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Avinash Kumar



Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.

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MANUAL SCAVENGING AS SOCIAL EXCLUSION AND MARGINALIZATION OF DISADVANTAGE GROUPS.

AUTHORED BY - VINAY KUMAR
(UGC-NET, LLM from Tata Institute of Social Sciences, Mumbai)

CO. AUTHOR - SIMRAN
(LLB From Department of Laws, Panjab University Chandigarh)

INTRODUCTION

“Manual scavenging” is the act of manually/physically cleaning up of human waste, faeces or excreta from “insanitary latrines”, “open drains”, “sewerages” or “septic pits” and “tanks”. The cleaning is done by bare hands involving most basic tools like brooms, buckets and baskets. With a long-drawn history of India, this practice of “manual scavenging” has always been linked to lower castes. The people working as manual scavengers are the ones who are the most disadvantageously placed communities in the country. They are so gruesomely poor that they have to deal with other human’s waste only in the need to earn their bread for a day.

Our “Constitution” provides equality to one and all in the society since its enforcement but still India took up the responsibility of banning the employment of poor class as “manual scavengers” in the year 1993. The “Indian parliament” enacted “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act”, “2013” in September 2013, which was passed to reinforce the ban by prohibiting the practice of “manual scavenging” in all ways and also ensuring upon the task of “rehabilitation of manual scavengers”. Despite the law and stringent actions, “Manual Scavenging” is still persistent in the country. Women from several networks who customarily worked as "manual scavengers," still gather human waste regularly, load it into cane baskets, and carry it over their heads to transfer it to the outskirts of the settlements, residential areas or cities/villages. Individuals are still not aware of the fact that they can deny these sorts of jobs, as also sometimes the individuals who do deny may face exceptional societal pressures, including dangers of savagery and elimination from their town.

Manual Scavenging – A Dehumanizing Practice and “Marginalization of Helpless Groups”

“Manual scavengers” generally belong to the caste groups which belong to the bottom line of the caste system hierarchy. They are confined to such menial jobs and provided with depreciating jobs, not worrying about their health or life at all by the higher castes. Basically, this practice is driven by caste divides, and also class and income divide plays a role in pushing the marginalized and the poor helpless class to be forced into this job of collecting and cleaning human waste for the whole society. As it is a caste-designated occupation, it further strengthens the social stigma about these people being unclean or "untouchable class" in society and further perpetuates rampant discrimination.

This manual way of cleaning and carrying along with the human excreta and human waste and human faeces is no sort of employment but rather it is a way of injustice to the deprived caste and a form of slavery. For a long time, “manual scavenging” is the most prominent form of discrimination generally faced by the “Dalit class”, and it is nothing more than a severe “violation of their basic human rights”.

Women are generally given the task of cleaning up the dry toilets, along with men and women together cleaning up the excrement from the open defecation sites, gutters, sewerages and drains. Generally, men are called upon to do the more physically demanding work of cleaning the major colony sewers and septic tanks. This task of Manual Scavenging is a shame for our society.

If we talk about the high class society, this task would be the most nauseating thing to even talk about, while for some this is the only source of earning their living. To earn the bread for themselves and their family, these disadvantageously placed marginalized people suffocate themselves in choked sewerage and septic tanks. They hang on into them for hours and even struggle to breathe at times and scoops out the filth we flush down the gutter with their bare hands bearing its intolerable smell. “Dalits”, “Valmikis”- all those who are at the bottom line of “hierarchy of caste system” take up this lowly job without being aware of the variety of diseases these human excreta and urine pots offer.

Some key points regarding the **“treatment of “Manual Scavengers” in our Society”** are as follows-

1. Central Government makes laws, enacts legislation in order to cease this practice of

- manual scavenging, but the scenario in states and at lower basic levels is quite blood curdling one.
2. Panchayats, Village assemblies and Municipal Corporations fails to enforce personal family level prohibitions on Manual Scavenging, and even perpetuates the practice too often. For example, in the state of Maharashtra, Panchayats have hired individuals on the grounds of their caste to forcibly wash bathrooms and open defecation places, even denying them with other kinds of employment they are eligible for within the Panchayat.
 3. Dalits are even denied of proper means of livelihood in the society considering them low class due to their menial jobs, consisting of not only manual scavengers, but also the jobs of cobblers or leather employees.
 4. Manual Scavengers are considered as socially polluted people in the society, they are being termed as untouchables and are discriminated at all levels, not even allowing them to enter homes.
 5. In villages, manual scavengers lack access to community water supplies, basic barber facilities, and are denied to enter in all common public places, terming them to be cheap and low class who would spoil the whole community.
 6. The one's who serve the entire community by putting themselves in the human waste of the whole society are often seen to be served water or tea in distinct cups, which are usually kept outside the house and are meant to be used by them only.
 7. They are prevented from even entering the worship places, despite their religion or faith, they are kept aloof and away from shrines and are also not allowed to participate in spiritual and ceremonial group activities.
 8. Caste till date remains the most used warrant to discriminate and treat cruelly and in inhumane way the people who are into menial jobs, especially in rural India, where caste designation still dictates strict responsibilities and entitlements.
 9. The manual scavenging groups doesnot even have access to livelihood in the usual residential areas. They remain in distinct enclaves in towns and even in some urban areas, in line with traditional residential schemes. They have to manage their houses nearing the areas where general public usually is in the habit of disposing of the waste material of their homes.
 10. They are usually provided with leftovers of food at home as reward in return of them serving the families and community by disposing of the human waste, which is a shameful thing to represent as they are not even considered human when giving them

