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The State and Urban Violence Against Marginalized Castes: Scavenging in India Today

Manual

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“Few object to liberty in the sense of a right to free movement, in the sense of a right to life and limb. There is no objection to liberty in the sense of a right to property, tools, and materials, as being necessary for earning a living, to keep the body in a due state of health. Why not allow a person the liberty to benefit from an effective and competent use of a person's powers? The supporters of Caste who would allow liberty in the sense of a right to life, limb, and property, would not readily consent to liberty in this sense, inasmuch as it involves liberty to choose one's profession.

But to object to this kind of liberty is to perpetuate slavery. For slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from others the purposes which control their conduct. This condition obtains even where there is no slavery in the legal sense. It is found where, as in the Caste System, some persons are compelled to carry on certain prescribed callings which are not of their choice.”

– B.R. Ambedkar, *Annihilation of Caste*.

The state & urban violence

The call for papers for this conference included as a possible panel / theme, the subject: “The role of the state in urban violence”. Although this panel is titled “Urban Governance”, in the context of the subject that we would like to discuss, i.e. manual scavenging, urban governance has actually become violence, against human rights and human dignity, and death, which should be viewed as murder by the state.

The urban sanitation context

The Millennium Development Goals (MDG) define an improved sanitation facility as “one that hygienically separates human excreta from human contact.” These facilities include connections to public sewers, as well as onsite sanitation systems such as septic tanks, pour-flush latrines, simple pit latrines, pit latrines with slabs, ventilated improved pit latrines, and composting toilets. On paper, the progressive adoption of these facilities counts towards reaching the MDG targets, but in reality, most improved urban sanitation facilities may in turn be leading to the violation of the human rights of highly marginalised communities. Based on UNDP data from 2006, WaterAid reported that India's military budget is eight times greater than the funds allocated to water and sanitation. Diarrhoea claims some 450,000 lives every year in India – more than in any other country. During a meeting in Bellagio, Italy, in 2000, an expert group brought together by the Environmental Sanitation Working Group of the Water Supply and Sanitation Collaborative Council agreed that current waste management policies and practices are abusive to human well-being, economically unaffordable and environmentally unsustainable. They therefore called for a radical overhaul of conventional policies and practices worldwide, and of the assumptions on which they are based in order to accelerate progress towards the objective of universal access to safe environmental sanitation, within a framework of water and environmental security and respect for the economic value of waste.

Manual Scavenging in India

In this backdrop, we can look at the inhuman practice of manual scavenging that is prevalent in India. Here are some excerpts and definitions from “The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013”:

the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging.

“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, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder.

“insanitary latrine” means a latrine which requires human excreta to be cleaned or otherwise handled manually, either in situ, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed.

“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.

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’.

The Asian Human Rights Commission defines manual scavenging in the following terms:

“Manual scavenging in India is officially defined as ‘lifting and removal of human excreta manually’, at private homes and toilets maintained by municipal authorities. The practice consists of gathering human excreta from individual or community dry latrines with bare hands, brooms or metal scrapers into woven baskets or buckets. This the scavengers then carry on their heads, shoulders or against their hips, (and in wheelbarrows if they can afford it) into dumping sites or water bodies. Apart from this, many scavengers are similarly employed to collect, carry and dispose excreta from sewers, septic tanks, drains and railway tracks.”

Origins

This practice came to be established in India as part of the modern system of urban sanitation during the colonial era. The Tamil scholar, Mathivannan, had told us that communities that fought the British spiritedly were forced to do the work of manual scavenging as punishment, from which they have not yet escaped. He also said that the Arunthathiyars (the community that most manual scavengers in Tamil Nadu belong to) were originally Buddhist who were subsequently termed as “untouchable”, as part of the rise of Brahminical Hinduism in the centuries following Adi Shankaracharya.

In his study, *Untouchable Freedom: A Social History of a Dalit Community* (2000), Vijay Prashad writes:

In the colonies, the Europeans developed an alternative solution to the sewage question. There was, first, a widespread belief that the Indians did not have the capacity to learn cleanliness. The officials ignored the demands of the Indians for better sanitary care and for consideration of their various modes of sanitary conduct (most of which required fresh water). If the modern state wished to transform the totality of European society into civility, there was only a shadow of this agenda in the colonies. Here, the colonial officials saw the natives as people who needed to be monitored and not provided with the facilities of modernity ('the habits of the natives are such', wrote an official in 1863, 'that, unless they are closely watched, they cover the entire neighbouring surface with filth'). 'The prospect of improved systems of sewage disposal being introduced into oriental towns', one manual on sewage disposal tells us, 'depends largely upon a general education of the inhabitants and the elected representatives in the economic value of the works'. There was no need to expend finances on these natives until the colonial officials themselves deemed the natives worthy of sanitation and hygiene. ... Due to this representation of the native, the colonial state was relieved of any obligation to produce a technological modernity. The municipality was to be 'guided not by what is the best system of sanitation', an official wrote in 1912, 'but by what is the best system which the Municipal funds can afford'. For the sanitation department, however, there was not to be much money, since three-quarters of the municipal revenue went to the police, a policy derived from a viceregal declaration of 1864 that 'the cost of the Municipal Police shall be the first charge on all [municipal] funds'. Spaces inhabited by the colonial officials and by unofficial Europeans enjoyed the fruits of modernity; those who financed this modernity, the natives, remained in the sloth of another kind of colonial modernity, one that relied upon manual labour and outdated technology. When a colonial official noted that 'the importance of efficient scavenging with speedy and complete removal of all nightsoil and rubbish from the vicinity of habitations and its satisfactory disposal can hardly be exaggerated', he pledged the colonial state towards the creation of a modern city on the backs of what Chadwick called 'a mere barbarism'. The sanitation system relied upon the hard work of the sweepers, who themselves remained more or less trapped in a patronage system (sweeper-Jamadar) nurtured by the colonial municipality for its own pecuniary benefit.

Vidhya Ravindranathan, in her J.N.U. M.Phil thesis "Constructing the Scavenger: Caste and Labour in Colonial Madras, 1860-1930" writes:

"Through un-mechanised methods of disposal and collection, they shifted the costs of drainage and conservancy to the cheap labour of the scavengers. There were two kinds of scavenging, the public or outdoor street scavenging and the private or house scavenging. The two dominant methods for transporting and collecting night soil were the dry conservancy and the bucket system. The scavenging operations primarily consisted of sweeping and removing dirt from streets, cleaning and removing sludge, flushing drains and cleaning and removing night soil, which was executed by a huge labour force consisting of men and women scavengers, cart coolies and drivers, bullocks, latrine boys and girls."

Views on manual scavenging

The primary reference on the subject of "occupational origin of untouchability" is Dr Ambedkar, who had engaged fairly extensively with this subject and taken serious issue with Gandhi's views.

Reporting on the historic Bhim Yatra in *Outlook* in 2016, Anoo Bhuyan recalls the views of Gandhi and Ambedkar on manual scavenging.

