

# Manual Scavenging

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## Abstract:

India has regulations intended to end the horrible practice of "manual scavenging" or manually cleaning human waste from sewers and dry latrines. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, passed in 1993, was the first piece of legislation outlawing manual scavenging. In order to fully address the problem, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, was passed.

The 2013 Act forbids the use of manual scavengers in the construction of unhygienic latrines, and it allows for the rehabilitation of manual scavengers by providing them with basic necessities and other means of subsistence. Additionally, it makes disobeying its rules a crime, subjecting employers to penalties. In addition to these federal legislation, different states also have their own regulations and programmes.

Even if these laws exist, problems still arise. Social attitudes, a lack of information, and insufficient enforcement all contribute to the fact that implementation is still a major problem. Manual scavengers frequently come from underprivileged backgrounds and experience social exclusion and financial insecurity. Despite being prohibited by law, the practice persists in some areas due to inadequate monitoring and slack enforcement.

Strict regulations and it's enforcement, and societal reforms are all necessary to effectively address manual scavenging. Governmental organisations, non-governmental organisations, and advocacy groups are making an effort to end this practice. However, to entirely end manual scavenging and guarantee the dignity and rights of every person involved, ongoing vigilance, education, and societal transformation are required.

**Keyword:** Manual scavenging, inhumane practice, lack of strict enforcement, rehabilitation, schemes, compensation

## Introduction:

The act of manually clearing human excreta and other waste from open drains, sewers, and dry latrines and treating them is known as manual scavenging. Although it has been outlawed since 1993, manual scavenging has long been a problem in India. Manual scavengers, both men and women, are still cleaning human waste out of septic tanks, open defecation sites, private and public dry toilets, open and closed gutters, and sewers by hand, even after years of independence. Persons who engage in manual scavenging confront discrimination on two fronts: gender inequity and caste. However, the issue lies not only in an unhygienic profession but also in an inhumane custom associated with a certain population under a structurally oppressive caste system that has persisted in the current trash disposal system in civic communities. This paper brings out the current status of manual scavenging in India.

**Legislations on Manual scavenging:**

India has enacted various adequate laws to raise the standard of living of manual scavengers. Firstly, manual scavenging is a banned activity in the country as per The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. From the aforesaid date no person or organization shall engage or employ any person in manual scavenging. This act has been enacted to provide for prohibition of employment as manual scavengers and as rehabilitation of manual scavengers and such manual scavengers' families. No person shall clean a sewer manually without protective equipment as per section 5 of the the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Section 7 of the Act prohibits the employment of men for hazardous cleaning of sewers and septic tanks. Also under section 4 the act provides for local authorities to survey insanitary latrines and provide sanitary community latrines.

Secondly, The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in 1989, provided a comprehensive safeguard for sanitation workers from the scheduled caste and scheduled tribes community. More than 90% of the cleaners belong to Scheduled Castes. The act exempted manual scavengers from designated traditional occupations.

The Ministry of Social Justice and Empowerment has conducted two surveys to identify manual scavengers in 2013 and 2018 in which all identified and eligible manual scavengers have been provided with assistance for their rehabilitation. Also Section 11 of the Manual Scavengers Act leads to a survey of manual scavengers in urban areas by municipalities.

The Building and Maintenance of Insanitary Latrines Act of 2013, forbids the installation or upkeep of unsanitary restrooms, the employment of anybody to perform manual scavenging, and the risky cleaning of septic tanks and sewers. In addition, it outlines the constitutional obligation to compensate manual labour groups for past injustices and humiliations by giving them alternative employment opportunities and other forms of support.

**Manual scavengers and constitutional rights:**

Part three of The Indian constitution provides us the fundamental rights. Firstly article 14 of the constitution provides for equality before law and equal protection of laws to every person. Secondly article 17 of the constitution provides for abolition of untouchability and prohibition of its practice in any form. Thirdly article 21 provides for protection of life and personal liberty of every individual which also includes protection of life with dignity. Also article 23 of the Indian constitution prohibits traffic in human beings and forced labour. The act of manual employment in scavenging curbs their fundamental rights to which they are entitled under part three of the Indian constitution.

