

Manual Scavenging: Dignity Buried Beneath

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ABSTRACT

Manual scavenging remains a critical issue in contemporary society, despite legislative efforts to eradicate it. This paper examines the socio-economic and cultural factors that perpetuate manual scavenging, evaluates the effectiveness of current policies, and proposes strategies for sustainable eradication and rehabilitation of affected communities. Using a mixed-methods approach, this study combines qualitative interviews with activists, policymakers, and manual scavengers with quantitative data analysis from reports from governmental and non-governmental organisations. The study analyses prevalence and health effects using statistical methods, and it offers insights into individual experiences and systemic issues through thematic analysis of interview data. This all-inclusive method seeks to convey the complex character of hand scavenging. Our findings of this study suggests that the parameters such as health, safety, economic well-being, compensation, technological advancement are of paramount importance where much can be done by the government to tackle the issues associated with such parameters. Moreover, substantial improvement can be done in the ‘standard of living’ parameters such as ‘sanitation’ and ‘housing’. While most workers are not satisfied with the governmental policies, however they do not find any gaps in parameters such as provisions of cooking fuel, electricity, bank accounts etc.

INTRODUCTION

“I am a man of substance, of flesh and bone, fibre and liquids, and I might even be said to possess a mind. I am invisible, simply because people refuse to see me. I am invisible, understand, simply because people refuse to see me.”

-Ralph Ellison, *The Invisible Man*, 1952

Manual scavenging can be described as an occupation where workers descend inside the septic tanks or manholes for cleaning purposes. The poisonous fumes paired with lack of oxygen makes it an occupational hazard for these workers. The issue hides in plain sight characterised by disconcerting lack of response from stakeholders. It has been called the worst surviving form of untouchability and deaths of workers consistently make mainstream news headlines.

The Parliament has regularly legislated to eliminate the practice of manual scavenging. The timeline of legislations spanning from the **Civil Rights Act of 1955**¹ to **The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013** reflects institutional acknowledgement of the persisting issue. Judicial precedents further underscore the gravity of this evil practice.

The Supreme Court remains a crucial avenue for upholding their rights, as seen in **Safai Karamchari Andolan v Union of India**² case. The private stakeholders like NGOs, innovators, and litigating lawyers have taken the lead in restoring dignity to these workers. Recent reports on septic tank deaths highlight

¹ <<https://socialjustice.gov.in/writereaddata/UploadFile/88171674566397.pdf>> accessed 18 April 2024.

² (2014) 11 SCC 224.

the plight of manual scavengers, with institutions failing to ensure social upliftment. Thus, engaging diverse stakeholders provides us a clear perspective on manual scavenging.

When directions of the governing body of a nation fall fruitless, it is imperative to analyse the incompetence of the state. A collective examination of these statutes against the backdrop of the 2013 Act, now marking its tenth year, will provide a clearer understanding of how the practice has evolved in recent years and continues to thrive.

METHODOLOGY

The objective of this study is to evaluate the prevalence of manual scavenging in **Delhi** and examine the legal and policy framework related to it.

This study is grounded in legal frameworks governing manual scavenging. **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993** outlawed the practice, but its shortcomings led to the **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**, which strengthened prohibitions and introduced rehabilitation measures. By scrutinising these statutes, this research offers a critical examination of the current plight of manual scavengers.

To obtain quantitative and qualitative data regarding the practice of manual scavenging, a mixed method approach was used. This includes empirical findings, study of bare statutes, literature review of independent and official reports, and active engagement with stakeholders.

Key informant interviews were conducted with two legal experts, an NGO, an Ex-Cabinet Minister of the Government of Delhi, and an academic expert who is presently working as a Professor at the University of Delhi. purposive sampling was employed

11 manual scavengers actively involved in such practice were interviewed in person using a semi-structured interview schedule. The interviewees who were reached out to using snowball sampling were conducted to gain comprehensive insights into the on-the-ground prevalence of manual scavenging.

Furthermore, RTI applications were filed to obtain essential data from the government authorities, which aided us in getting a better understanding of the approach taken by the authorities to curb the practice. A comprehensive literature review encompassing secondary sources of information, including laws, official documents, online resources, and reports from established organisations, provided the foundation for understanding this issue.

Additionally, data on the total number of deaths and corresponding compensation provided by the Ministry of Social Justice and Empowerment was collected from publicly available information.

WHO IS A MANUAL SCAVENGER?

The definition of manual scavenger has evolved over the years. Initially classified as cleaning of faeces ('mul dhona') in the 1993 Act, presently includes manual cleaning of septic tanks, manholes and sewers. Workers employed in this line of work usually carry out all these activities. This evolution is depicted in the table below

Table 1: Definitions

Source	Definition
2(j) The Employment of Manual Scavengers	“Manual scavenger” means a person engaged in or employed for manually carrying human excreta, and the expression “manual scavenging” shall be

and Construction of Dry Latrines (Prohibition) Act ³ , 1993	construed accordingly.
2(g) of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act ⁴ 2013	"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 for 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 before the excreta fully decomposes.
2(d) of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act ⁵ 2013	"Hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions.

In **Safai Karamchari Andolan & Ors Versus Union of India**⁶, the Supreme Court iterated that there was practically no difference between sewage workers and manual scavengers. Both the jobs are undignified and stigmatises the workers.

FINDINGS

Our observations are multidimensional and diverse. They pertain to poverty, caste based discrimination, lack of social credit, economic situation and well-being of workers, socio-economic implications of the practice, vigilance of authorities or lack thereof, mitigation measures, justice delivery system, and aspects surrounding these key themes. Hence, the findings have been systematically classified into six broad categories covering key aspects, and each will be briefly explained in the following manner

The findings are based on six broad criteria, i.e.