food. Food is the one of the basic necessity of human living, but even in that, they are being provided with waste and stale food which is usually discarded by the so called upper class families to consider it as eatable.

11. If ever any scavenger comes in close contact or proximity with the general public of the society, then they are being abused and even being beaten up by the people.

Reasons of Persistence of Manual Scavengers

The basic causes behind the still persisting activity of manual scavenging despite stringent laws and regulations are as follows-

1. Lack of water-borne Latrines in the community and due to persistence of dry latrines and no strategies to convert dry latrines into water-borne one's.
2. Only on paper rehabilitation activity of manual scavengers and also not providing them with alternative employment opportunities to support their families and living.
3. There has been no psychological strategies to liberate these manual scavengers.
4. The society has excluded them from basic lifestyle and living. Due to them being considered as an untouchable class in the society, they are not readily accepted and included by society for other community works.
5. The most important cause being the denial of governments and high ruling classes about the existence of manual scavengers in the society despite even the reports of their deaths on daily basis.
6. The caste division system is the basic reason which has led to people thinking that the one's born in these castes are meant for and made for these menial jobs only, not considering them as equivalent human beings in the society.
7. Presence of primitive sort of latrines where excreta can only be physically cleared becomes the major basis for the persistence of the activity of manual scavenging.
8. Non- availability of other occupational opportunities for manual scavengers leads them into pushing them back into these jobs even if they try hard to come out of it.
9. Another reason is that Sanitation lies in the "State List" in "7th Schedule" of the "Constitution" and as such the "implementation of prohibition" on the act of manual scavenging is not a uniform one throughout.
10. Due to legal loopholes in the "Act of 2013", the act did not ban it strictly in all forms as it allows certain instances like cleaning of septic tanks manually if provided with protective gears and also cleaning of water flush latrines in railway passenger coaches with usage of protective gears.

11. Illiteracy also forms another major cause for the continuation of the practice of Manual Scavenging as they are not literate at all to stand up for their own selves and are also not exposed to any sort of other work other than these sanitation lowly jobs. They have no sort of confidence to run up self employment and have no skill development in any other work.
12. One of the another point which needs attention is that the government rehabilitation programmes and schemes basically aims towards the men involved in these jobs and no one pays heed to the conditions of women stuck up in these works. Women are held captive in these works by the oppression against them due to caste and also due to gender.
13. One of the reason is the programme of government itself, which proves to push these scavengers into these jobs, which is a Scholarship Programme for the children of families involved in incline occupation, which requires the families seeking benefit to be engaged in work of manual scavenging for atleast 100 days in a year. This scholarship scheme provides an incentive to the Dalit households to continue in this occupation.
14. Several states seem to have denied to put into implementation these acts enacted by the government by stating that they donot have proper forms of sanitation which could work without the help of manual scavengers.
15. The act too lacks proper measures to restrict the activities of Manual Scavenging as it neither lays down clearly the areas of responsibility nor provides penalties for non-enforcement of the law.
16. There exists no national or state-level bodies that will monitor the implementation of the “Acts passed by the legislature”. “The Safai Karmachari commissions” that exist at the centre and at some states do not play their role effectively either.
17. They lack proper and enough amount of financial assistance in the forms of grant, the schemes do no good to them to come out of this practice as they have been stuck up in these jobs since several generations.
18. In our country, the people working as manual scavengers are under continuous threat and pressure as they cannon even miss a single day for the households they clean up the toilets. They are not even given a chance to search for alternative occupations as they are under continuous pressure to keep on working in such jobs only.
19. Manual Scavenging tends to persist due to persistence of casteism, sexism, and conceptions of untouchability at the grassroot levels till date.

