

LIBERATION AND REHABILITATION OF MANUAL SCAVENGERS

SIDDARAMU. B

Research/Faculty Associate, Department of Social Work, School of Humanities and Social Sciences,
Gautam Buddha University, Greater Noida, Gautam Budh Nagar, Uttar Pradesh, India

ABSTRACT

In India even today, scavengers and sweepers still carry out the basic sanitary services in cities and towns. While many are employed by local urban authorities to clean the sewers and sweep the streets, a significant number still work in their traditional occupation. This means that scavengers are still cleaning latrines by hand and carrying night soil in baskets on their heads. Such socio-economic conditions for scavengers still persist despite various articles in the Indian constitution, which stipulate that the state should promote the economic and educational interests of Scheduled Castes and protect them from discrimination and exploitation. This article talks about the plight of manual scavengers in Indian society. It also critically analyses the policies and programs of manual scavengers.

KEYWORDS: Slavery, Untouchability, Manual Scavenger

INTRODUCTION

The dehumanizing practice of manual scavenging is closely interlinked with untouchability. It is well known that this work is socially assigned and imposed upon certain untouchable castes of India. Manual scavenging is rooted in caste and with very few exception, all the manual scavengers are from the Scheduled Castes. Manual scavenging is thus a caste based occupation, with a large majority of them being women. Manual scavengers are the most discriminated people experiencing the most atrocious form of untouchability.

In India today, scavengers and sweepers still carry out the basic sanitary services in cities and towns. While many are employed by local urban authorities to clean the sewers and sweep the streets, a significant number still work in their traditional occupation. This means that scavengers are still cleaning latrines by hand and carrying night soil in baskets on their heads. As their occupation renders them permanently polluted, according to Hindu society, scavengers are treated as untouchable even by other untouchable castes. This discrimination also means that scavengers have extremely limited job opportunities other than sanitary work, that they live in acute poverty in segregated communities, and have extremely low levels of literacy and job mobility. Such socio-economic conditions for scavengers still persist despite various articles in the Indian constitution, which stipulate that the state should promote the economic and educational interests of Scheduled Castes and protect them from discrimination and exploitation.

Since independence, the three levels of government have lacked a sustained interest in implementing the provisions of the constitution. This has been demonstrated by the fact that several enquiries have been conducted into scavenging conditions throughout India, which resulted in comprehensive recommendations, but no substantial implementation. The Government of India began to instigate efforts to improve the working conditions of scavengers by seeking to abolish the practice of carrying night soil as a head load. These attempts were formalized in several government enquiries. The first was conducted by Government of Bombay in 1949. This was followed by the Scavengers conditions enquiry committees of 1960, which was established by the Ministry of Home Affairs, Government of India.

The enquiry committees report ensured local governments for the callous disregard shown towards the working conditions of scavengers, and their misappropriation of centrally financed programmes aimed at alleviating this problem. It was critical of customary rights inherited by scavenger families, and implied that the scavengers themselves were the cause of some of the unsanitary conditions in many Indian cities and towns. The report failed to provide a workable alternative. It simply recommended that the majority of scavengers should become municipal employees and be given a minimum wage.

The outcome of the Scavengers Committee report was more committees because sanitation is a local government subject and the Government of India cannot legislate on local government issues without the concurrence of at least two state governments. Initially the Government of India attempted to improve scavenging conditions by using a top-down developmental approach of making sanitation reforms. Such attempts were under resourced and encountered indifference by local governments. They also failed to address the discrimination and exploitation suffered by scavengers and sweeper communities. It is necessary to recollect the following warning of Dr. Ambedkar

“On the 26th January 1950, we are going to enter into a life of contradictions. In politics we will be recognizing the principles of one man-one vote and one vote-one value. In our social and economic life, we shall by reason of our social and economic structure, continue to deny the principle of one man-one value. “How long shall we continue to live this life of contradictions? How long shall we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has laboriously built up”.(From Dr. B.R. Ambedkar’s Speech in Constituent Assembly on 25th November, 1949).

Definitions of Manual Scavenging

“The manual removal of human and animal excreta using brooms, small tin plates, and baskets carried on the head. The allocation of labour on the basis of caste is one of the fundamental tenets of the Hindu caste system. Within this system dalits have been assigned tasks and occupations which are deemed ritually polluting by other caste communities - such as sweeping, disposal of dead animals and leatherwork. By reason of their birth, dalits are considered to be "polluted", and the removal of human and animal waste by members of the "sweeper" community is allocated to them and strictly enforce”(United Nations Commission on Human Rights, 2002)

Scavenging Caste

Scavenging is predominantly found in cities and towns as the need for a special caste to remove night soil and clean latrines is minimal in rural areas, where villagers prefer to defecate in fields. Officials in the 20th century have tended to use the term *Bhangi* as a label for scavenger, and sweepers, throughout the country. This name is now used for a widespread jati in Hindi speaking areas of Northern India. Thus, when the term “scavenger” will generally be applied to persons employed to clean latrines and remove night soil. But such a distinction frequently becomes blurred, because even within one family, several members may be employed as municipal sweepers who clean roads and remove garbage, while others work as scavengers cleaning public and private latrines. Hence, the family may be called scavengers or sweepers depending on the inclination of the author.

