



livelihoods

today and tomorrow

May 2017

‘Sukshetram’

Persons Living with Unhygienic Occupations

The official definition of a manual scavenger in Indian law from 1993 is as follows: “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 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.



Living in 21st century; it is a shame that we have to be mute witnesses to the practice of manual scavenging! Removal of untreated human excreta from bucket toilets or pit latrines is called manual scavenging. It refers to the manual removal of unsafe and raw (fresh and untreated) human excreta from buckets or other containers, used as toilets or from pits of simple pit latrines. Manual scavenging involves removal of excreta, using brooms and tin plates into baskets, which workers carry to the disposal location, at times several kilometers away. The reality is that workers rarely have any personal protective



equipment. It was back in 1993, that employment of manual scavengers to empty “dry toilets” was prohibited and the law was extended and clarified to include insanitary latrines, ditches and pits in 2013.

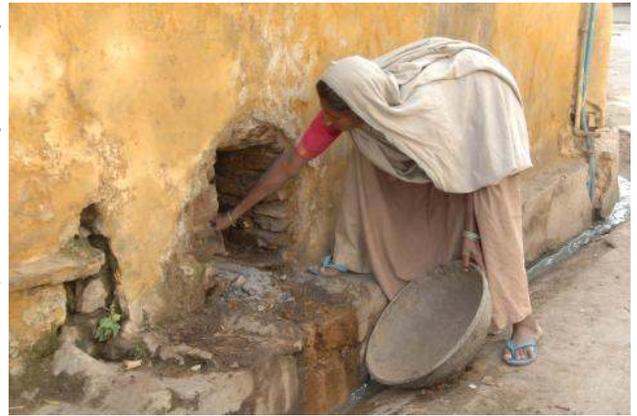
Scavengers are people living in unhygienic conditions; cleaning dry pits, manholes, drainage pipelines and largely people living in unhygienic conditions belong to Scheduled Caste (SC) community; with various sub-caste groups engaged in this inhuman activity.

From a historical point of view, evidence shows that existence of toilets with a water seal existed in Harappa and Mohenjo-Daro civilizations. The cities had toilets, connected to an underground drainage system lined with burnt clay bricks. Later on, caste-based occupation emerged and manual scavenging emerged, with vast majority of workers involved being women. The inhuman practice of manual scavenging dates back to ancient times. According to contents of sacred scriptures and other literature, scavenging by some specific castes of India has existed since the beginning of civilization. In Naradiya Samhita, one of the fifteen duties of slaves enumerate was of manual scavenging. It continued during Buddhist and Maurya period and during the Mughal era.

From the year 1870 onwards, the British organized municipalities in India, and according to Municipal records, during colonial era, they built roads, parks, public toilets, etc. The British administrators organized systems for removing the fecal sludge and employed bhangis. The community who are involved in manual scavenging is that of bhangis (Chuhra). As many of them have Rajputs as clan names, it is proposed that bhangis are descendants of those captured in wars. The legends mention about the origin of bhangis, who have traditionally served as manual scavengers. One of them, associated with Lal Begibhangis, who describe the origin of bhangis from Mehtar.

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or pre-treated in the dry toilet itself, as is the case for composting toilets and urine-diverting dry toilets. And then emptying these types of toilets is not classified as “manual scavenging.”

