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The Dirty Picture:Plight Of Manual Scavengers **And The Obnoxious Difficulties Faced By Them** **Due To The Caste System In Modern India**

Authored By: HAMIDH KHAN.B [V YEAR BBA.LL.B (HONS)]

Introduction:

Can you believe if I say that the root cause for manual scavenging is hidden in the caste system? People might wonder what caste has to do with this. But it is only because of the dehumanizing caste system which killed hundreds of manual scavengers. Despite being a technologically advanced country, India is yet to abolish the system of manual scavenging. If a country can develop technologies in sending rockets and exploring the outer space, why can't it find a proper and real solution to end the horrifying practice of manual scavenging? Why is it still finding it hard to abolish it?

According to the government data, it is shocking to know that 97.25% of people involved in manual scavenging whose caste data is known are SCs. This looks odd right? How can almost all the manual scavengers belong to a single community? You can never find an instance where people from the upper caste are engaged in the work of manual scavenging. You can never find a case of an upper caste worker dying of manual scavenging. It is because the upper caste people will never engage in this work. It is clear from the data that almost all the workers are Dalits. Why is it so? Why are they trapped in a vicious cycle of untouchability and poverty?

What Is Manual Scavenging?

Manual scavenging is the practice of removing human excreta by hand from sewers or septic tanks.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020 proposes to completely mechanise sewer cleaning, introduce ways for 'on-site' protection and provide compensation to manual scavengers in case of sewer deaths. But why is it still prevalent in India?

Article 21 of the Constitution guarantees every citizen "A right to live with dignity". This shocking practice violates the right.

Manual Scavenging And Caste:

Caste is not a physical object like a wall of bricks or a line of barbed wire which prevents the Hindus from co-mingling and which has, therefore, to be pulled down. Caste is a notion; it is a state of the mind.

- **B. R. Ambedkar**

Now let us look how this practice is related to the caste system. Caste is a division of labourers. It discriminates people according to their jobs. Because of their low status in the caste hierarchy and lack of proper financial assistance people are trapped into this without any option to escape. Dalits often face discrimination in employment opportunities which are considered pure. Manual scavenging is one such job which the Dalits are burdened to do. The government is still ignorant of the issue. 97.25% of people involved in manual scavenging whose caste data is known are SCs. People belonging to the scheduled castes are facing discrimination in every way possible.

Despite several developments made by the courts the practice still exists. Thousands of people at the bottom of the caste hierarchy, belonging to the SC/ST group, are compelled to do this job, attributing it to unemployment and social pressure, as well as the failure in implementing these laws by administrative bodies like panchayats in villages and municipal corporations in cities. At times, these bodies even perpetuate the practice.¹

¹ Outlook.com www.outlookindia.com (last visited September 23, 2022)

Caste and untouchability is the root cause for the above mentioned data. If people argue that caste has nothing to do with the reports, then they must substantiate their arguments by showing instances where upper castes are employed as manual scavengers.

“Manual scavenging has historically been linked to caste in the Indian subcontinent². The Brahminical social order assigns the most “polluting” tasks, such as removing human excreta, to Dalit castes. There is evidence of the same in ancient texts such as the Narada Samhita and the Vajasayeni Samhita.”

Manual scavenging is a caste-based practice. It was banned in 1993, and made a punishable offence under **The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**. Anyone employing a person for manual scavenging, directly or indirectly, is liable to imprisonment for a term or a penalty which may extend to Rs 50,000, or both. The Act states that no person or agency shall employ, directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank. But in reality it was of no use. The Act remained only in paper.

Whenever the authorities feel that there is a shortage of labourers to clean the septic tanks they always approach the Dalits. Why are they always targeting them? The authorities will never have the audacity to approach the Brahmins to meet the shortfall. There are people from the upper class who are unemployed but it is only the dalits who are pushed into this nauseating world. This is also a form of caste oppression. This prevents the people from enhancing their socio economic wellbeing. It is the duty of the government to rehabilitate the people who suffer. But the government is turning a deaf ear and acts as if no problem exists. When are we going to eradicate this social stigma? Every human being has the right to live with dignity. There are other means to survive. This is the last job on earth which one would think to do. , According to the National Convener of the **Safai Karmachari Andolan**, 472 manual scavenging deaths across the country were recorded between 2016 and 2020.

Problems Faced By The Manual Scavengers:

The scavengers are exposed to poisonous gases which cause serious health issues and death. Long exposure to hydrogen disulfide can lead to death by asphyxia. Also, the individual may experience epileptiform convulsions and may fall unconscious and later die. The gas is also

² The India Exclusion Report for 2019-20,

associated with visual acuity.³ Manual scavenging involves serious health concerns. Rashtriya Garima Abhiyan submitted a report to UN in 2013 noted that manually handling of excreta can cause constant, headaches, fever, fatigue, asthma, gastroenteritis, cholera, typhoid, hepatitis, polio, cryptosporidiosis, schistosomiasis, eye and skin burn and other skin irritation, musculoskeletal disorders (including back pain), puncture wounds and cuts, blunt force, and trauma.⁴ Due to this inhumane job, these people face harassment from all the other sections of the society. The average life expectancy of the workers and their families are comparatively low when compared to others. Average life expectancy of a sanitation worker is only 50 years old. Despite being a very risky job the workers are paid very less.