- Social Issues
- Health and Safety
- Economic well-being
- Compensation

³(Employment of manual scavengers and construction of dry latrines (Prohibition) Act 1993| National Portal of India)<<https://www.india.gov.in/employment-manual-scavengers-and-construction-dry-latrines-prohibition-act-1993>> accessed 18 April 2024.

⁴<<https://socialjustice.gov.in/writereaddata/UploadFile/88171674566397.pdf>> accessed 18 April 2024.

⁵ *Ibid.*

⁶ (2014) 11 SCC 224.

- Cognizance by State
- Technological Advancements

Our study further explores the relationship between worker well-being and the factors constituting the Multidimensional Poverty Index (MPI), a framework developed by the Oxford Poverty & Human Development Initiative (OPHI) and the United Nations Development Programme (UNDP)

1. SOCIAL ISSUES

Our findings suggest that although steps have been taken by the government to expunge the social factor persisting in society, the stigma of social backwardness still exists. It must be noted that the workers we surveyed were not from a single caste. The majority of people were from lower caste, and they felt that instances of social exclusion still persist.

An aspect of cities versus villages was put forth by Worker 'Anand'. He expressed that the community faces intense discrimination back at their ancestral residence in villages, more than the city. Academic expert **Prof N Sukumar** explained that communities are stigmatised in such a manner that transitioning from the occupation of manual scavenging hardly makes a difference. They are perceived unfit for assimilation in society and makes social mobility impossible. Manual scavenging embodies the stark reality of social injustice.

2. HEALTH AND SAFETY

It was noted that in the majority of cases, proper safety equipment was not provided. All the stakeholders were of the view that, in most cases, the workers usually used hand tools such as buckets, brooms and shovels. The workers using such techniques were more prone to infectious diseases, which can further lead to substantial hardship. Fig 1 depicts the number of workers who never got any safety assistance from their employer. About 72%, i.e. 8 out of the 11 workers did not receive any safety equipment, and most of them have faced severe health problems. Their employers are not very keen on providing such equipment, giving reasons such as lack of finances.

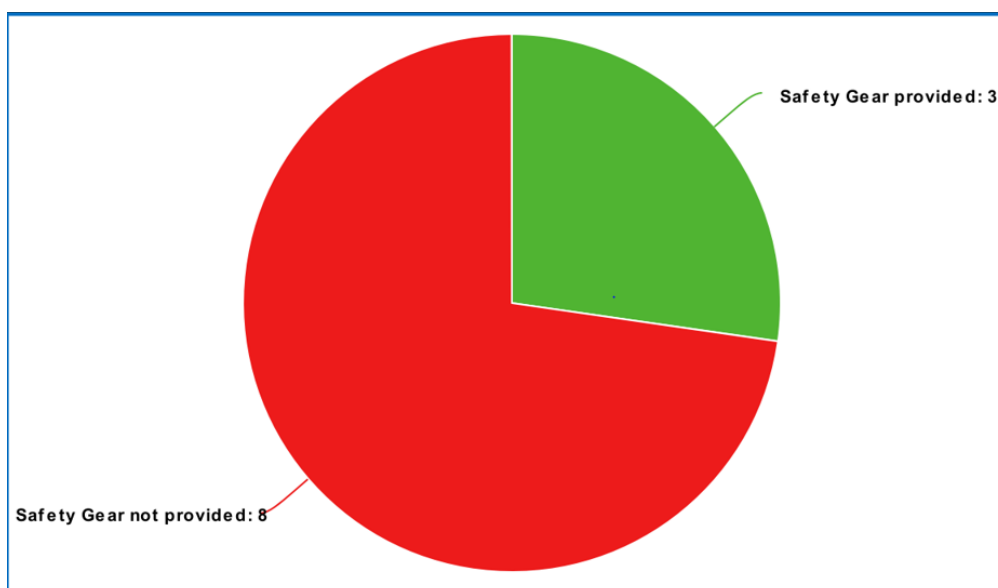


Fig 1: Safety Gear

Fig shows that out of 11 workers surveyed, only 3 workers were fortunate to get proper safety equipment from their employer. It is also noteworthy to mention that the employers were generally not concerned regarding their employee’s health and safety.

Table 2: Case study 1

Case Study 1 (Health and safety equipments) - Sandeep and Nandu	
Background	Key takeaways
<p>Sandeep and Nandu have been engaged in manual scavenging since their childhood, cleaning sewage tanks manually, and occasionally taking on private jobs. Both Sandeep and Nandu were hired by a contractor who, in turn, was contracted by the Public Works Department. During their work, they faced several issues like absence of safety equipment and protective gear when entering septic tanks, leading to exposure to hazardous gases such as carbon dioxide, methane, and other poisonous fumes. Furthermore, they didn't receive any treatment when they fell ill after inhaling these toxic gases. They believe it's too late for them to explore alternative livelihoods, and are committed to working hard so that their children wouldn't have to engage in the same occupation.</p> <p>*Names changed for confidentiality*</p>	<ul style="list-style-type: none"> ● Absence of Safety equipment. ● Vulnerable to infectious diseases due to lack of equipment. ● Helpless present and uncertain future.