Part four of the Indian constitution provides for the directive principles of state policy. Under it article 39(a) provides for adequate means to livelihood. Use of man power in scavenging is an unjust and in human activity which has been vested in article 42 which provides for just and humane conditions of work. Also article 46 of the constitution provides for the state to protect the weaker sections of the society, specifically the scheduled caste and scheduled tribes people.

**Technological developments in the field of manual scavenging:**

Thiruvananthapuram based startup Genrobotics of young engineering graduates attempted to put an end to the act of manual scavenging and deaths caused by it through Bandicoot – a 50 kg pneumatically driven remote-controlled robot that is sent into a manhole, where it spreads its arms and extracts waste, it can

move in a full 360 degrees to sweep the manhole floor and gather wastes. This robotic arm has the potential to eradicate manual scavenging in India. Bandicoot stands as the world's first robotic scavenger.

Based in Bengaluru with M/s. Ajantha Technologies, that focused on creating machinery that would automate the cleaning of septic tanks and sewers and do away with the necessity for manual entrance. It created the robotic arm for cleaning sewers called Sewer Croc. It was given this name because of its crocodile-like appearance and ability to swim the sewer pipes and clear obstructions and silt from them. The robotic arm, which is attached to a hose, is lowered into the manhole and used to shoot water out of it quickly in order to clear the silt. After the silt is extracted, it is routed down the sewage system to the next manhole, where it is collected and extracted using a different instrument known as a 'Grabber'. In order to confirm that the silt has been cleared, a camera is then deployed inside to capture 360-degree pictures of the sewer lines.

SEPOY Septic Tank Robot is a product designed to clean septic tanks, which are the primary cause of death for most sanitation workers. Dr. Prabhu Rajagopal, an IIT Madras professor, and his students from the Centre for Non-Destructive Evaluation designed it. The remote-controlled, electronically-powered robot features high-velocity cutters and a 360-degree mobility arm. This makes it possible for the robot to slice through the heavy sludge accumulations in the septic tanks. Because the robot is equipped with a camera, the regulator can securely operate it from outside the manhole.

Another firm situated in Bengaluru, Drona Automations Pvt. Ltd., is the creator of the Manhole Sewage Pipe Cleaning Robot-1. The robot can function in any manhole situation, according to the manufacturer. It uses a camera to find the obstructions in the sewage. The robot is capable of reaching into sewer pipes that range in diameter from 9 to 13 inches and extracting garbage from them. According to the manufacturer, the low-maintenance portable robot can clear obstructions including sludge, bricks, and stones. Two such items that are said to have been developed to do away with manual scavenging are the Scavenger Cleaning Robot and the Drainage Cleaning Robot.

A robot named "HomoSEP" has been developed by Indian scientists at the Indian Institute of Technology in Madras, Tamil Nadu. It has the potential to save and improve the lives of manual scavengers and contribute to the permanent termination of this cruel practice. All tasks carried out by a manual scavenger will be able to be completed by the robot "HomoSEP". The degraded household wastes from the septic tanks will be cleaned out.

Xena 6.0, a battery-operated, solar-powered device, may be an excellent means to address these problems. As part of the Make in India campaign, Club First Robotics Private Limited, based in Rajasthan, India, is producing this robotic sewage hole cleaning device. The all-terrain robot chassis known as the Xena 6.0 is intended specifically for cleaning sewage manholes and can also be utilised in agriculture and rescue operations. The solid waste is collected in a chamber by the robot after it is lifted out of a manhole. It's an electric car that runs on solar power and has electrical charging capabilities.