Bhangis have an occupation that has remained hereditary, because their tasks are dirty and they have to work in appalling conditions, especially during the monsoon season. The removal of night soil and refuse is viewed by the Hindu society as a very degrading occupation which constitutes a permanent state of pollution. As a consequence, scavenger and sweeper communities have been treated as untouchable, unapproachable and unseeable. This permanent state of pollution applies to the entire community and is hereditary. This untouchability has resulted in scavenger, and sweeper communities

being physically segregated into overcrowded slums which are generally located in the centre, or older sections, of pigs roaming around. Families are forced to live next to the night soil dumping grounds or on top of garbage collection sites in these slums

Manual Scavenging the Issue is Not Employment; but Slavery

Handling human excreta is not voluntary employment, but a form of slavery sanctioned and imposed through an exploitative and inhuman caste system. The following are some other reasons why we consider manual scavenging a form of slavery.

- **It is a Compulsion:** Whereas most of the civilized world has accepted the ideal that a citizen's caste or creed must not come in the way of exercising his choice of occupation, Indian society still tolerates manual scavenging that has always been expected to be taken up only by certain communities, That makes it a socially sanctioned and imposed custom in which caste one is born into decides whether he or she will be a beneficiary or a victim. The members of the communities that have been held captive by this tradition face overwhelming social sanctions and even violence when they revolt against this injustice.
- **It is Hereditary:** Dr. Baba Sahib Ambedkar had said, "Our society is like a multistoried pyramid and there are no stairs or doors for entering into these storeys. One has to die in the storey in which one is born." The members of a particular community would continue to engage in occupations of their ancestors a far cry from any modern notion of decent employment.
- **It is an Indefensible Custom:** Manual scavenging is a caste-based custom perpetuated by an extremely unequal society. Customs are social constructs that are handed down from one generation to its succeeding generation. They often survive the societal change even after their rationale and moral basis becomes insupportable. Since modern Indian nation has been predicated on the rejection of the caste system in so far as it perpetuates oppression and injustice, manual scavenging has become an impediment to social justice and progress.
- **It is Based on Caste-Based Division of Labour:** Caste-based division of labour, which would have the Balmiki and Haila communities perform manual scavenging, is an insult to the universally accepted values that inform the conception of modern societies and economies. The 'preordained' and 'watertight' nature of this division of labour perpetuates grave injustice to certain communities and prevents them from breaking free of their miserable state.
- **Compulsion of Performing Other Tasks:** In addition to handling human excreta, people entrapped by the tradition of manual scavenging are expected to perform several other 'lowly' tasks.

The Condition of Manual Scavengers

Manual scavengers suffer from extreme form of discrimination, exclusion and powerlessness. They 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 in the villages, town or cities. It begins with the upper castes occupying the decent locations followed by lower castes and then manual scavengers who are considered untouchables even within their own community. 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. Manual scavengers, for example, are paid a pittance.

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.

Social discrimination against scavengers is rampant. One Scavenger in Ahmadabad District, Gujarat, stated: “When we are working, they ask us not to come near them. At tea canteens, they have separate tea tumblers and they make us clean them ourselves and make us put the dishes away ourselves. We cannot enter temples. We cannot use upper cast water taps. We have to go one kilometer away to get water”. There are three main types of scavengers: municipality workers, contract workers, and those working in private households. The last two groups are the worst victims since they receive no health benefits. 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 perception of dalits as polluted 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.

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. The status of the women is the worst. They become vulnerable for being women, for being a Dalit, and for being a manual scavenger. Surveys have revealed that 93 to 96% of the manual scavengers in the country are women. They bear the dual burden of taking care of their families as well as working as manual scavengers. They are subjugated, oppressed, marginalized and victimized in both social and household spheres of life. The girl child faces discrimination at all levels and is usually compelled to take up the occupation once married.

Law for Manual Scavengers

Section 7A of the Protection of Civil Rights Act 1955 (added in 1976) provides that whoever compels any person on the ground of untouchability to do any scavenging shall be deemed to have enforced a disability arising out of untouchability and thus punishable with imprisonment. It was only four decades after the commencement of the Constitution that manual scavenging was specifically prohibited under the ‘Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act’ which was passed by Parliament in May 1993 after obtaining resolutions from the State Legislatures of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal under Article 252(1) of the Constitution.