Table 3: Case Study 2

Case Study 2 (Condition of worker) - Sheela	
Background	Key takeaways
<p>A 50-year-old garbage picker, Sheela, previously worked as a manual scavenger alongside her late husband who tragically lost his life to alcohol addiction ten months ago. Despite facing discrimination from society residents, she continues her work with her children. She recalls the hazardous conditions of cleaning sewers without safety equipment, expressing frustration over the delay in her husband's pension. She shares her experience of cleaning sewers with disgust, not being able to eat for at least three days due to the persisting smell. Her children, lacking formal</p>	<ul style="list-style-type: none"> ● Skin diseases and substance abuse. ● Absence of Safety equipment. ● Degraded quality of life. ● Worried for the future of children.

education, assist her while undertaking odd jobs. She occasionally cleans toilets to add to her meagre income. *Names changed for confidentiality*	
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3. ECONOMIC WELL-BEING

While the social standing of workers is substandard, the financial front is not doing them any favours.

Table 4: Case Study 3

Case Study 3 (condition of wages) : Ramesh, Sunita and Tarun	
Background	Key takeaways
<p>Ramesh, Sunita, and Tarun, engaged in manual scavenging for 15 to 20 years, are employed by a contractor under the Public Works Department. They earn irregular wages ranging from ₹ 15,000 to 16,000 monthly. Safety concerns arise due to lack of protective gear, exposing them to hazardous gases. Previously receiving Provident Fund, the benefit has been discontinued. With health risks unaddressed and facing threats from the contractor, they desire job regularity, consistent pay, and PF reinstatement. Committed to ending the cycle for their children, they seek alternative livelihoods with proper training and stable employment prospects.</p> <p>Interestingly, they are the first members of their families to be engaged in manual scavenging due to the lack of alternative employment opportunities.</p> <p>*Names changed for confidentiality*</p>	<ul style="list-style-type: none"> ● Employed by PwD ● Irregular payments and discontinued employee benefits like PF. ● Developed health issues. ● Desire for a better job.

Well-being of the workers have been analysed against the parameters associated with the **Multidimensional Poverty Index (MPI)** developed by the **Oxford Poverty & Human Development Initiative (OPHI)** and the **United Nations Development Programme (UNDP)**. The basic parameters include health, education and standard of living.

Our observations display an alarming situation wherein the employers consider health and sanitation as a secondary concern at best. Furthermore, most workers started this practice during childhood, resulting in loss of essential years of schooling. However, with passing of the **Right to Education Act, 2009** which makes elementary education compulsory, has improved the ‘years of schooling’ and ‘school attendance’ which are essential sub parameters taken in account while calculating MPI.

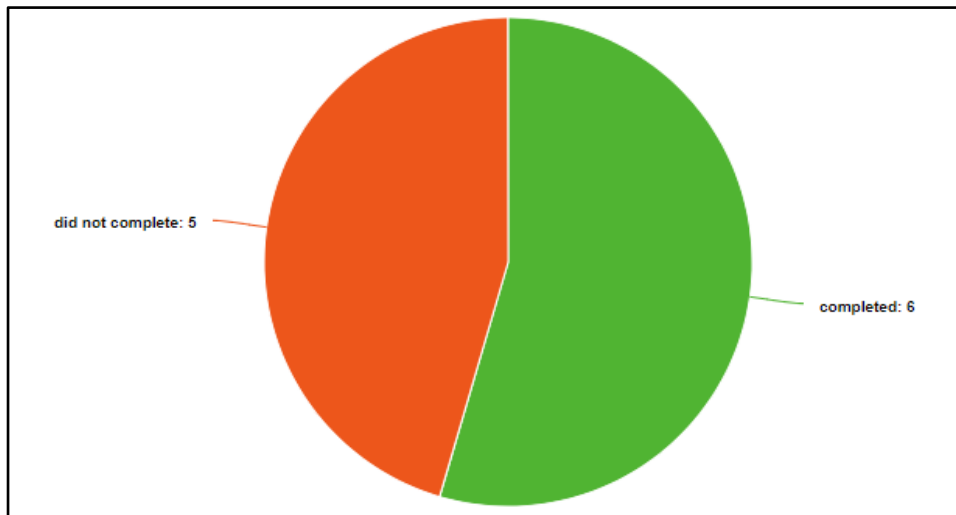


Fig 2: No. of workers who had completed their education till elementary level

As per the fig 2, it is discouraging to note that only 6 out of the 11 workers we interviewed had completed their elementary education.