Gandhi spoke about "dignity of labour", but he saw manual scavenging as integral to Hinduism, so while he discouraged those "born scavengers" from leaving the occupation, he encouraged others, too, to partake of the "sacred" duty. In 1936, he said a bhangi "should know the process of converting night-soil and urine into manure" and "be an authority on the subject of disposal of night soil". Ten years later, he wrote that scavengers should raise their work to a "fine art." ... Writing in his magazine *Young India* in 1925, Gandhi called for an end to discrimination against scavengers but didn't see it as inseparable from the system of castes. This echoes the 'peaceful' coexistence in his mind of opposition to untouchability and support for caste distinctions.

Ambedkar, in sharp contrast, called out the contradiction between dignity and scavenging as a caste occupation. He pointed out that both religion and law doomed those born to the scavenger caste to become scavengers.

It may be recalled that our current Prime Minister also waxed eloquent on the subject in his book 'Karmayog' (2007): He discusses the age-old caste-based vocation of the Valmiki as an "experience in spirituality". He writes:

"I do not believe that they have been doing this job just to sustain their livelihood. Had this been so, they would not have continued with this type of job generation after generation. At some point of time, somebody must have got the enlightenment that it is their (Valmiki's) duty to work for the happiness of the entire society and the Gods; that they have to do this job bestowed upon them by Gods; and that this job of cleaning up should continue as an internal spiritual activity for centuries. This should have continued generation after generation. It is impossible to believe that their ancestors did not have the choice of adopting any other work or business."

Bhuyan concludes that:

Not surprising, then, that it is Gandhi, not Ambedkar, who dominates the official discourse on "cleanliness" in Modi's India. The counterpoint to the dominant narrative lies in campaigns such as Bhim Yatra that find inspiration in Ambedkar's call to root out the very system of scavenging and annihilate caste as it permits no real dignity. A radical idea in his time, the condition of manual scavengers across India shows that the idea remains just as radical even today, 60 years after Ambedkar's death.

Interventions by the state

A note on manual scavenging was prepared for members of parliament by the Parliament Library and Reference, Research, Documentation and Information Service meant for the use of parliamentarians. We excerpt from that to look at how the subject has been viewed over the years by the state.

Barve Committee, 1949: The erstwhile Government of Bombay, appointed a committee known as the Scavengers' Living Conditions Enquiry Committee in 1949 with late Shri V.N. Barve as Chairman to study and enquire into the living conditions of the scavengers in the State of Bombay and to suggest ways and means to improve their conditions of work and to fix their minimum wages. The Committee submitted its report to the Government of Bombay in 1952. In 1955 the Ministry of Home Affairs circulated a copy of the major recommendations of the Barve Committee to all the State Governments requesting them to adopt these recommendations.

Kaka Kalelkar Commission, 1953: The first Backward Classes Commission which was appointed in 1953 under the Chairmanship of Kaka Kalelkar submitted its report in 1955. The Commission described the condition of sweepers and scavengers as sub-human. The observations and recommendations of the Backward Classes Commission were brought to the notice of all the State Governments by the Ministry of Home Affairs in October 1956 emphasising the need to introduce mechanical and up-to-date methods of cleansing latrines so that the inhuman practice of doing this work by hand and carrying nightsoil on heads is obviated as far as possible and also specific schemes covering every sphere of life to uplift Bhangis from their 'sub-human' level of existence .

Central Advisory Board for Harijan Welfare, 1956: The Ministry of Home Affairs constituted a Central Advisory Board of Harijan Welfare in 1956 under the chairmanship of Late Pandit Gobind Ballabh Pant, the then Minister of Home Affairs. This Board inter alia reviewed the working and living condition of the sweepers and scavengers in the country and recommended to the Government to introduce a Centrally Sponsored Scheme for this purpose.

Malkani Committee, 1957: The Board in its meeting held on the 12th October, 1957 constituted a committee, known as Scavenging Conditions Inquiry Committee consisting of Prof. N.R. Malkani as

Chairman to prepare a scheme to put an end to the degrading practice of scavenging having to carry nightsoil in buckets or baskets. The Committee which submitted its report in December 1960 recommended not merely for eliminating the practice of carrying nightsoil as head loads, but also for removing filth and indignity from all stages of scavenging and for improving the working, living conditions and social status.

Committee on Customary Rights, 1965: The Central Department of Social Welfare appointed a committee in 1965 under the chairmanship of Prof. N. R. Malkani, to examine the question of the abolition of customary rights of the scavengers. The Committee which submitted its report in 1966 found that where scavenging is not municipalized the latrines were cleaned privately and one particular scavenger acquired hereditary right to clean such latrine as against another scavenger by an understanding and agreement. A customary relationship also develops with the householder and the scavenger receives payments in some form or the other.

Pandya Committee, 1968: The National Commission on Labour constituted by the Union Ministry of Labour appointed a sub-committee (1968-69) under the chairmanship of Shri Bhanu Prasad Pandya to look into the working and service conditions of sweepers and scavengers. One of the important recommendations of the committee was that “the Central Government should undertake a comprehensive legislation for regulating their working, service and living conditions which should also provide for adequate inspectorate and enforcement machinery”. Similar committees were also constituted at the State level in the States of Uttar Pradesh (1955), Haryana (1969), Kerala (1971) and Karnataka (1976).

Regarding the outlook of some of these state-led initiatives, Gita Ramaswamy, in her book *India Stinking: Manual Scavengers in Andhra Pradesh and Their Work*, writes:

The Barve Committee had even made the offensive suggestion that the scavengers do not consider their work dirty and in fact even blamed the victims: Ancestors of these Bhangis were just field labourers of a low caste, but never did the work of scavenging. Some of these people took to the dirty work of cleansing the latrines for the sake of profit. Slowly this developed into a monopoly. The stage was reached when the Bhangis wanted to exploit this monopoly and a sort of customary right was thus developed. By force of habit the Bhangi lost his self-respect to such an extent that he did not consider the dirty work of cleansing latrines as a curse from which he should endeavour to extricate himself.

Similarly, commenting on the “customary rights” of scavengers, the Malkani Committee said:

“Scavenging has been a way of life for the family. A fatalistic attitude pervades the whole outlook due to the lack of education and the absence of other openings for employment.” (Ramaswamy 2005)

In the appendix of her book, Gita Ramaswamy presents the writings of Gandhi and Ambedkar on the subject. It is vital that thinking Indians read that.

The 1993 law

Manual scavenging was banned in India only in 1993, through The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act. The law was essentially aimed at putting an end to the use of ‘dry latrines’, which required manual cleaning, and to this end, the central government provided a subsidy for the conversion of service latrines into sanitary latrines. However, the Centre took four years to notify the Act, and it took a few more years before state governments – including Delhi – began to adopt it. In 1993, the welfare ministry (which was responsible for enacting and implementing the Act) undertook a survey of the extent to which the law had been implemented in all the states of India. It was found that even the Chief Secretaries of many major states in the country were unaware of the

existence of such a law. It was only as late as in 2003 that some state governments issued a notification prohibiting manual scavenging and dry latrines. It was a long time before urban local bodies across the states of India acted to implement the law.