While the Act received the assent of the President in June 1993, it took almost four years for the issue of the notification bringing the Act into force in these six States and all Union Territories in January 1997. The remaining States were expected to adopt the Act by passing resolutions under Article 252(1); but the legislation is yet to become one of countrywide applicability. Some of the States have not adopted the law on the ground that there were no manual scavengers in the State, despite evidence to the contrary.

The Preamble to the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 states; “Whereas fraternity assuring the dignity of the individual has been enshrined in the Preamble to the Constitution...and whereas the dehumanizing practice of manual scavenging of human excreta still continues in many parts of the countryand whereas it is necessary to enact a uniform legislation for the whole of India for abolishing manual scavenging by declaring employment of manual scavengers for removal of human excreta an offence and thereby ban further proliferation of dry latrines in the country”.

However the content of the Act shows that emphasis has been placed more on sanitation rather than on the human dignity of the manual scavengers. In fact, the Act ignores the issue of human dignity mentioned in its own Preamble.

The government of India has enacted the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. This has set in motion a reform process that was long overdue in Indian society. It serves as a primary instrument in the liberation of a broken people enslaved to a life of indignity enforced through ideologies of descent based work and caste. The 1993 Act of its accompanying schemes have transformed the lives of several people. But there are some drawbacks in the Act that need to be rectified to make it fully effective and truly liberative for those hundreds and thousands of people still engaged in manual scavenging. Some of those loopholes are as follows.

The Problem of Definition

According to the 1993 Act manual scavenging involves continuance of community dry latrines/ individual dry latrines only and manual scavengers are those employed/engaged fully or partially to clean the human excreta in such latrines. This definition is very restrictive. It does not cover all those who are employed to clear, carry and dispose human excreta in places other than the dry latrines who clean the sewers, septic tanks, drains where human excreta is washed in railway tracks, rail toilets. Due to lack of civic and sanitation facilities in semi urban centers and cities, slum dwellers and pedestrians tend to use pavements and roads for defecation. In several places, the local governance bodies themselves allot specific plots or lands for open defecation. This is a major problem since the large numbers of sanitation workers engaged by the local governance bodies are forced to manually clear, carry and dispose human excreta and yet they are not considered as manual scavengers as per the Act.

The Problem of Non-Adoption of the Act by Some States

Though the 1993 Act is a central Act, sanitation is the subject of the States. It is therefore not mandatory for the States to adopt any Act related to sanitation. As a consequence, several states took their own time to adopt the 1993 Act. Two States viz. Rajasthan and Bihar have framed their own Acts. Four states viz. West Bengal, Kerala, Jammu and Kashmir and Chhattisgarh refused to adopt the 1993 Act claiming that there was no manual scavenging in their States. These claims have to be verified through an unbiased study.

The Problems Related to Proper Implementation

The State Governments are not playing pro-active role in fulfilling the vision of the Act, which is total eradication of manual scavenging in the country. The deadlines set for such eradication is repeatedly being extended because of indifference non reliable/availability of data of manual scavengers and their dependants and lack of will on the part of implementing authorities. The Act provides for punitive action against those maintaining dry latrines. But thus far there are no recorded evidences of penalization of the violators either by the statutory or judicial bodies. Also the penalty sanctioned by the Act is far too less. It does not compare well with the violation of human dignity and fundamental rights of the individual.

Amendments /Modifications Needed in the Act

Section 3 (1) requires the State Governments to issue a notification for an area and with reference to a date. And thereafter, no person shall (a) engage in or employ for or permit to be engaged in or employed for any other person for manually carrying human excreta (b) construct or maintain a dry latrine. Section 3(2) lays down that the State Government shall not issue a notification under subsection (1) unless (i) it has, by notification given not less than ninety days notice of its intention to do so; (ii) adequate facilities for the use of water seal latrines in that area exist and (iii) it is necessary or expedient to do so for the protection and improvement of the environment or public health in that area. It is to be seen that by making the existence of adequate facilities for use of water seal latrines a precondition, Section 3(2) it makes it virtually impossible to abolish manual scavenging. Clause (iii) makes the protection and improvement of environment and public health as the criterion, not the human tragedy of manual scavenger. This entire Section appears misconceived and goes completely contrary to the very objective of abolition of the dehumanizing practice of manual scavenging. Further, Section 4 provides for exemptions from the Act, which in effect, means exemption from human dignity guaranteed under the Constitution. In Section 17, the previous sanction of the Executive Authority is needed for prosecution and cognizance of the offence can be taken only on a complaint made by a person authorized by the Executive Authority. It denies the individual to file a complaint.

It is indeed a shame for a country like India, who is signatory to Human Rights Convention No. 111 of United Nation to allow the obnoxious practice of manual scavenging to continue in modern India and even after 64 years of independence. Manual scavengers are the most discriminated people experiencing the most atrocious form of untouchability. The spirit of Article 17 of the Indian Constitution has not fully touched their lives as yet. It is true that the previous 10 Five Year Plans had initiated some steps to alleviate their conditions and there are several schemes already in place. But their implementation leaves much to be desired, with the result the manual scavengers are neither liberated fully nor rehabilitated in the true sense of the term, they remain as mere initial steps.