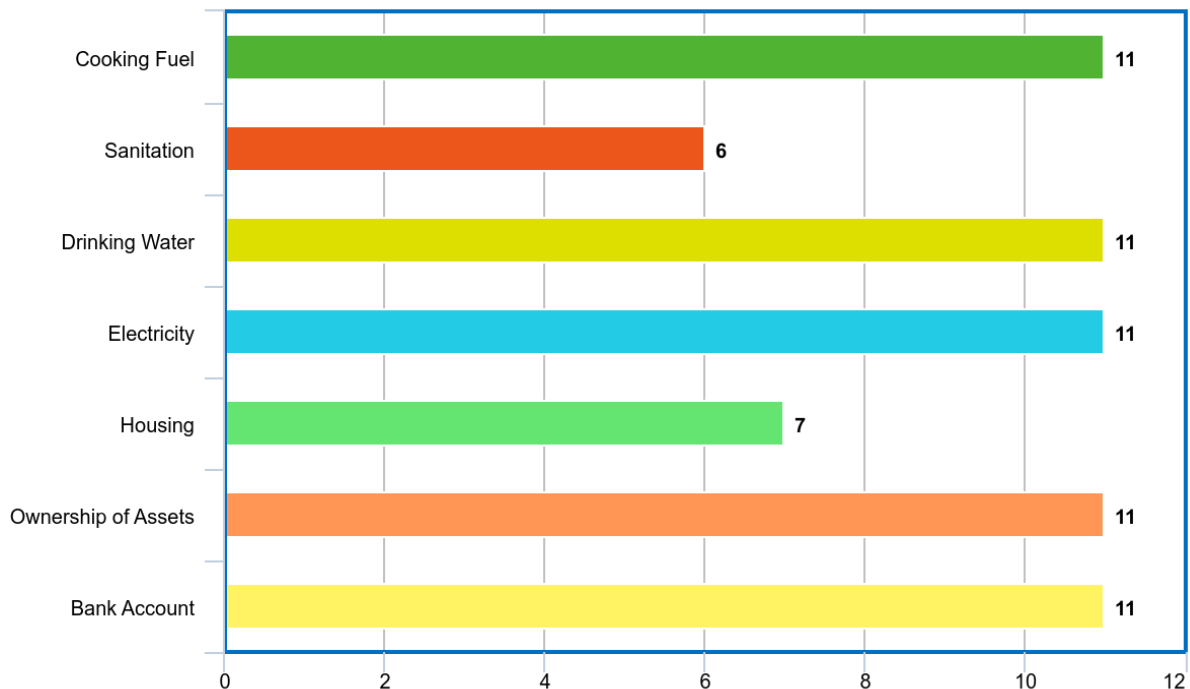


Fig 3: Standard of Living Parameters

The standard of living parameters provided us with mixed results. With respect to the parameters such as cooking fuel, drinking water, electricity, ownership of assets and bank account we received a positive response wherein all the workers were satisfied.

However in other parameters, such as ‘**sanitation**’, only 6 workers were satisfied and in the parameter such as ‘**housing**’ only 7 workers gave us a positive response. Some of the workers live in houses which are made of temporary sheds which are presently in a dilapidated state. Better sanitation and housing facilities are some of the parameters where there is a lack of cognisance by the government. Thus, the **standard of living is sub-par** for these workers.

4. COMPENSATION

The Hon'ble Supreme Court, in its Judgement in **Safai Karamchari Andolan v Union of India (2014)**, ordered payment of compensation of ₹ 10 lakhs for each death and other directives such as rehabilitation, providing safety gears etc. A numerical data of the government is shown below with a state wise segregation. While the data shows a positive picture, various stakeholders are of the view that there are numerous instances where the requisite compensation was not provided. As per **Mr Areeb Uddin, a prominent advocate for the rights of manual scavengers**, cases of compensation are a common sight in courts. "A pole to pole struggle upon the unfair death of a kin adds insult to the injury to such a family. However, the tale ends with compensation; there is no dialogue for rehabilitation. The curse of occupation will continue in the family as long as they are not rehabilitated".

Table 5: State wise details indicating status of payment of compensation in terms of Supreme Court judgement dated 27.03.2014⁷

S. No.	Name of State/UT	Total Number of sewer deaths	10 Lac	Less than 10 Lac
1	Andhra Pradesh	23	13	4
2	Bihar	2	2	0
3	Chattisgarh	1	1	0
4	Chandigarh	3	3	0
5	Delhi	97	63	21
6	Goa	6	0	6
7	Gujarat	156	79	32
8	Haryana	77	57	14
9	Karnataka	84	84	0
10	Kerala	13	13	0
11	Maharashtra	41	16	2
12	Madhya Pradesh	16	16	0
13	Odisha	2	2	0
14	Punjab	42	34	6
15	Rajasthan	38	24	9

⁷ <<https://pib.gov.in/Pressreleaseshare.aspx?PRID=1814089>> accessed 18 April 2024.

16	Tamil Nadu	214	203	1
17	Telangana	17	14	2
18	Tripura	2	0	2

19	Uttarakhand	3	1	2
20	Uttar Pradesh	106	56	34
21	West Bengal	19	14	1
	Total	971	703	136

In a recent judgement, i.e. **Dr Balram Singh V Union of India**⁸, the Hon’ble Supreme Court increased the compensation from 10 lakhs to 30 lakhs which shows an active role of judiciary in taking cognisance of the issue.

5. COGNIZANCE BY STATE

The Fundamental Rights, as per part III of the Indian Constitution, provides for some responsibilities and limitations on the government. It is the duty of the state to implement the provisions of **Article 17**⁹, i.e., Abolition of Untouchability, as well as **Article 21**¹⁰, i.e. Right to life and personal liberty. However, the implementation remains neglected. Despite the directive of the Supreme Court, not much has been done to eradicate this practice. According to legal experts, the **National Human Rights Commission** is also a sidelined body wherein no fruitful output has been achieved till now.

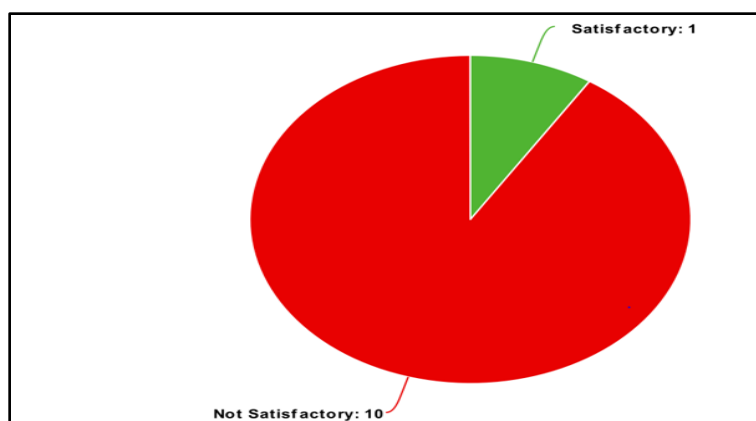


Fig. 4: No. of workers who were satisfied/dissatisfied with the government policies

Out of all the stakeholders we had interviewed, including NGO, Legal Experts, workers, etc., only one of them was satisfied with the government policies regarding the enforceability of the act. However, the rest

⁸ Writ Petition (Civil) No(s). 324 of 2020, Supreme Court.