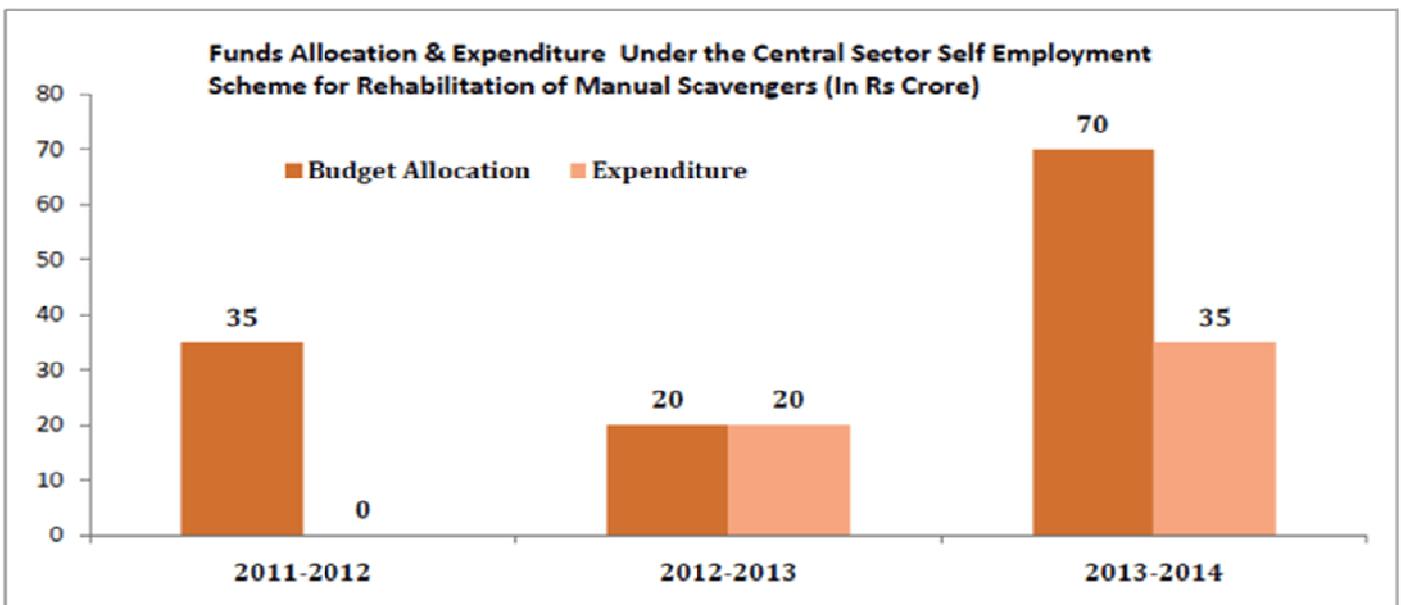


Emptying the pits of twin-pit pour-flush toilets is not classified as manual scavenging in India, as the excreta is already partly treated and degraded in those pits. The International Labour Organization (ILO) describes three forms of manual scavenging in India: a) Removal of human excrement from public streets and “dry latrines” (meaning simple pit latrines without a water seal, but not dry toilets in general); b) Cleaning septic tanks; c) Cleaning gutters and sewers. Manual cleaning of railway lines of excreta dropped from toilets of trains is another form of manual scavenging in India.

The most inhuman practice of manual scavenging was banned in late 1950s by freedom fighter G.S. Lakshmanyer, when he was the chairman of Gobichettipalayam Municipality. It was the first local body to ban it officially. According to Indian Constitution, sanitation is a State subject as per entry 6 of the Constitution. Later on in 2013 February, Delhi announced ban on manual scavenging, making them the first state in India to do so. The government of state of Maharashtra has planned to abolish the menace of manual scavenging completely from the state soon. The District magistrates are responsible for ensuring that there are no manual scavengers working in their districts and within 3 years’ time municipalities, railways and cantonments must make sufficient sanitary latrines available.

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A provision exists, that by using Article 252 of the Constitution, which empowers Parliament to legislate for two or more States by consent and adoption of such legislation by any other state, the Gol, has enacted various laws. The continuance of such discriminatory practice is violation of ILOs Convention 111 (Discrimination in Employment and Occupation). It was after six states passed resolutions requesting the Central Government to frame a law, The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, drafted by the Ministry of Urban Development under the Narasimha Rao Government was passed by Parliament in 1993. This Act of 1993 punishes the employment of scavengers



or the construction of dry (non-flush) latrines with imprisonment for up to one year and or a fine of Rs. 2,000. No convictions were obtained under the law during the 20 years, it was in force. The above was followed by The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 or M.S. Act 2013. The above new legislation was passed by Government in September 2013 and issued Government notification for the same. In December, 2013 Government has also formulated Rules 2013 called as “The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules 2013 or “M.S.Rules 2013.” The further hearing on 27 March 2014 (petition number 583 of 2003), Supreme Court had issued final orders and case was disposed of with various directions to the Government. The broad objective was to eliminate unsanitary latrines, prohibit the employment of manual scavengers and the hazardous manual cleaning of sewer and septic tanks and to maintain a survey of manual scavengers and their rehabilitation.

