The continued existence of manual scavenging is a slap on the face of India as it celebrates 75 years of independence. Speeches on development are futile unless we, in reality, liberate the people engaged in the work of manual scavenging from the trap that our caste system has led them into.

The need of the hour is not words but actions. Yes, there is a colossal amount of work required, which cannot happen overnight. But steps could be taken in a phased manner. We have a sense of solutions; all we need is the will to enact them. Fighting with every step forward!