⁹ “Untouchability” is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of “Untouchability” shall be an offence punishable in accordance with law.

¹⁰ No person shall be deprived of his life or personal liberty except according to procedure established by law.

had expressed their displeasure regarding the issue and were unaware of the welfare schemes in operation. The worker in the following case study was not aware of the provisions of the 2013 Act.

Table 6: Case Study 4

Case Study 4 (lack of legal awareness) - Arun	
Background	Key takeaways
<p>Arun had been working for a contractor who was involved in cleaning septic tanks and sewer lines for different hotels. He was paid regularly for the job; however, he was not aware that the practice had been abolished since 2013. He cited the lack of legal awareness amongst the manual scavengers. He adds that the government does not take cognisance of the practice when it happens in private capacity. However, proper safety equipment was provided to him for the job. *Names changed for confidentiality*</p>	<ul style="list-style-type: none"> ● Absence of legal awareness regarding provisions of the Act enacted in 2013. ● Inaction of Government ● Proper Safety gears were provided.

6. TECHNOLOGICAL ADVANCEMENTS

One of the alternatives to eradicate the practice is by providing the requisite amount of technological innovation. Various countries have set an example to eradicate this practice by providing advanced technologies for cleaning sewers and septic tanks. Experts opine that while each Manual Scavenger takes about ₹ 300-400 per cleaning of sewers in a particular area, to rent out an advanced machine for the same cost of around ₹ 15,000. Such instances of financial gaps discourage employers from making use of advanced technologies.

6.1. HomoSep, Developed by IIT Madras



Fig 5: Robot HomoSep

HomoSep was developed by a student of IIT Madras, which provides cleaning of septic tanks without any human assistance. This robot can homogenise the hard sludge in septic tanks through a custom-developed rotary blade mechanism and pump the tank slurry using an integrated suction mechanism.

Table 7: Case Study 5

Case Study 5 (tech innovation) - Anand	
Background	Key takeaways
<p>He has been working as Safai Karamchari since 1992 with the MCD as a permanent worker. He also carries out independent work of cleaning sewers in residential societies. He receives immediate upfront payment in private work, in contrast to the month-end salary from the MCD. He is not provided with safety gear in either workplace and does not face discrimination. Mechanical cleaning of sewers is not a novel sight to him. He mentions that MCD has an entirely different work sphere than the Delhi Jal Board, which carries out mechanical cleaning.</p> <p>*Names changed for confidentiality*</p>	<ul style="list-style-type: none"> • Absence of safety equipment. • No remarkable discrimination was faced. • Lack of use of technological innovation.

6.2. Robot Bandicoot



Fig 6: Robot Bandicoot

Robot ‘Bandicoot’ was first launched by the Kerala government developed by Genrobotics in 2018 to clean sewages. It became the first state to use robotic technology to clean its manholes. The robot is designed as such wherein one of its components enters the manhole and removes sewage using robotic hands, similar to a man’s limbs.

6.3 Sewer Croc



Fig. 7: Sewer Croc Machine

This idea was developed by a Bengaluru-based company. It involves a robotic arm that swims inside sewer lines and cleans them of silt and blockages. This system is being used in Hyderabad to clean sewer lines. The robot uses a camera to identify blockages, and then its powerful water jet and cutting system flushes them out into the sewer line.

CRITICAL ANALYSIS OF THIS STUDY

The 2013 Act solidified the general intent of the parliament to abolish the practice. The policy decision in the form of this Act, along with the position of stakeholders, has deterred the practice significantly. The act provides for penalty in section 8¹¹.

“Whoever contravenes the provisions of **Section 5 or Section 6** shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both”.

The punishment is even less than that of a petty crime in criminal law. This implies treatment of the offence of employing manual scavengers and thereby endangering lives a more casual affair than robbery. The recent death figures of manual scavengers suggest minimal impact of the penalty defined in the Act. The death figures are wholly inconsistent with the convictions. The Department of Social Justice and Empowerment report to the Parliamentary Standing Committee 2023¹² mentions only one conviction has been made.

Adv. Areeb Uddin addresses the existing legal lacunas to convict the people responsible. He mentions that an FIR registered on death is made against the private contractor and not the original employer. Moreover, the sentence does not go beyond negligence. When a worker descends into a septic tank, he is already at risk of death. The knowledge of probable death and subsequent death makes a case for **culpable homicide**. However, the accused is not tried as such. Other times, the accused contractor bribes the police officer, so the FIR never gets registered.

The status of authorities like **NCSK** (National Commission for Safai Karamchari) has been degraded to a non-statutory body. When instances of manual scavenging are observed, generally a memorandum is sent to the concerned district magistrate. However, in most cases, the memorandum becomes a piece of paper in perpetuity that has no significance whatsoever. The legal ignorance of workers, also is a severe deterrent

¹¹(Act, 2013) <<https://ncsk.nic.in/sites/default/files/manualsca-act19913635738516382444610.pdf>> accessed 18 April 2024.