In 1997, one of the authors (VR) was involved in a project of the West Bengal govt. to build sanitary toilets in place of dry or service latrines in congested basti neighbourhoods of Howrah, in support of the implementation of the 1993 law by the Howrah Municipal Corporation. He reflected:

The central govt's subsidy for toilet conversion – Rs 5,000 at that time – was grossly inadequate in the context of the situation on the ground, where sometimes over a 100 persons had to use one or two service latrines. (These latrines had to be cleaned by manual scavengers, who were then employed by the municipal corporation.) It was also discovered that there was a neat arrangement within the municipal corporation to collect and pocket a good part of even that meagre subsidy by constructing a *naam-ke-vaste* toilet, that would be unusable from day one. How it was possible for that to happen, with basti dwellers, when the CPI(M)-led Left Front was ruling at almost every level of govt in the state is another question altogether.

So dry latrines were converted into sanitary latrines (often only on paper), “manual scavenging” was discontinued by municipal workers, although the existence of dry latrines and the practice of manual scavenging by the same caste communities who had done this hitherto continued. On the whole, while there was an institutional thrust, especially from the late 1990s, to eliminate the practice, it was accompanied by an invisible thrust to drive it underground.

The situation today

The issue of manual scavenging assumes much gravity today. The past few years have seen: the enactment of *The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act* in 2013; the order of 2014 on this subject by the Supreme Court of India – following the petition filed by the Safai Karmachari Andolan (SKA) in 2003 – directing all states to abolish manual scavenging and take steps for their rehabilitation; and the amendment of *The Scheduled Castes & the Scheduled Tribes (Prevention of Atrocities) Act* in 2015 to include manual scavenging. But more crucially, we are seeing the continuing deaths of manual scavengers. In a statement on 17 July 2017, Bezwada Wilson of the SKA said that 39 such workers had been killed across India in the last 100 days. In early-2016, the SKA undertook a 125-day rally of manual scavengers and their children crisscrossing nearly 500 districts across the country. They demanded strong measures to end manual scavenging which they pointed out had taken over 1,300 lives in the past couple of years.

In an op-ed on 5 August 2017 on 70 years of India's independence, Ramachandra Guha wrote:

“Our democracy is disfigured by the persistence of inhumane practices such as manual scavenging.”

Census 2011

The sanitation situation in urban areas is reported in the Census 2011 tables on household sanitation arrangements.

The Census 2011 provides data on latrines in households. The all-India figures for

‘night soil removed by human’ in urban areas is 0.26 % of urban households (or 208,323 households). Adding the figures for ‘night soil serviced by animal’, we have 0.49% of urban households in India, who use service latrines. However, 1.20% of urban households in India had ‘night soil disposed into open drain’, which would in all likelihood require cleaning by conservancy workers. 14,703,818 million urban households in India (or 18.6 %) did not have latrine facility within the premises.

In Uttar Pradesh, urban households using a latrines with night soil removed by humans form 1.4 % of urban households (106,681 households). The figures for urban UP comprise 51% of the all-India urban figure for such latrines

The Census figures indicate that Andhra Pradesh, Assam, Jammu and Kashmir, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal account for more than 72 percent of the insanitary latrines in the country.

33% of urban households in India used latrines connected to piped sewer system. Maharashtra has the highest proportion of urban households connected to the sewer, at almost 38%.

38% of households in urban India used latrines connected to a septic tank. UP has the highest proportion of urban households using a septic tank, at almost 47% (almost 3.5 mln households), closely followed by Tamil Nadu (at about 3.4 mln).

What we can conclude from this is that even almost two decades after the first law banning dry latrines and manual scavenging, service latrines and therefore by implication manual scavenging did exist at the time of the 2011 Census. Although households using such latrines formed only a tiny proportion of urban households, nevertheless, in various places they do represent a substantial number in absolute terms. This underscores the lack of will on the part of the state, institutions as well as society to eliminate the practice.

Only 33% of urban households used latrines connected to the sewer system. This will only grow in future, with urbanization, infrastructure development etc. However, the fact remains that for the next several years, it is principally septic tanks that will comprise the most significant and fastest growing form of sanitation for urban households in India. This has a direct bearing on the new form of manual scavenging that has emerged in India – related to septic tanks – paralleling the drive to eliminate dry latrines. In 2016, investigating sanitation practices in a southern Indian state, the authors found that manual scavenging associated with cleaning septic tanks was the most prevalent form of this practice. The Govt of India’s document, *Septage Management in Urban India*, admits this glaring deficiency in urban sanitation in India.

Caste, Sanitation and Manual Scavenging

Most sanitary workers and manual scavengers in India belong to particular Scheduled Castes. In Tamil Nadu, for instance, the communities include: Adi Andhra; Arunthathiyar; Chakkiliyan; Domban; Kuravan; Madari Madiga; Pagadai; and Thoti. Actually the term “Arunthathiyar” is itself a kind of aggregation to include these other castes; however, the Census of India for 2001 and 2011 lists all these castes separately. The Kattunayakan, who belong to the Scheduled Tribes, are

also among the communities engaged in sanitary work / manual scavenging. Looking at the all-India situation, the castes involved in this occupation include: Bhangi, Valmiki, Methar, Chuhra in Delhi; Dhanuk In UP; Bagdi, Han and Hadi in WB; Mehtar and Bhangi in Assam; Methar in Hyderabad; Paki in coastal Andhra; Mira, Lalbegi, Chuhra and Balashahi in Punjab. Within the caste structure, Dalits who work as manual scavengers are usually from the Valmiki sub-caste, which is further subdivided into regionally named groups such as Chuhada, Rokhi, Mehatar, Malkana, Halalkhor, and Lalbegi, or the Muslim Hela sub-caste.

Numbers

Directed by the Supreme Court in 2008 to produce evidence on “whether the manual scavenging is still continued and if so, in which parts of the country”, a survey was undertaken by the SKA and the results presented to the court in 2009. Surveying 265 districts across 15 states, they found manual scavenging prevalent in 114 districts and documented 7,630 such workers as well as 34,365 dry latrines in use.

As per the 2011 Socio Economic and Caste Census, 1,82,505 households in India in rural areas reported as manual scavengers. The same census data notes the number of dry latrines at 795,252 where human waste is cleaned manually. Compare this with the government-based survey done in 2015, in accordance with the MS Act of 2013, that called for a list to identify the number of manual scavengers, towards their rehabilitation. The the number is shockingly low – 12,742

Lata Omprakash Mahato, a former member of the National Commission for Safai Karamcharis, who has been visiting cities for the past few years to study the conditions of manual scavengers, stated:

“The Tamil Nadu government submitted a list of 339 manual scavengers. The Chennai Corporation submitted a list of 252 persons. The data compiled by the government is not real. It is misleading. I have visited many areas and I have understood that the number of manual scavengers may be more. The State government should not give wrong data.”

Deaths

Based on newspaper reports as well as some field study, the authors have compiled the following table relating to deaths from manual scavenging over the last 3 years.

This table reports 41 deaths. There are likely to have been more. Reporting on the deaths in Bangalore on 6 March 2017, newspapers mentioned that this brought the total number of such deaths in the city during the period 2008-16 to 60.