### **Health and manual scavenging:**

The act of manual scavenging is a dangerous and dehumanising profession that puts participants' health at considerable risk, hence there is a connection between health as well as this practice. Human excreta is manually cleaned, handled, and disposed of from dry latrines and sewers; this practice is known as "manual scavenging," and it is frequently carried out by underprivileged and marginalised communities. Workers who engage in manual scavenging are subject to many health risks, such as exposure to dangerous chemicals, infections, and toxic gases present in human waste. Given that they frequently don't have

adequate, proper, suitable safety equipment, workers run the danger of developing skin infections, respiratory illnesses, and other ailments. Manual scavengers frequently operate in hazardous and unhygienic environments, entering sewage systems without the necessary tools or safety precautions. The likelihood of mishaps and fatalities rises in the absence of safety laws and adequate training. The United Nations and other international organisations stress how crucial it is to put an end to manual scavenging as part of larger initiatives to meet sustainable development goals, such as those pertaining to social equality, health, and sanitation. Within a septic tank, hazardous gases and wastes are produced. The most common ones are methane (CH<sub>4</sub>), hydrogen sulphide (H<sub>2</sub>S), carbon dioxide (CO<sub>2</sub>), ammonia (NH<sub>3</sub>), nitrogen dioxide (NO<sub>2</sub>), and minute amounts of carbon monoxide (CO). Both highly and lowly concentrated types of these dangerous gases are present. Low concentrations of these substances can lead to eye irritation, sore throats, asphyxia, coughing, and other breathing difficulties; large concentrations, on the other hand, may primarily cause unconsciousness and death.

### **Judicial pronouncements:**

*Change India v. Government of Tamil Nadu*<sup>1</sup>:

In this Public Interest Litigation (PIL), the Court held that the directives of the state regarding to prohibition of employment manual scavengers and rehabilitation of manual scavengers and their families are applied to both state-employed manual scavengers and those working for private companies that were within a municipality's jurisdiction. It outlined the obligation of the State to forbid manual scavenging. It went on to say that because the State cannot completely eradicate manual scavenging, it is unable to escape its obligation to make up for the lives of those who perished in the process. In this petition, interest is being sought for the state's delayed payment of worker compensation to the worker's family and to get such interest from starting on the day of the worker's death. The court ordered the State to provide interest at a rate of eight percent per year starting on October 1, 2014, and continuing until the heirs of the manual scavengers who perished in the act of scavenging by hand get payment of Rs. ten lakhs.

*Safai Karamchari Andolan & Ors. v. Union of India & Ors.*<sup>2</sup>

The Social Justice and Empowerment Ministry recorded 620 instances of sanitation workers dying when cleaning septic tanks and sewers, 88 of which happened in the final three years before 2019. This is in spite of a 1993 prohibition on manual scavenging. The court in this case of writ petition brought by Safai Karamchari Andolan, directed the families of every deceased individuals working in sewage since 1993 to get Rs. 10 lakhs in compensation for each death. In addition, the Court mandated that all union territories and state governments pass laws banning manual scavenging. The Court observed that the construction of dry latrines and manual scavenging were still common and had not stopped nationwide. The Court made the following orders in response: It was mandated that the government expeditiously rehabilitate manual scavengers identified under the Act. It was suggested that the statute be amended to include particulars about the rehabilitation of manual scavengers, covering topics such as sewer deaths, railroads using people as manual scavengers, prompt rehabilitation, and remuneration for manual scavengers. Support for women safai karamcharis in selecting their own means of subsistence was also highlighted. The Court will evaluate what constitutes appropriate compensation, which may include one-time cash support, child scholarship funding for their children's education, the gift of a home plot with building funding, job training accompanied by a monthly stipend, loans and subsidies to support a family member seeking long-

<sup>1</sup> *Change India v. Government of Tamil Nadu*, (2016) SCC OnLine Mad 1887

<sup>2</sup> *Safai Karamchari Andolan & Ors. v. Union of India & Ors.*, (2014) 11 SCC 224

term alternative career, and compensation of Rs. 10 lakhs to scavengers who lost their lives while working on sewers. Natural justice concepts should guide the rehabilitation process. The directive to guarantee complete adherence to the Act's requirements was also sent to the administrations of the union territories and the states.