¹²<https://loksabhadocs.nic.in/lsscommittee/Social%20Justice%20&%20Empowerment/17_Social_Justice_And_Empowerment_46.pdf> accessed 18 April 2024.

to the eradication of the practice. None of the workers were aware of the capital subsidy and rehabilitation under **The Self Employment Scheme for Rehabilitation of Manual Scavengers¹³ (SRMS), 2007**, a Central Sector Scheme of the Ministry of Social Justice and Empowerment.

- **Compensation**

Compensation for deaths caused by manual scavenging was specified by the Court in **Safai Karmachari Andolan v. Union of India¹⁴ (2003)**. An amount of ₹ 10 lakhs had to be paid to the families of workers who died while cleaning sewers/septic tanks. This amount was recently revised to ₹ 30 lakhs in **Dr Balram Singh v. Union of India (2023)**. However, the families generally avoid the prolonged legal battle to secure compensation even though it's the bare minimum that they deserve. This is further underscored by the fact that only a few cases reach justice at the end.

Case study of a family seeking compensation (Adv Abha Singh)

1. Mrs Abha Singh, an advocate based in Maharashtra, took significant actions to address worker deaths during septic tank cleaning. Initially, she filed an RTI with the BMC to investigate these deaths, but the BMC claimed there were no reported fatalities. Subsequently, she filed a PIL in the Bombay High Court seeking compensation for affected families. Initially, both the court and authorities showed reluctance and denied responsibility for the issue.
2. Later, Vimla Charotia (wife of one of the workers who died while cleaning septic tanks) joined her during her court visits, and after presenting the evidence before the court, the Hon'ble court issued summons to the district collector and other authorities to justify their inaction. As a result of this PIL, compensation was awarded to the wives for their husbands' deaths.
3. During this process, she faced certain challenges, particularly the filing of First Information Reports (FIRs). The cases were categorised as accidental deaths instead under the relevant provisions of the **Indian Penal Code, 1860**, specifically under **Section 304**, as there was a clear knowledge of the risk this kind of work involved.

- **Behavioural Change (Prof N Sukumar, Professor, Department of Political Science, University of Delhi)**

The professor laid emphasis upon the political will of the ruling class/caste and their lack of positive commitment towards the problem. A behavioural change is the need of the hour wherein the citizen should be vigilant to the extent that this issue does not remain a “legal obligation” but rather a “moral obligation”. Mechanised cleaning should be in tandem with the technological advancement of the country.

He laid emphasis on a **phase-wise eradication** which would include self-initiative of civil societies. Employing manual scavengers is prohibited under sections 5 and 6 of the 2013 Act. However, the violation is seldom punished. Legal awareness campaigns should encompass society at large to induce behavioural change. Ad campaigning by the government, in a manner criticising private employment of manual scavengers would deter the practice. For example, stigmatisation of parents not administering **polio drops** to their toddlers and extensive ad campaigns have led to its complete eradication.

¹³ (NCSK) <<https://ncsk.nic.in/sites/default/files/SRMSFinalScheme.pdf>> accessed 17 April 2024.

¹⁴ WRIT PETITION (CIVIL) NO. 583 OF 2003.

Manual scavenging is life-threatening work; thus, steps towards retributive justice are required on the part of the government. Once the work is villainised in the eyes of the general public, it would be easier to employ mechanised cleaning permanently. It is seen that even though machines are bought, the money for maintenance is not provided. No amount of income, compensation or reverence is enough to keep this practice alive.

The professor further questioned the authenticity of the **Swachh Bharat Mission**, an initiative of the Government of India. The movement needs to highlight the plight of manual scavengers, and the occupation remains a taboo. Even though the workers are voluntarily employed, they lack dignity and have no other options. The practice is tied to the caste system and will persist unless societal and political issues are addressed.

● **Policy Decisions**

Governmental initiatives like construction of toilets in urban and rural areas, conversion of insanitary toilets to sanitary toilets, mobile apps like “**Swachhata Abhiyaan**” to capture the data of insanitary latrines and **A National Policy for mechanised Sanitation ecosystem**¹⁵ further support the cause of elimination of manual scavenging.

Case study on policy decision (MLA Mr. Rajendra Pal Gautam)

Rajendra Pal Gautam held the position of an Ex-Cabinet Minister in the Government of the National Capital Territory of Delhi with responsibilities including Social Welfare, SC/ST/OBC, RCS, WCD, Water. He also served as an MLA representing the Seemapuri constituency and practised as an Advocate. His specific tenure ranged from 2015-2022.

1. During his time in office, he launched two significant schemes in 2019: the "**Mukhyamantri Sewer Safai Yojana**" and the "**Mukhyamantri Tank Septic Safai Yojana**."
2. His primary goal was to eradicate manual scavenging in Delhi. The government introduced 200 machines for septic tank cleaning, with 189 currently in use. During his tenure, 45 workers received rehabilitation support. Additionally, Mr. Gautam mentioned that DICCI offered financial aid, providing ₹ 35,000 to 40,000 monthly for workers to purchase or lease these machines.
3. Additionally, he has put forth some recommendations to enhance the working conditions for sewage workers:
 - a) To eliminate manual scavenging and enhance mechanised cleaning, effective measures and a budget of approximately ₹ 50 crores are needed to replace manual labour with machines.
 - b) The government must treat this issue with the seriousness it deserves, improving bureaucratic attitudes and fostering sensitivity. Society should embrace inclusivity, supported by awareness programs, over discrimination. Voters should actively push the government to prioritise this issue.