The National Human Rights Commission (NHRC) has taken a serious note of the continued prevalence of this practice. It has termed manual scavenging as one of the worst violation of human rights. Its recommendations include conducting a survey to arrive at the actual number of scavengers present in the country and differentiation of manual scavengers from sanitation workers. It has also directed the State Human Rights Commissions to start monitoring elimination of manual scavenging and consequent rehabilitation of manual scavengers.

Policies of Inclusion for Manual Scavengers

The document of the Eleventh Five Year Plan makes special reference to the socio-economic situation of manual scavengers. There are number of state-funded schemes and policies supposedly meant for educational, economic and social development of Dalits in general and of manual scavengers in particular. And for this purpose budgetary allocation has been made by the central and state government as well. A total of Rs.11,092.01 crore was outlaid in the XI Five Year Plan, 2007-12 for 'Backward Classes of citizens', including Scheduled Castes and Other Backward Classes.

The annual Plan outlay of the Ministry of Social Justice and Empowerment for 2009-10 was only Rs. 2,500 crore. Rs 480.00 crore for was allotted for the Special Central Assistance to Scheduled Castes Component Plan; Rs. 20.00 crore for Equity support to the Scheduled Castes Development Corporations of States; Rs. 45.00 crore for the National Scheduled Caste Finance & Development Corporation; Rs. 30.00 crore for the National Safai Karamcharis Finance & Development Corporation; and Rs. 100.00 crore for the Self-Employment Scheme for the Rehabilitation of Scavengers.

But as to how this money has been used and the extent to which it has benefitted manual scavengers, little can be said with confidence.

Self-Employment Scheme for Rehabilitation of Manual Scavengers

Following the principles of purported 'inclusive growth', a new scheme, namely the Self-Employment Scheme for Rehabilitation of Manual Scavengers was launched in 2007, supposedly to emancipate and rehabilitate manual scavengers and their dependents. Under this scheme, financial aid, training, extension and loan are to be provided to manual scavengers to liberate the scavengers from their existing hereditary, obnoxious and inhuman occupation of manually removing night soil and filth and to enable them to engage in alternative occupations so that they can lead a dignified and respectful life. While the government claims to be committed to rehabilitating the remaining several lakh scavengers in a time-bound manner through training, and extension of loans and subsidies, this still remains a dream for these helpless victims of a centuries'-old caste-based practice.

The programme has three necessary components, (1) Legislative back-up to prohibit dry latrines and manual scavenging in the form of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 ; (2) an alternative to dry latrines in the form of low-cost sanitation units, for which loan and subsidy are provided under the Centrally Sponsored Scheme of Low Cost Sanitation Scheme for Liberation of Scavengers; and (3) the National Scheme for Liberation and Rehabilitation of Scavengers and their Dependents for training and rehabilitation in alternative occupations.

With regard to rehabilitating scavengers, projects costing up to Rs. 50,000/- for each beneficiary are financed by way of a prescribed financial package comprising 50% subsidy, subject to a ceiling of Rs. 10,000/- per project. 15% of the project cost which is shared between the Central Government and State Government in the ratio 49:51, the rest provided through loan from banks and NSKFDC. The aim of the scheme is to establish sanitary marts in towns and cities where scavengers reside. The sanitary marts are established to meet mainly three purposes: (a) rehabilitating scavengers, (b) eradicating manual scavenging, and (c) creating demand for latrines through motivation.

There is a need to restructure the schemes so that they become more 'sustainable'. The corporations need to be thoroughly professionalized so that programmes financed by them help develop entrepreneurial skills of the loanees. Based upon the effective performance of the Finance and Development Corporations, the capital available at their disposal may be increased substantially to provide support to SC/ST businesses.

CONCLUSIONS

Scavengers remain marginalized in Indian society today despite the constitutional provisions which direct the state to promote their educational and economic interests. They remained marginalized because their communities are still predominantly employed to carry out the country's basic sanitary services. Lacking the necessary literacy skills to take advantage of government reservations in education and employment, scavengers have not been able to participate in the job mobility associated with living in a rapidly growing urban environment. While these economic and social problems are shared by other Scheduled Castes, it is the 'unclean and polluting nature' of their employment causes even other Untouchables to discriminate against them. Scavenging remains a complicated social-economic problem, which not only requires adequate funding for its redressed, but need a "radical change of mental outlook". This section of society needs very special attention for their liberation and upliftment. It is high time that thing must change. Manual scavengers required fundamental change not cosmetic one. The sense of self respect is to be created among manual scavengers.

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