Dr. Balram Singh v. Union of India<sup>3</sup>

This is a lawsuit brought by the public interest litigation opposing the use of manual scavengers. Dr. Bhimrao Ambedkar's statement of "*Ours is a battle not for wealth or power. It is a battle for freedom. It is a battle for the reclamation of human personality.*" Was cited by Justice Bhat when delivering the verdict. It established a thorough framework stating that the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act of 2013 to be implemented in an efficient manner. The bench highlighted the necessity of taking proactive steps to rehabilitate the victims and their families, such as guaranteeing scholarships and other skill-development initiatives.

### **Remedies for manual scavengers under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013:**

As per section 11 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, persons identified as manual scavengers are being allotted with residential plot and financial assistance to construct house or a built house subject to eligibility and willingness of such manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority. Also his children are being entitled to scholarship from relevant government schemes of the centre, state and local authorities. Training to a livelihood skill along with a monthly stipend of not less than three thousand for a month during the training period, subsidy or concessional loan for shifting to a new occupation are being provided by the government to the eligible manual scavenger or to an adult person in his family. Also he'll be provided with necessary legal and programmatic assistance.

Section 24 & 25: Every State Government is required to establish a Vigilance Committee for each district and subdivision through notification. The Vigilance Committee's functions includes advising the District Magistrate or, in certain cases, the Sub-Divisional Magistrate on the necessary steps to take to guarantee that the provisions of this Act or any rules made under it are correctly implemented, supervising the economic and social rehabilitation of manual scavengers, coordinating the efforts of all relevant agencies to ensure that sufficient credit is channelled towards the rehabilitation of manual scavengers, keeping an eye on the registration of offences under this Act, as well as their investigation and prosecution.

Section 26 & 27: Every State Government is required to constitute a state monitoring Committee for each district and subdivision through notification. The State Monitoring Committee's functions include keeping an eye on and advising the State Government and local authorities on how to effectively execute this Act, coordinating the efforts of all relevant agencies, to investigate any other matter related to or incidental to the aforementioned in order to implement this Act.

Section 29 & 30: Every Central Government is required to constitute a Central monitoring Committee for each district and subdivision through notification. The Central Monitoring Committee's functions includes overseeing and advising the federal government and state governments on how to implement this act and

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<sup>3</sup> Dr. Balram Singh v. Union of India, (2023) SCC OnLine SC 1386

other relevant laws and programmes, coordinating the efforts of all relevant agencies, investigating any other issues that may arise from or be related to the implementation of this act.

Section 31: the national commission for Safai Karamcharis does the functions of overseeing the Act's implementation, investigating complaints alleging that its provisions have been violated and report its findings to the relevant authorities along with recommendations for additional action, advising the Federal and State Governments on how to effectively implement the Act's provisions, to consider matters pertaining to the non-implementation of this Act on an as-needed basis. The National Commission may request information on any subject mentioned from any government, local government, or other authority in the course of carrying out its duties under that subsection.

### **Employers of such manual scavengers:**

section 22 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 makes the offence made by the employers of manual scavengers as a cognizable and a non-bailable offence. In the event that a company violates this Act, all individuals who were in charge of the company's business operations at the time of the offence and were accountable to the company for their conduct will be considered guilty of the offence and will face appropriate legal action and punishment. In the event that a company commits an offence under this Act and it is established that the offence was carried out with the knowledge or assistance of, or is related to, the negligence of, a director, manager, secretary, or other officer of the company, that director, manager, secretary, or other officer will be presumed to have committed the offence and will be subject to legal action and punishment as a result as mentioned in section 23 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

### **Authorities' responsibility in curbing manual scavenging:**

Section 17 to section 20 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 describes the responsibilities and duties of the authorities in position of implementing a manual scavenger free nation. According to it, every local authority is deemed to be responsible for making sure, by means of an awareness campaign or another method, that (i) no unsanitary latrine is built, maintained, or used within its boundaries, and (ii) that, in the event that clause (i) is violated, the occupier will be prosecuted under subsection (3) of section 5.