No.	Date	Dead	Location
1.	25 December 2014	1	Kanchipuram dist., TN
2.	14 October 2015	2	Madurai dist., TN
3.	19 January 2016	4	Chennai, TN
4.	22 January 2016	2	Viluppuram dist., TN
5.	26 May 2016	2	Cuddalore dist., TN

6.	23 July 2016	3	Chennai, TN
7.	6 August 2016	1	Madurai, TN
8.	August 2016	3	Hyderabad, Telengana
9.	October 2016	1	Ahmedabad
10.	Oct 2016	2	Bangalore, Karnataka
11.	November 2016	1	Hyderabad, Telengana
12.	11 Nov 2016	1	New Delhi
13.	10 Dec 2016	2	Chennai, TN
14.	6 March 2017	3	Bangalore, Karnataka
15.	15 March 2017	2	Vijaywada, AP
16.	20 March 2017	3	Cuddalore dist, TN
17.	15 Jul 2017	4	New Delhi
18.	31 July 2017	4	Dewas dist., MP

Source: Newspaper reports and field study.

In the course of our fieldwork in a southern state in 2017, the authors found that on the ground, almost no one in the communities in question knows of the laws against manual scavenging – nor for that matter about the Safai Karamchari Andolan, which has been a driving force for state intervention; and all the while, the practice continues and deaths of workers also occur regularly, without proper compensation. The media has also been quick to report such incidents. It may be mentioned here that manual scavengers belonging to the scavenging community are often employed by middle-class households to clean their septic tanks. That they are able to carry out this criminal act with impunity only goes to show how deeply embedded in the minds and lives of the so-called ‘educated’ middle-class of neoliberalizing India, who would tend to be predominantly high-caste, the assumption of some people being beyond the pale of humanity and human rights is.

It is estimated that about 1,500 persons may have died since the Supreme Court order of 2014 directing all states to abolish manual scavenging and take steps for their rehabilitation. This does not take into account the innumerable deaths that have gone un-reported.

Appalling facts

Despite technological advancements and increasing sensitivity to human rights, manual scavenging continues in the country, and with it, heart-wrenching deaths

LOCATION	NUMBER OF DEATHS	DATE OF DEATH
Noida, Uttar Pradesh.....	2	24.02.2014
Mehsana, Gujarat.....	3	30.03.2014
Lucknow, Uttar Pradesh.....	1	08.07.2014
Dehradun, Uttarakhand.....	3	04.12.2013
Dabwali, Sirsa, Haryana.....	2	25.05.2014
Hyderabad, Telangana.....	2	31.05.2014
Murena, Madhya Pradesh.....	2	09.06.2014
Haridwar, Uttarakhand.....	2	16.04.2010
Bengaluru, Karnataka.....	2	18.08.2015
Swroop Nagar, Delhi.....	2	24.08.2015
Keshopuram, Delhi.....	1	13.11.2015
Mathura, Uttar Pradesh.....	3	17.12.2015
Pushkar, Rajasthan.....	3	13.07.2015
Keshopur, Delhi.....	1	12.11.2015
Tamil Nadu.....	1	13.10.2004
Allahabad, Uttar Pradesh.....	1	09.04.2015
Chennai, Tamil Nadu.....	4	20.01.2016
Hyderabad, Telangana.....	4	13.08.2016
Total.....	39	

Source: Statement by Thawar Chand Gehlot, Minister for Social Justice and Empowerment, in response to a question in Rajya Sabha on March 16, 2017 whether there were cases of manual scavenging reported across the country and whether the government had conducted a survey to identify them and the number of deaths

In 2016, the authors had undertaken a rapid survey of the literature on health hazards of sanitation workers last year. We came across studies on “work related symptoms among sewage workers”, “occupational health hazards in sewage and sanitary workers”, “airway function and respiratory symptoms in sanitation workers”, “occupational skin diseases among sanitation workers”, “Hepatitis A in workers exposed to sewage”, “episode of toxic gas exposure in sewer workers”, “asphyxiation in sewer line manhole”, to name a few. But the issue of the health of manual scavengers is really captured in the following chilling statement by Sanjay Gahlot, the president of the Swatantra Mazdoor Vikas Sanyukt Morcha:

“Only 5-10% of manual scavengers who work with the municipalities in Delhi live till their retirement age.”

Parliament and manual scavenging

The subject of manual scavenging and the plight of manual scavengers has been regularly raised, in the form of questions, by Members of Parliament from various political parties. The proceedings are all available via the websites of Lok Sabha and Rajya Sabha.

For instance, on 12 May 2016, in reply to the question by Neeraj Shekhar, M.P., on the number of manual scavengers in the country, state-wise, the Minister of State for Social Justice and Social Empowerment, Vijay Sampla, informed that 4,609 manual scavengers had been identified in urban areas of India.

It is pertinent to note that the Minister also said:

“As Census 2011 reported existence of about 26.06 lakhs insanitary latrines, it was estimated that a large number of manual scavengers would be identified for rehabilitation as per the provisions of the “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013)”. However, the manual scavengers identified by States and UTs is not commensurate with the number of insanitary latrines reported in Census 2011.”

On 16 December 2015, the Minister of State in the Ministry of Railways, Manoj Sinha had made the following statement in the Lok Sabha:

“The staff engaged in cleaning activities on stations and for Coach toilet cleaning, are provided with prescribed protective gears and devices as per the Prohibition of the Employment as Manual Scavengers and their Rehabilitation Act, 2013. For example, uniform along with water protective apron, face mask / nose mask, gloves, shoes, floor mop / broom with long handle, toilet commode brush / hand brush or any equipment for removal of choking of toilets used in coaches and any other mechanized equipment identified by Railways for this purpose. ... Mechanical cleaning and cleaning with protective gear is adopted for ensuring sanitation at stations and to have an effective waste disposal system, concrete washable aprons on platform tracks with jet cleaning arrangement are being provided. High pressure jet machines, electrical scrubbers, vacuum cleaners etc. are used to keep coach toilets clean and to prohibit direct manual intervention. In view of the use of prescribed protective gears and devices, direct manual intervention is avoided.”

However, when the authors visited the Central Station, Chennai, in April 2016, they found that no such gear or equipment was used by the women contract workers who cleaned the rail tracks, and most of them were not paid the prevailing minimum wage of Rs 355 per day. They were only paid around Rs180 per day.

This clearly points to the administrative bottlenecks in even identifying the manual scavengers and initiating their rehabilitation. The assurances and statements made in parliament are not corroborated at the ground level.

It is interesting that even a BJP Member of Parliament raised the issue on 9 March 2016, attesting to the fact that manual scavenging was an un-ignorable fact. *The Hindu Business Line* reported that he:

... raised the issue of high death rate among scavengers during sewer cleaning and sought safety measures and a minimum salary of Rs. 20,000 for safai karmacharis, terming them as ‘cleanliness martyrs’. Raising the issue during Zero Hour, Tarun Vijay quoted an estimate to say that more than 22,000 deaths occurred every year while cleaning of sewers in different parts of the country as per the records of National Commission of Safai Karmacharis, saying they were ‘cleanliness martyrs’ who do not get any attention. Observing that it was unfortunate to see that only people from Valmiki community among scheduled castes were engaged in scavenging work, Vijay said that by law, Valmikis should be prohibited from getting engaged in such job. “Free Valmikis from scavenging and let the higher castes clean their own dirt,” he said. Stressing that scavengers were doing a work that nobody is ready to do, he demanded that they should be paid at least Rs. 20,000 per month. According to him, they were paid only about Rs. 2,000 a month currently. Citing a Supreme Court judgment, he said entering the sewer lines without safety gears should be made a crime even in emergency situations, and for each such death, a compensation of Rs. 10 lakh should be given. He also cited a news report of a teenager being killed while cleaning sewer in Villupuram in Tamil Nadu.