Despite the former minister's denial of any deaths, we encountered news reports and data supporting the occurrence of deaths related to manual scavenging in Delhi

ANALYSIS OF THE RTI APPLICATIONS

The Right to Information (RTI) Act, 2005¹⁶ centres on the citizens' right to government information. We

¹⁵ (*Deaths Due to Manual Cleaning of Sewers and Septic ...*) <<https://pib.gov.in/PressReleaseDetail.aspx?PRID=1806505>> accessed 17 April 2024.

¹⁶ <[https://rti.gov.in/RTI%20Act,%202005%20\(Amended\)-English%20Version.pdf](https://rti.gov.in/RTI%20Act,%202005%20(Amended)-English%20Version.pdf)> accessed 18 April 2024.

had filed two RTIs and the applications were sent to MCD and the Department of Social Welfare. We posted the RTI applications on November 13, 2023 seeking information on the status of manual scavenging in the country. However, we encountered significant delays in receiving responses, with the application frequently being transferred between different departments..

The responses we received (relevant images have been attached for consideration), suggest authorities are avoiding accountability. Notably, the office of the Additional Chief Engineer at Delhi Jal Board, responsible for Delhi's potable water supply, claimed no manual scavenging occurs in its districts. They stated septic tank cleaning is done exclusively by mechanical means.

In connection to the application filed with the Commissioner of the MCD regarding the manual scavenging situation in Delhi, it's noteworthy that we did not receive any reply from the MCD within the stipulated time of one month. Henceforth, the first appeal was filed on January 15, 2024. In a reply dated January 16, 2024 MCD denied employing manual scavengers and forwarded the later part of the RTI to a subordinate department. The latter replied that the issue did not pertain to them. The response obtained from the Delhi Jal Board categorically denied any accountability for the tragic incidents involving the death of manual scavengers while performing septic tank cleaning duties.

The unequivocal language used in the responses eliminates any ambiguity, affirming outright that "no manual scavenging is being done in any office under the jurisdiction of this division". This raises concerns about the accuracy of the information provided and casts doubt on the true situation regarding manual scavenging activities in the specified areas.

(See Annexure for Applications and replies)

SUGGESTIONS

Manual cleaning of sewers and septic tanks is a prevalent practice and has its roots deep into the founding pillars of society. While this practice, once global, persists predominantly in a few South Asian countries. Although statutes have been put in place by the government, the implementation is largely inadequate, and the deaths bear testament to that. New government reports and independent surveys have made the plight of manual scavengers more evident than ever. Tackling this problem necessitates a comprehensive strategy considering its social, economic, and policy aspects. The following suggestions aim to address these aspects in detail as explained below:-

1. IDENTIFICATION OF MANUAL SCAVENGER

Failing to identify families in this occupation limits the benefits they receive. Without recognition, meaningful intervention and support is challenging. The lack of accurate data worsens the issue, making it harder to provide necessary resources. Despite government claims that manual scavenging is eradicated, a comprehensive and transparent survey, like the approach adopted by the judiciary in the judgement of **Safai Karamchari Andolan v Union of India**, is needed. This survey should provide an objective count of manual scavengers and publish a detailed report with socio-economic indicators

2. ACCOUNTABILITY OF THE GOVERNMENT

To maintain the accountability of the government is a challenging task, however certain altercations in policies can tremendously accelerate the progress of the mission of eliminating manual scavenging. Some of them can be:

- Governments should publish data and information about their activities, decisions, and finances related to manual scavenging.
- Inviting citizens to participate in the decision-making process through public consultations, hearings,

and feedback mechanisms.

- Establishing independent bodies like ombudsmen, audit institutions, and anti-corruption agencies to monitor government actions and investigate complaints.
- Establishing systems for citizens to report grievances and ensuring timely and effective redressal.

3. MECHANICAL CLEANING

Given the advancements in new technologies and AI, envisioning and achieving a mechanised process is not challenging. Hence, it is essential to establish a committee to strategise the comprehensive implementation of machinery. Adequate budget allocation should also be ensured to facilitate a seamless and simplified transition in this regard.

Examples- The "**HomoSEP**" robot developed by the IIT Madras team employs a specially designed rotary blade system to mix and break down tough sludge within septic tanks effectively.

4. IMPLEMENTATION OF THE STATUTE

The ineffective implementation of the 2013 Act is a prominent concern. Despite comprehensive provisions, our investigations reveal a stark gap between theory and practice. The act falls short when it rationalises the use of "protective gear" and "safety equipment" thereby contradicting eradication. Ineffective enforcement of the law has allowed this practice to continue, especially in sewage tank cleaning. To address this, a revised statute should grant statutory recognition to the National Commission of Safai Karamchari. This recognition would empower the commission to take action against manual scavenging, penalising those who violate its regulations and expediting eradication efforts.

5. COMMUNITY REHABILITATION AND ALTERNATE OPTIONS

A robust policy with regards to rehabilitation is crucial in eliminating the practice. This can be done by developing comprehensive policy frameworks that outline clear rehabilitation pathways, including funding and resource allocation. Furthermore, providing vocational training and skill development programs tailored to the needs and interests of manual scavengers would enable them to transition to alternative employment.

The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)¹⁷, 2007 scheme along with the Sections 13 and 16 of the principal 2013 Act have been legislated for rehabilitation of manual scavengers. Transitioning to better and more respectable occupations is the core solution to this problem. The government does not identify families who carry out the occupation. This means the locus is missing, and benefits cannot go beyond the surface for these communities.

¹⁷ (NCSK) <<https://ncsk.nic.in/sites/default/files/SRMSFinalScheme.pdf>> accessed 17 April 2024.