### **Government initiatives to curb the practice of manual scavenging:**

**NAMASTE scheme:** The National Action for Mechanised Sanitation Ecosystem (NAMASTE) has received about Rs 100 crore in funding for the Union Budget 2023–2024. The government hopes to enable 100% mechanical desludging of septic tanks and sewers in all cities and towns. The initial steps have been taken to expand the Scheme to encompass all Urban Local Bodies (ULBs) around the nation. NAMASTE plans to identify the workers who operate septic tanks and sewers (SSWs), occupational training and providing SSWs with PPE kits, support for Sanitation Response Units (SRUs) Safety Devices, extending the benefits of the Health Insurance Scheme under the Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana (AB-PMJAY) to designated SSWs and their families, encourage mechanisation and the growth of enterprises by giving funding support and subsidies (interest + capital) to sanitation workers so they can purchase equipment connected to sanitation

**Safaimitra Suraksha Challenge:** SSC was introduced on November 19, 2020, the day of World Toilet Day. The goal of SSC is to persuade towns to automate their septic tank and sewer cleaning procedures in order

to stop sanitation workers' deaths from "hazardous entry." The government issued this "challenge" for all states to automate sewage cleaning by April 2021; in the event that a person entering a sewer system due to an unforeseen emergency, appropriate equipment, oxygen tanks, etc., must be supplied.

The Swachhta Abhiyan App: the app was created to help identify and get data about manual scavengers and unsanitary latrines. This will allow sanitary latrines to be installed in place of the unsanitary ones, and all manual scavengers to be rehabilitated so they can continue living with dignity.

Rashtriya Garima Abhiyan: it is a national campaign in 2001 with the goal of eliminating manual scavenging and promoting dignity.

National Commission for Safai Karamchari: Currently, the Ministry of Social Justice and Empowerment's non-statutory body is the National Commission for Safai Karamcharis. Prior to August 12, 1994, the "National Commission for Safai Karamcharis Act 1993" created it as a statutory body. National Commission for Safai Karamchari, an independent organisation that researches, assesses, and keeps track of the numerous programmes that Safai Karamcharis implements. It also allows them to get their complaints addressed. The National Commission for Safai Karamchari's functions are analysing and assessing the execution of the projects and schemes for the social and economic rehabilitation of Safai Karamcharis, and making recommendations to the Central Government for initiatives to end disparities in status and amenities and to create possibilities for Safai Karamcharis. Looking into specific complaints and taking suo moto notice of the following decisions, guidelines, or instructions aimed at reducing Safai Karamcharis' hardship with measures for their social and economic upliftment, the provisions of any law in its application to Safai Karamcharis, take up such matters.

### **Conclusion:**

In summary, the current situation of manual scavengers exposes structural flaws and the pressing need for extensive reforms, and it continues to be a sobering stain on the advancement of society. The harsh health hazards they encounter and the dehumanising aspects of their jobs highlight the glaring inequity that endures inspite of advances in technology. The fight against manual scavenging needs to go beyond just passing laws; it also needs to include strong socioeconomic policies, campaigning, and education. Governmental measures should place a high priority on job creation and skill development in order to break the cycle of generational exploitation and emphasise the significance of dignified employment options. Campaigns for public awareness play a critical role in eradicating the societal stigmas attached to this profession, promoting compassion, and energising group action. To achieve sustainable solutions, local communities, NGOs, and government agencies must work together. In the end, the elimination of Manual scavenging necessitates a comprehensive strategy that tackles the underlying reasons of this dehumanising practice in addition to its symptoms in order to promote a society in which each person can live with equality and dignity.