Swachh Bharat Abhiyan

The eradication of manual scavenging is actually one of the objectives of the Swachh Bharat Abhiyan or Mission launched by the Govt of India in 2014. The fact that

manual scavengers have continued to die, perhaps with greater frequency, in the period since the programme was announced may be noted.

Diane Coffey and her husband, Dean Spears, both social scientists from the USA, have lived and worked in India since 2011, and looked at government and demographic data to understand the correlation between stunting and cognitive development in Indian children and sanitation. In two articles in the *Economic and Political Weekly* in 2014 and 2017, written together with their Indian fellow-researchers, they looked at the subject of open defecation in rural India and they have also co-authored the book, *Where India Goes Abandoned: Toilets, Stunted Development and the Costs of Caste*. Speaking about the Swachh Bharat Mission Grameen (Rural) in an interview in *Caravan*, Coffey said that it is:

“simply a scaled-up sanitation campaign that is very focused on constructing the type of latrines that the villagers are not interested in using”. ...“(There) is not a lot of attention, in terms of information, education and communication on topics such as caste and untouchability in the public awareness materials of the Swachh Bharat Mission. ... I think it’s going to take a lot more awareness-raising. I think it’s an uncomfortable issue for particularly local implementers. People might find it far more strenuous in villages. And then of course, there’s the issue of how [in the mission] the focus is on constructing latrines and not on encouraging people to use them and to educate them.” ... (It) is difficult for the government to spread (the) message (of the cost of caste) because so many of the local implementers would be uncomfortable with spreading this message. We get specifics from other studies about how many people from higher caste are in government and I think we have some specifics about teachers who are often the people who are called upon to spread the government’s message. And possibly there has been the question of how difficult it would be for the government to take this up, and we hope that they can do more on it, but I think we also need to be modest about what we can expect, given the statistics available.”

A survey by the National Sample Survey Office (NSSO) whose findings were widely reported in the media in May 2017, found that in 2015-16:

“Nearly six out of the ten toilets built by the government under the Swachh Bharat Abhiyan don’t have proper water supply, making them unusable. Since the NDA took charge in 2014, around 3.5 crore new toilets have been built using government subsidy. ... Around 55.4% of people in villages are still opting for open defecation in the absence of water supply and proper drainage in the toilets, the National Sample Survey Office found in a survey of over one lakh households. In cities, 7.5% of the population defecated in the open. ... In Assam, Punjab and Odisha no agency was appointed for cleaning even the community toilets built under the mission. The government’s first big toilet survey found that 40% of toilets in villages were not connected to a drainage system. In majority of these villages ... the toilet waste was being released directly into local water bodies, thereby polluting the limited water resources.”

An interesting point also noted in the survey is that the percentage of households with a toilet in cities has fallen “*primarily because of a rise in rural to urban migration owing to farm sector distress in the last three years*” (italics added).

Writing in *Banega Apna India*, NDTV’s web magazine devoted to the Swachh Bharat Abhiyan, Saptarshi Dutta writes that:

“While toilet construction is a critical step in ending the scourge of open defecation, most toilets being built under Swachh India mission rely heavily on water. In a country scarce in water supply, it often leads to a toilet that cannot be used. ... For the financial year 2017-18, Swachh Bharat (Rural) received central allocation worth Rs13,948 crores, a fair increase from the 10,000 crores allocated in the previous financial year. However, the allocation for rural water infrastructure improvement was merely Rs 6,000 crores, less than half of what has been allocated to Swachh Bharat (Rural). The Ministry of

Water Resources estimates that each rural household in India needs 40 litres of water every day, out of which 15 to 20 litres are required for sanitation. But as of 2017, almost 19,000 villages in India are yet to have access to piped water supply. Even the ones that do get piped water, getting 40 litres a day remains a distant dream. On an average, a well-supplied rural household receives 8-10 litres of water per day and as water is mostly utilised for cooking, drinking and washing, using it for sanitation becomes the last priority.

Although the points made above refer to the rural part of the Swachh Bharat Mission, such facts serve to bring to light the fundamentally flawed and superficial nature of the thinking driving the Mission. Commenting on the Mission, Bezwada Wilson said:

“The Swachh Bharat Mission failed to take a note of manual scavenging. “The toilets are being built without any cleaners.”

The Swachh Bharat Mission may be viewed in the light of the positive experience of Ethiopia, which has curbed open defecation at the fastest rate. As a report in *Down to Earth* highlights:

Ethiopia’s success lies in the fact that it recognizes sanitation as a health problem. Unlike in India where sanitation and drinking water are under one ministry, Ethiopia has put sanitation under the health ministry. In fact, the Ethiopian government’s Health Extension Program, started in 2003, is responsible for rolling out key sanitation interventions in rural areas, where 85 per cent of the country resides. Of the 16 broad services offered under the scheme, seven cover hygiene and environmental sanitation, such as excreta disposal, solid and liquid waste disposal, water quality control and personal hygiene. Under it, two women health workers are employed in every *kebele* (the smallest administrative unit of Ethiopia, similar to a ward in India) to sensitize families about sanitation and to encourage them to build toilets.

In a 2015 article in *Postcolonial Studies*, titled, *The cultural politics of shit: class, gender and public space in India*, Assa Doron and Ira Raja essay a more profound critique of the Abhiyan in the context of neoliberalizing India.

“The common refrain – ‘the shame of our nation’ – that we read in the popular media, about the ongoing practice of open defecation, is typically a middle-class cry. It is this section of society which has more cause to identify with the nation and more to lose from being viewed as pre-modern. These are the people who read more, travel more and are more exposed to consumer capitalism and global trends, and as such quite sensitive to India’s global image. Yet many of these people also inhabit gated communities that rely on their own independent infrastructure to sustain their needs and wants – essentially a vote of no confidence in the state, because it has failed to deliver. Indian public spaces, viewed under colonial rule as being dangerous, denoting pollution and disorder, are now being reconstituted and reimagined, with the advent of economic liberalism, globalization and modernity, as places of recreation, leisure and other modes of private consumption. Yet the underclass, which remains ‘outside’ the public domain and is excluded from the spaces and pleasures of economic liberalism, is squatting down in the open spaces of India’s megacities. There is then a strong tension between the ideals and aspirations of modern public space – where dignity, social and legal rights, civil conduct and individual meritocracy have allegedly replaced the pollution-based codes that underpinned the caste system and enduring gender inequalities. Allegedly, because the middle classes often fail to recognize their own complicity in constructing an exclusive public sphere, and their contribution to the disenfranchisement of the poor, through a range of activities that ultimately sustain middle-class standards of living and enshrine their privileges. We have argued that to fully appreciate the problem of ‘open defecation’ we must first interrogate the terms of the debate: the fact that it is identified as a ‘problem’ requiring particular kinds of mostly technological solutions. As such it tends to gloss over the structural inequalities and cultural forms that shape social practices and people’s experiences of the public domain. Perhaps we need to re-conceptualize the realm of public space from that perspective, for it seems that neither modernist categories, Hindu culture (caste) nor universal human rights perspectives can account for how the poor and migrant communities experience the cities, because their values, aspirations and needs constitute a frame of reference that is important in its own right. No

doubt, ‘open defecation’ is an urgent concern, not least from the public health perspective. Yet the solutions and methods brought about to solve the issue are often counterproductive, if well-meaning. Looking at poo and poeing is productive of the tense and yet unresolved questions about the basis on which India is to build itself as a modern nation ...”