Fig. 8: Press Information Bureau on SRMS

Moreover, the rehabilitation measures are focused on men employed in the occupation. Mostly, women are hardly recognised as manual scavengers in society. Not associated with hard labour and don't get benefits of a manual scavenger. Women are at greater risk for exploitation due to a lack of support from men in their families. In terms of upskilling, they find it harder to transition to other jobs than their male counterparts. However, there have been instances of concessional loans and capital subsidies provided to women in this occupation.

6. NGOs AND OTHER INSTITUTIONS

Interviews with prominent organisations such as **Safai Karamchari Andolan** are actively engaged in this field and revealed that workers continue to face significant neglect. Legal, comprehensive and impactful steps are required to address the issue holistically.

- Organisation of public hearings (Jan Sunwai) to raise awareness amongst people.
- Filing PILs in court to seek justice for the affected families. To hold an authority accountable, a contempt petition should be filed against them as opposed to the traditional approach (as seen in Dr Balram Singh v Union of India).
- Cases should not be categorised as accidental.
- Meeting with the families of these workers to understand their situations and offer support.
- Appointment of a special officer (Nodal Officers) to get families of workers into the scheme of compensation and to take care of their grievances.
- Harnessing the potential of CSR by urging the private sector to proactively take extra measures to eradicate this practice.

7. CASTE-BASED DISCRIMINATION

A significant number of workers involved in this occupation belong to Scheduled Castes and Scheduled Tribes, historically marginalised communities that have endured discrimination, untouchability and hardship. The absence of comprehensive efforts to address the issue has resulted in their continued

dominance in the occupation. Phase wise eradication of practice would involve dismantling discrimination emanating from caste hierarchy by advocating for equality.

8. INTERNATIONAL INITIATIVES

The issue of manual scavenging is prevalent not only in India but also in other countries, despite efforts to introduce mechanisation and skill development. These measures have not effectively eradicated this practice from society. To completely eliminate manual scavenging and ensure the dignity and rights of these workers, it is crucial to study and implement successful strategies from other nations, striving for a sustainable solution to root out this practice from our own society.

Countries like **Mexico**¹⁸ have taken measures to implement **sustainable sewage disposal methods or the use of machinery for effluent treatment** such as treating human excreta, waste water and urine as valuable agricultural resources that can be safely collected, stored, and processed.

In **Malaysia**, the management of sewerage systems has undergone a gradual transformation since the country gained independence in 1957, as highlighted in a **2017 study conducted by the Centre for Policy Research**. This transformation is primarily attributed to advancements in sewerage technology, transitioning from rudimentary methods to more mechanised and automated systems.

Furthermore, the **UN Sustainable Development Goals**¹⁹, universally adopted, morally obligated every nation, including India, to achieve objectives related to hygiene, sanitation, and health. **Goal 3 prioritises health, Goal 6 emphasises clean water and sanitation, and Goal 8 addresses decent working conditions**. While India is dedicated to these goals, increased determination and actions are essential. International organisations such as **UNDP, WHO, SULABH International, UNEP**, and others are collectively striving towards these objectives, yet there remains a gap in achieving them. Additionally, India is a signatory to **ILO's Convention 111**²⁰ which is, Discrimination (Employment and Occupation) Convention, 1958. "The Convention assigns to each State which ratified it the fundamental aim of promoting equality of opportunity and treatment by declaring and pursuing a national policy aimed at eliminating all forms of discrimination in respect of employment and occupation. The commitment needs to be emulated in the eradication of manual scavenging.

9. WAY FORWARD

A human entering tanks and manholes is like a square peg in a round hole. The sight is revolting and, to a prudent person, fairly indigestible. The manual scavengers are reduced to a sub-human existence. While they battle poverty, the occupation leaves little to make life liveable. Health hazards include skin and respiratory problems, loss of appetite, and substance abuse, depriving them of a quality life. Carrying waste-filled head pans brands them dirty and secures them as nethermost in the society.

¹⁸ Lalwani V, 'How Do Other Countries Clean Their Sewers and Is There Something India Can Learn from Them?' (*Scroll.in*, 23 September 2018). <<https://scroll.in/article/895013/how-do-other-countries-clean-their-sewers-and-is-there-something-india-can-learn-from-them>> accessed 17 April 2024,

¹⁹ American Leadership on the Sdgs' (*unfoundation.org*) <https://unfoundation.org/what-we-do/issues/sustainable-development-goals/u-s-leadership-on-the-sdgs/?gad_source=1&gclid=CjwKCAjw5v2wBhBrEiwAXDDoJTdvg_XpXOfD-oGM0WILCpYxke1yI9ZOMWsSfmkgOK5z1iz07LhHsRoChFAQAvD_BwE> accessed 17 April 2024.

²⁰ 'Convention C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111)' (*International Labour Organization*) <www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_Ilo_Code:C111> accessed 18 April 2024.

The Constitution serves as a primary shield, but ongoing social discrimination contradicts it. Violation of constitutional safeguards persists in daily lives of manual scavengers, with social exclusion and untouchability. While the judicial precedents emphasise on the importance of **Article 21**, findings indicate a poor quality of life, violating it. Unanswered RTIs and denial of manual scavengers' existence by state-level institutions undermine social legislations and present an appalling mockery of the issue.

Numerous efforts like construction of toilets, conversion of insanitary toilets to sanitary toilets, National Policy for Mechanised Sanitation Ecosystem, etc, are remedial steps towards the eradication of the practice. Principal legislation of 2013 is primary safeguards for workers and the Constitution is a tool in the hands of these workers to seek justice from the Courts. The three branches of government must collectively and earnestly work towards upholding the rights of manual scavengers, aligning with socialist principles embedded in the Constitution.

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