Rehabilitation Of Manual Scavengers:

It is the duty of the government to identify the workers and rehabilitate them by providing them better living conditions. To identify manual scavengers and provide them rehabilitation, the government of India replaced the 1933 Act with the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. The government must create other employment opportunities in order to remove them from this world.

What Does The Law Say?

Article 14,15,21,23 of the Constitution provides basic fundamental rights to protect them. The Indian Penal Code, 1860 doesn't provide any special protections to the disadvantaged groups like SC/ST. To protect them a special law was enacted which is known as **The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, 1989**. These are some of the general laws to protect them. Now let us look at the laws framed specifically for the manual scavengers. EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (Prohibition) ACT, 1993 was enacted to prohibit manual scavenging and to provide equal employment opportunities. But unfortunately, the law still remains in paper without proper implementation. Despite many laws being framed for the protection of the workers, the number of deaths still continues to increase. Two more schemes were introduced to protect the workers.

³ Conserve energy / www.conserve-energy-future.com (last visited September 25th)

⁴ Cleaning Human Waste, Human Rights Watch, August 2104, p 21

Integrated Low Cost Sanitation Scheme (ILCS) in 1981, and the Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) in 2007. Later, The Prohibition of Employments as Manual Scavengers and Their Rehabilitation Act, 2013 came into existence with strict rules.

Manual Scavenging Is Nothing But Modern Slavery:

“Ours is a battle not for wealth; nor for power, Ours is a battle for freedom; for reclamation of human personality.”

- **Dr.B.R.Ambedkar**

Manual scavenging is the modern form of slavery as it exploits them in many ways. First of all, it is hereditary in nature. The workers do not choose to become one instead they are forced to practice this occupation due to their caste. The burden is due to the social pressure cast upon them by the caste system. Secondly, it is not based on skill but it is decided purely on the basis of caste. In this system, the skill is not considered at all. The only deciding criteria are their caste. The caste prevails over his capability. It is very clear from this that many people embrace caste system mentally within themselves though they declare themselves against caste publicly. The remuneration paid for this risky job is too low.

How To Stop This Inhumane Practice?

Why, why is anyone superior to another? Why are we all sinners?”

— **Mulk Raj Anand, Untouchable**

The core problem behind the exploitation of these people is the caste system. First of all, the society must let go of their casteist mindset. It is only because of the casteist attitude that forces people into carrying out this labour and then perpetuates their exploitation.

Lack of awareness and proper knowledge. The government must take suitable measures and conduct awareness programs to educate people about this practice so that the stigma is removed from their minds. Strict laws must be framed to widen their protection. Its high time for the government to shift to technology based cleaning methods. If a country can develop technologies to explore outer space and devise technologically advanced space machines and rocket, why can't it devise a new mechanism to clean the sewage system without involving man power?

Are they really waiting to devise a new technology for this or they are willfully abstaining from implementing it?

Creation of alternate employment opportunities. Strict penal provisions must be enacted for contravention of the rules. But enacting strict laws alone won't change anything. There must be proper implementation of those laws which will eventually remove the stigma of the society. The government must properly devise policies to rehabilitate and resettle them. There are other ways to end unemployment, forcing people into this isn't one. The government must ensure proper disbursement of compensations upon death to the respective families. The government must report the data correctly without under reporting. Suppressing the data won't make any change. On the other hand, the workers must also be aware of their rights. In case if they are exploited they must be in a position to fight for it. Ignorance of these people is the fuel for the government. Employers of other respectable jobs must open the doors for them. No worker has ever chosen to become a manual scavenger by himself. They are pushed into it because of their caste and the prevention of employment in other sectors. The society has forcefully pushed them into this hole by sticking a label of caste. The workers must let go of the burden and rise against them. In 2002, recommendations by the *UN-HRC* outlined two solutions to improve the terrible conditions facing women manual scavengers in India. The first solution: "The Government of India should press all states to implement **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**, and prosecute officials responsible for the perpetuation of the practice." The second solution: "The Government of India should ensure that all manual scavengers are rehabilitated according to the law in all states throughout the country."⁵

⁵ WOMEN'S UN REPORT NETWORK <http://www.wunrn.org/> (last visited October 5th, 2022)

Conclusion:

We really need to look around and curb this callous practice. Our country must be ashamed of not prohibiting the practice even after decades of attaining independence. The real development of a country can be measured by seeing whether the livelihood of the socially and educationally vulnerable groups is raised or not. Nobody can be discriminated on any grounds. Every citizen has the right to be treated equally and to be treated with dignity. The country must educate people and make provisions to evict them from this egregious world. Proper and stricter penal laws will also pave way for a change. To conclude, the immediate way to start bringing a change is to treat all the people equally. Caste can never be the factor to decide the future of any individual. Its high time people should spread awareness about this and educate the vulnerable sections about their rights.