Types of manual scavenging existing today

Manual scavenging prevalent in India today would broadly comprise five types:

- 1) Those involved in cleaning dry latrines that continue to exist (with a large number of women employed). Even so many years since the law, as the govt’s own Census reports, and as the SKA’s survey reveals, dry latrines and manual scavenging continue to exist.
- 2) Septic tanks cleaning: in the period since the 1993 law banning manual scavenging, urbanization has advanced across the country, and that has also meant septic tanks, as the most prevalent means of sanitation. Owing to defective septic tank design and construction, these need to be cleaned manually. Although mechanical de-sludging is prevalent in different parts of the country, the authors found the prevalence of manual scavenging even in areas where such mechanical de-sludging facilities were available. It is through manual means that the bulk of the septic tanks are cleaned. And as newspapers have reported over the last few years, many of the deaths of manual scavengers has been in septic tanks.
- 3) Sewer cleaning: Although the Supreme Court ruled in 2014 that workers entering sewers are also to be regarded as manual scavengers and thus ordered the end of the practice, it continues to exist. Such workers are also dying regularly. The list of deaths presented earlier also include deaths in sewers. Around 250 sanitation workers across municipal corporations in Delhi follow this practice. The workers get inside storm water drains and sewer lines to clean them, and mostly without any safety gear.
- 4) The Census 2011 reports on latrines connected to open drains. Besides, defective septic tanks also discharge excreta into drains. These drains are to be cleaned by the municipal sanitary workers. As surveys and reports have revealed, such workers rarely use protective gear and equipment.
- 5) The Indian Railways must be the largest employer of manual scavengers in the world. Although it has been stated in parliament by the minister concerned that manual scavenging does not exist in the Railways, we have personally seen it happening, in Chennai in 2017. Such workers are not directly employed by the Railways, they are under contractors. Although such contractors have to be approved by the Govt of India’s Labour Ministry, the existence of a law banning manual scavenging is not taken into account while approving contractors who employ principally women, to clean excreta from the rail-tracks in the station.

We are not looking in this paper on the Indian state’s accomplishment in regard to rehabilitation of manual scavengers. That is an inglorious story.

If manual scavenging is to be eliminated, a concerted drive by the state is required at all levels, beginning from the central govt. and going down through state and local govts. Looking at urban sanitation, while mechanization of septic tank and sewer cleaning is essential, together with provision of requisite personal protective equipment to sanitation workers, much also remains to be done in very “technical” – but ever “political” – matters, e.g. in terms of strict implementation of the guidelines for septage management. For instance, septic tanks which are not in conformity with the guidelines need to be retrofitted. However, given that something like this has essentially to be undertaken at a very local level, this is definitely an achievable goal. One may recall that the removal of dry latrines following the 1993 Act was also implemented at local levels, and although dry latrines continue to exist, despite all the delay and lacunae, most of them have been converted to sanitary latrines. That is an

experience that local govts must learn from and improve upon. Political will is required at every level, and that in turn requires an alert media and an aware and active civil society, to lend strength to the struggles of sanitation workers for their rights and dignity, towards bringing about the elimination of manual scavenging.

Caste and employment

Although untouchability was banned in the Constitution of India, caste still remains a living reality. Caste cannot be understood without the associated notions of ‘purity’ and ‘pollution’ and associated ‘stigma’. Caste practices revolving around these notions abound in India.

The nexus of caste and sanitation, and the continued practice of manual scavenging points to the persistence of untouchability in society. Two incidents in mid-2016 in India serve to indicate that this is not a casual concern. In the first, upper-caste villagers in the western U.P. district of Firozabad tried to prevent the funeral of a Dalit paramilitary trooper killed in a terrorist ambush; in the second, an NGO's job advertisement seeking a preferably upper caste sweeper-cleaner triggered two days of vandalism and threats in Ahmedabad by people who found it “insulting”.

In this context, it may be observed that the National Urban Sanitation Policy (2008), notwithstanding its informed look at the sanitation situation existing in the country, fails to highlight this nexus of caste and sanitation. The policy is also silent on the aspect of privatization and contract workers, and its specific link with manual scavenging. Similarly, the otherwise detailed analysis of the ground situation to be found in the WaterAid study, *An Assessment of Faecal Sludge Management*, is also silent about these issues.

Almost all sanitation workers in the country belong to specific castes (Scheduled Castes), and they also bear the stigma of their occupation. People belonging to such communities are not considered for other jobs in the local govt even when they possess the requisite qualifications. On the other hand, persons not belonging to the Scheduled Castes are recruited for sanitary worker posts but are exempted from sanitary duties and are deployed for other, ‘respectable’, work. The authors found this prevalent in a southern state, and the Human Rights Watch report, *Cleaning Human Waste: “Manual Scavenging”, Caste and Discrimination in India* (2014) also attests to the same happening in other parts of the country.

Municipal sanitary workers reside in a segregated “sweepers’ colony” cluster in the cities and towns, which also typically exhibit degraded environmental conditions in comparison to other neighbourhoods, such as filth and clogged drains etc. This only serves to perpetuate the notion and practice of untouchability in urban spaces. Regarding rural areas, we know that “... people from these communities are made to live in locations that are isolated from the rest of the village community. In practice the hierarchy of the society is made visible by the pattern of habitation of the people, whether in the villages, town or cities.” (Rashtriya Garima Abhiyan, 2013)

In the UN’s Report of the Special Rapporteur on minority issues (January 2016), the rapporteur Rita Izsak attempts to lay out the caste-based discrimination that she

understood to be present in India, together with conclusions and recommendations. That is also an important document to study.