In spite of various laws being enacted, the practice of manual scavenging is not eliminated. Though it is banned, and various legislations are in place, due to poor implementation and activism taken up, total ban on manual scavenging remains a challenge! Way back in 1970s, Dr. Bindeshwar Pathak, introduced his “Sulabh” concept for building and managing public toilets in India.

12,226 manual scavengers were identified across India—82% of these are in Uttar Pradesh —according to a [reply](#) to the Rajya Sabha (Parliament’s upper house) on May 5, 2016, by Minister of State for Social Justice

He had introduced a hygienic and well-managed public toilet system. Looking at the plight of Safai Karmacharis, activist Bezwada Wilson, had founded a group way back in 1994, Safai Karmachari Andolan, to campaign for the demolition of then newly illegal “dry latrines (pit latrines) and the abolition of manual scavenging.

Despite the efforts of Wilson and other activists, the practice persists still two decades later. According to the Socio Economic Caste Census 2011, a total of 180,657 households are engaged in manual scavenging for a livelihood. Across India, in 2011, Census of India found 7,94,000 cases of manual scavenging across India, with State of Maharashtra topping the list, followed by the states of Madhya Pradesh, Uttar Pradesh, Tripura and Karnataka. In the current context, this inhuman practice survives in many parts of India, without proper sewage systems or safe fecal sludge management practices. It is most prevalent in states of Gujarat, Madhya Pradesh, Uttar Pradesh and Rajasthan and sadly, in few municipalities in India, public toilets run using simple pit latrines.

How does one end the inhuman practice of manual scavenging? Indeed, it is a huge challenge for the government; however, it is shocking to see that Indian Railways is the biggest violator of this law, where

The persistence of manual scavenging is linked to the Hindu caste system, with about 1.3 million Dalits, mostly women, making a living as manual scavengers across India.

many train carriages have toilets dropping the excreta from trains on tracks and employs scavengers to clean the tracks manually. Why is it that manual scavenging is a traditional role only for Scheduled Caste groups, usually from the Balmiki or Valmiki or Hela sub-caste? Government has its official figures disputed, on the exact number of manual scavengers.

In March 2014, the Supreme Court of India declared that there were 96 lakhs (9.6 million) dry latrines being manually emptied. The official figures put were less than 700,000. This mismatch of data from government sources, throws up a challenge to the government itself

and society at large to end this inhuman practice. Telangana, for instance, reported 1,57,321 dry latrines as of December 31, 2015, having zero manual scavengers. In Himachal Pradesh, the survey results submitted showed 854 dry latrines, but nil manual scavengers. Chhattisgarh reported 4,391 dry latrines but only three workers. Similarly, Karnataka reported 24,468 dry latrines but only 302 manual scavengers, and Madhya Pradesh’s numbers were 39,362 and 36. Bihar reported only 11 manual scavengers, while Haryana reported “nil” for both dry latrines and manual scavengers. Denial of manual scavengers by the government is a serious anomaly. The above data points to the failure of State governments to identify manual scavengers who doubtless exist as per the latest Socio-Economic Caste Census data released in 2015, which states that India still has 1,80,657 households who make a living from manual scavenging.

How do we address the issue of manual scavenging? De-reserving of the posts of safaikarmachari to other caste groups, acceptance by the government that a manual scavenger exists, efforts towards rehabilitation of them, bringing in affordable technologies replacing the manual scavengers, adopting new methods towards promotion of green manure, promoting green bio-toilets in Indian Railways are key measures that can be taken. However, the most critical area of intervention for putting an end to this inhuman practice is to show alternative avenues of livelihoods to these marginalized groups. ❖