The Women's Question

In his 2005 documentary film *Pee (Shit)*, Amudhan essays an almost microscopic observation of an elderly woman, a manual scavenger, working for the corporation, as she removes human excreta from a street in Madurai that has become a *de facto* public toilet. The film was a stark expose of the lived reality of millions of Dalit women in India. Rashtriya Garima Abhiyan or the National Campaign for Dignity and Eradication of Manual Scavenging, submitted a report titled *Violence against Manual Scavengers: Dalit Women in India* to the UN Special Rapporteur on Violence Against Women in 2013. Here are some excerpts:

Manual scavenging is one of the most inhuman and degrading forms of work performed by Dalit women. It is the manual removal of human and animal excreta using brooms, small tin plates and baskets carried on the head or hips. Refusal to perform such tasks leads to physical abuse and social boycott. The perception of dalits as polluting persons by reason of their birth causes them to be separated from the rest of caste society and excluded from social, religious and economic life. Public latrines are cleaned on a daily basis by female workers using broom and a tin plate. The practice of manual scavenging involves manual cleaning of dry toilets, which are no more than a small room in which a hole in the ground opens into a receptacle in a compartment below. Manual scavengers have actually to crawl into the compartment and empty out the receptacle. The excrement is piled into baskets, which are carried on the head or on the waist to a location that is far away from the latrine. At all times, and especially during the rainy season, the contents of the basket drip onto a scavenger's hair, face, clothes and other body parts. The harassment of these women is also rampant in the form of sexual exploitation when they go to clean up the toilets since they are often teased by the menfolk. Manual Scavengers belong to the lower most rung in the society and are looked down upon even by the larger society of the dalits who themselves are subjected to untouchability by the upper castes.

Health is another issue of prime concern. Manual contact with excreta exposes manual scavengers to various diseases; infection of skin, rotting of fingers & limbs, tuberculosis and nausea are common. Several complain inability to have food due to exposure to excreta. Most women from the manual scavenging communities tend to be addicted to tobacco (Gutka) and men are given to liquor in an attempt to diminish the repulsive nature of their work and beat back their state of hopelessness. The children of the manual scavenging communities are usually treated with contempt by their teachers and fellow classmates. Denial of dignity generates fear among children, leading to very high drop-out rates.

The extreme form of exploitation inherent in the caste system has made a mockery of modern India's labour laws and international conventions on the rights of the workers.

Millions of people – majority of them women - across the country continue to be held captive by the inhuman and degrading tradition of manual scavenging. It is because of this caste-based tradition that they remain deprived of their constitutional and statutory rights to equality, liberty, education and social development. Manual scavenging is virtually a form of modern-day slavery that violates the following:

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Bonded Labor System (Abolition) Act, 1976.

Section 7(a) of the Protection of Civil Rights Act, 1955, which deems anyone forcing another person to engage in bonded labor, manual scavenging or disposing animal carcasses to be committing a criminal offense punishable with 3 to 6 months of imprisonment and fine up to Rs 500.

The practice of manual scavenging violates articles 14, 17, 21 and 23 of the Constitution.

Vishakha guidelines and Protection of Women from Sexual harassment at workplace.

Various provisions of the Universal Declaration of Human Rights and CEDAW which hold all human beings to be equal and to which India is a signatory.

Privatization in local bodies

While municipal sanitary workers today receive a decent salary, together with PF and ESI, there has been large-scale privatization across the urban local bodies in India, with the result that the number of sanitary workers has been significantly reduced and private companies are contracted to take up the sanitary work. The private companies (and sometimes NGOs) employ contract workers, who carry out sanitary duties, but at low wages, often less than the minimum wage. It is these contract workers, belonging to the same stigmatized communities, who resort to manual scavenging, cleaning septic tanks to supplement their income. For the workers involved, sheer poverty, limited education, lack of any alternative means of livelihood, the persistence of the nexus of caste and sanitation, which is seen as something hereditary – these are among the factors pushing the community to manual scavenging. As mentioned earlier, the National Urban Sanitation Policy (2008), is also silent on the aspect of privatization and contract workers, and its specific link with manual scavenging.

Some recent developments to highlight

Surveying the situation in the country today as regards manual scavenging, one finds a mix of positive and also negative currents.

Gujarat: It is educative to look at how the Gujarat government made untouchability disappear on paper in the state, despite its persistence on the ground. This has been highlighted by Subhash Gatade, who has written extensively on the subject of manual scavenging, in the *EPW* of 31 Oct 2015. He writes that an Ahmedabad NGO, Navsarjan, conducted a study in 2009 titled, “Understanding Untouchability”. The state government asked CEPT, Ahmedabad to review and verify Navsarjan’s findings. It sponsored a report titled the “Impact of Caste Discrimination and Distinctions on Equal Opportunities: A Study of Gujarat,” authored by scholars from the Centre for Environment Planning and Technology University (CEPT) led by R Parthasarathy. This report calls caste-based discrimination a matter of “perceptions.” In his blog “True Lies” senior journalist Rajiv Shah has provided a detailed critique of this study. The state govt also constituted a committee under the chairmanship of the then minister minister for social justice, Fakirbhai Vaghela, and secretaries of different concerned departments to refute the findings of the report. The government instructed its officers to get affidavits from the Scheduled Caste residents of villages stating that untouchability did not exist. A leading sociologist, Ghanshyam Shah, has also written a critique of the CEPT report. An important omission from the CEPT report was that of Valmikis themselves, who are considered lowest in the social ladder. As opposed to these worst victims of untouchability, the report focuses on the Vankars, a “socially acceptable” Dalit community involved in weaving. Perhaps, the scholars might have felt that the sheer presence of Valmikis in a government report was not in sync with the media-propelled image of the best-governed state, occupying number one position in the country where development is concerned.

Chennai: A year ago, the Greater Chennai Corporation stated that it will seek legal recourse to defy a ban on manual scavenging. Mayor Saidai S Duraisamy said this at a council meet. He said the civic body cannot depend on machines alone to de-silt storm water drains.

Salem, Tamil Nadu: *The Hindu* of 11 August 2016 reports: The City Municipal Corporation has asked all stakeholders to strictly adhere to the guidelines as given in the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, while employing workers to clean septic tanks. A meeting was held for private septic tank operators, commercial establishments, hotel associations and residential welfare associations at the Collectorate on Tuesday in which Corporation Commissioner K.R. Selvaraj made a presentation on the provisions in the law. Officials said that before

cleaning the tank, the size, width and depth of the tank should be analysed and workers should not be allowed to enter the tank for any reasons. They said that the manhole should be opened two hours prior to the cleaning activity. Workers should wear boots, hand glove, helmet, face mask and proper uniforms provided by the companies. Workers should be covered under EPF and ESI and the companies should have paid their contribution regularly. Officials said that after cleaning the tank, the water should be disposed of in the places directed by the Corporation. If manual scavengers were employed for cleaning human excreta, the person who employs them for the first time would be fined Rs. 2 lakh or have to undergo two years imprisonment or both. If the person is found to have employed the scavengers for the second time, a fine of Rs. 5 lakh would be levied besides imprisonment for five years or both. If insanitary latrines were constructed and used, the owner would be fined Rs. 50,000 and subject to undergo imprisonment for one year or both. Officials asked the private tank operators to register their vehicles with the Corporation.

Hyderabad: *The Hindu* of 12 January 2017 reports: Hyderabad Metropolitan Water Supply & Sewerage Board (HMWSSB) Managing Director M. Dana Kishore has sought the support of Bezawada Wilson, president, National Commission for Safai Karmachari Andolan for a large scale awareness campaign to eliminate human labour in cleaning manholes and sewer lines. ... Mr. Kishore said that despite the efforts to eliminate human labour, many contractors and households were privately engaging labour in cleaning manholes and sewer lines without the necessary equipment or expertise leading to injuries and deaths.

Bidar, Karnataka: A report in *The Hindu* of 1 April 2017: The Bidar police have booked a case against officers of the Bidar railway station and a sanitation contractor on the charge of using labourers for manual scavenging on Saturday. This followed a visit of the Principal District and Sessions Judge Sanjiv Kumar Hanchate to the railway station where he found two labourers engaged in manual scavenging. They were cleaning a pit and carrying human excreta with their hands. He called Railway and Police personnel to the spot and instructed the police to register a complaint against those concerned on Friday. In such cases, the magistrate has to take cognizance of the matter. The police will book a case and present facts before the court, a senior police officer said.

This may well be the first such instance in the country in the 24 years since the law banning manual scavenging was passed.

Mumbai: A report in *Scroll.in* dated 11 April 2017: After 10 years of litigation to demand permanent jobs, a Supreme Court order on April 7 signalled a triumph for 2,700 sanitation workers in Mumbai. The workers, who were forced to work on short-term contracts for the past 10 to 20 years, are now not only entitled to permanent jobs with the Mumbai municipal corporation, but will also receive two years payment as arrears.

Chennai: *The Hindu* of 2 May 2017 reports: The law on paying monetary compensation to family members of those who had died due to manual scavenging since 1993 got a further boost with the Madras High Court Bench here recently holding that the compensation should be paid along with interest at the rate of 9% from the date of death till the date of realisation. ... Justice V. Parthiban also rejected the contention that the State needn't compensate for a death that occurred at a private firm. ... Justice Parthiban pointed out that a three-judge Bench of the Supreme Court had, on March 27, 2014, issued a slew of directions to the State governments and Union Territories with regard to implementation of the provisions of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. ... It is the bounden duty of a welfare state to protect its poor citizens from exploitation by the rich and the powerful, Justice Parthiban added.

Tamil Nadu: *The Hindu* of 17 May 2017 reports: The Tamil Nadu government has constituted a State Monitoring Committee to oversee the implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act and Rules, 2013, in the State. The panel would monitor and advise authorities on effective implementation of the Act, coordinate functions of all the agencies concerned and handle all other matters relating to the enforcement of the Act. The Chief Minister would be the chairperson of the committee.

Ahmedabad: 27 September 2016: After 36 days of strike by Safai Kamdar of Ahmedabad Municipal Corporation for permanency of jobs and other related demands, the Government finally caved in today and accepted all the demands.

Hyderabad: The News Minute reports on 5 June 2017: In a move that could make a significant difference, the Telangana government introduced 70 mini sewer-jetting machines on Monday. State Minister for Municipal Administration and Urban Development K.T.Rama Rao launched these machines on the occasion of World Environment Day, with the intention to eliminate manual scavenging in Hyderabad.

Karnataka: On 15 July 2017 a Karnataka minister called for legalizing manual scavenging in the case of “emergency situations.” Social Welfare Minister H Anjaneya said that his department planned to introduce a legislation to allow manual scavenging, despite the SC’s recent ruling against the practice.

Tamil Nadu: Divya Bharati, who made the documentary *Kakkoos*, was arrested by Madurai police on 25 July 2017, in connection with a 2009 student protest at a hospital. She was granted bail after being produced before the court.

Tamil Nadu: According to a India Today report on 3 August 2017: A shocking incident of Dalit students falling ill after being made to clean a septic tank in a government school in Tamil Nadu's Rameswaram has come to light.

IIAS: The Indian Institute of Advanced Studies, Shimla, is organizing a conference on “The Scourge of Scavenging: Revisiting the Question of Sanitation / Scavenging / Scavengers”, in November 2017.

Conclusion

For manual scavengers in India it was earlier a struggle for dignity. Today it is a struggle for survival. Denied any secure livelihood other than their ignominious traditional livelihood, they are compelled to resort to manual scavenging in order to eke out a livelihood. And in the process many of them lose their lives.

To sum up then, on the ground, we see manual scavenging – associated with untouchability, stigma and discrimination – and the associated morbidity and mortality. The state makes a law, which after a long time begins to be implemented, in letter although not in spirit. In 2014, the Supreme Court order lays bare the fact that the state has utterly failed in this regard, playing a landmark role thereby. It was not an easily won battle. The petition was on the verge of being dismissed, on the argument by the govt council that manual scavenging did not really exist. That led SKA to undertake a rapid survey, which they presented to the Court, who then appreciated the gravity of the matter and began to come down severely upon the govt.

We have sanitation workers who have been struggling for employment security and against privatization, e.g. in Mumbai, Ahmedabad. At the same time, in this context of state failure, civil society has also been active. We might mention a few important initiatives like: the *Safai Karmachari Andolan* – itself one of the initiators of the 1993 law – which has grown through its work and outreach, culminating in the *Bhim Yatra* of 2016; *Rashtriya Garima Abhiyan* (National Campaign for Dignity and Eradication of Manual Scavenging), another organization working for the elimination of manual scavenging; the *Navsarjan* report of 2009; the *Human Rights Watch* report of 2014; the documentary films on manual scavenging, *Shit* (Tamil) by Amudhan (2005), *Amaravati* (Kannada) by Giriraj BM (2017) and *Toilet* (Tamil) by Divyabharati (2017); Chennai-based A. Narayanan, of the NGO *CHANGEIndia*, who has filed multiple public interest litigation petitions in the Madras High Court regarding the enforcement of MS Act, 2013. Notably the print and web media has also been active in highlighting the issue in the last few years.

At an international level, there was the UN Special Rapporteur's report in 2016 which we have referred to.

The very existence of manual scavenging and the apathy of the state must be seen as a form of violence, especially when there are explicit orders from the Supreme Court on the matter. The state is culpable of criminal neglect leading to preventable death of individuals from the most vulnerable section of society. The state is directly responsible, through its acts, or failure to act, and the state also supports and reinforces attitudes and social practices stemming from caste and untouchability.

The deaths of manual scavengers must be seen as acts of ultimate violence on certain castes. This is bound to occur as part of the everyday operation of the urban system, specifically the urban sanitation system, which is a flawed system. The flawed system has come about because of the state's neglect of its vital oversight role regarding compliance with the law banning manual scavenging as well as the directives from the Supreme Court in this regard as well as its own guidelines on septage management and handling of fecal waste. The state is also involved in unconstitutional and inhuman practices and procedures via urban local bodies and government departments. A good part of the urban sanitation system in India may be seen as being subsidized by the dignity and lives of the manual scavenging castes. The contract system and privatization of municipal work by urban local bodies is a major factor pushing workers to manual scavenging for sheer survival. This state of affairs is able to exist because of the continuing operation of caste and untouchability in society and the apathy of the state and society towards the marginalized castes.

Manual scavenging lies at the very heart of the paradox that is modern, democratic India. In such a scenario, one cannot but conclude that it is only the annihilation of caste that can bring an end to the inhuman practice of manual scavenging in India.

We may conclude this review of the issue of manual scavenging with the words of Bezwada Wilson of Safai Karmachari Andolan:

“Mainstream political parties are vying with each other to appropriate Dr Ambedkar's legacy. Unless they recognize that the deaths that occur in sewer and septic tanks are not accidents but political murder, we do not think they have the right to project themselves as defenders of the rights of Dalits and highly marginalized communities such as manual scavengers.”

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