20. Manual Scavengers suffer from discrimination by society if they take up these jobs, but they suffer from financial crisis, starve, and risk their family's safety and shelter if they donot take up these jobs. Due to presence of no other alternative for them, they are stuck up in this mode of employment which in reality is a kind of slavery.
21. Workers have no other alternative under collective and social strain but to return to working in these menial jobs in the end.

The Effects of Manual Scavenging

1. "Health Related Issues"- Due to scavengers being exposed to several septic gases like carbon oxide and ammonia. Long exposure to these poisonous and intolerable gases can lead them to die under suffocation due to asphyxia. They can also go under unconscious state and later die on due to non presence of breathing air. They can also suffer from visual disorders. They are also prone to catching several bacterial infections due to presence of bacterias in human waste in sewerage lines. Respiratory probles are very common in manual scavengers.
2. Several sort of Violence- Manual Scavengers are often exposed to several kinds of violence, be it mental torture and trauma, societal pressure and violence and also the violence associated with caste divide. The society considers them useless and illiterate people of the society despite the fact that they are not the one's who take up these menial jobs on their own will.
3. They remain in the same circle of occupation thir whole lifetime as they are mostly from lower class and regarded as made for this sort of lowly jobs as their basic natural occupation. Even if they wish to move out of such jobs, they are being again forced by the society to take up this task.
4. Social Discrimination is the major concern to be put in light regarding the manual scavengers as they are nowhere being considered as equals or even humans in the society, be it rural areas or in the society of literate educated high class urban communities.
5. Even the children are being discriminated for belonging to low caste and are further push into these jobs and are made to occupy the same work as their parents do.
6. They are mostly the patients of common diseases like diarrhoea and TB and donot have the amount to get treated for their illness which leads them to die on roads occasionally.

Role of State in Eradication of the Problem - A Critical Analysis

The stinking problem of manual scavenging in India is still presents despite various laws. The practice of “Manual Scavenging” is banned in international law and national law and it continues to plague the poorest class in country. Many international agencies have condemned the practice.

Several “constitutional provisions” are relevant, most important the “abolition of caste discrimination” (“Article 15”) and “Untouchability” (“Article 17”). The “Supreme Court” has also held that “article 21” incorporated the “inalienable right of human dignity”.

A bouquet of legislations though well intentioned have failed to achieve the goal of ending the sin of Manual Scavenging. “Indian democracy” has a federal structure, where “Sanitation” is a part of “State List”, and the law is to be implemented by states.

The State should take up the task of employing the manual Scavengers in some other activity and also providing them with proper rehabilitation but the majority of manual scavengers are provided with help through NGO’s and social campaigns. Due to not having any other opportunity of employment, Manual Scavengers are forced back to take up the menial job. They must be provided with certain other job opportunities in order to support their families without discriminating them on basis of their past.

The provisions of the act are critically analysed as follows -

1. The definition of “hazardous” in the act only includes drainage/manhole cleaning, but it is allowed if the employer provides with protective safety gears. There is no particular description about the kind of equipments to be used. The State must ensure that if they any time enter into in the dire need of necessity, they must be provided with oxygen tank, torch. Also, the workers must be technically trained to evade out in severe circumstances.
2. The Act has not covered the insanitary latrines in the trains as “Indian Railways” is not covered under this.
3. Manual Scavenging shall be banned by the State in all forms and no protective gears to be considered as safety equipments.
4. The State has not delegated the task of keeping a check on how the provisions of the act are being brought into work in real life. There must be a proper agency to conduct

survey and then take up necessary action on it.

5. The nationwide measures must not be taken rather the control should be of states individually to take up the necessary actions as per their area.
6. The State must also make efforts by organising awareness campaigns to change the mindset of people and must exacerbate the plight of scavenger's.
7. The data reveals that government has not released proper amount on rehabilitation of manual scavengers.

Important Cases

Judiciary has also taken up certain necessary steps to protect the rights of manual scavengers.

- ***“Reaveen Rashtrapal, I.R.S (Retd.) Vs. Chief Officer, Kadi Municipality and Ors.¹”***
- In this, in 2006 a “petition” was filed with “Gujarat High Court” regarding a committee to be set up for examining living status of man-hole workers and to provide with interim protection measures till the time a permanent solution is found out. The court in its order gave away many directions for upliftment and improvement of sewerage workers.
- ***“A. Narayanan Vs. The Chief Secretary²”*** - The Court ordered that sanitary workers should be barred from accessing the sewage system in lieu of clearing blockage.
- The major case law in this is ***“Safai Karamchari Andolan and Ors. Vs. Union of India and Ors.³.”*** - The “Supreme Court” in this directed the following-
 - (i) The Rehabilitation of manual scavengers must be according to the provisions of the act.
 - (ii) The efforts should be done to stop the practice and tradition of “Manual Scavenging”.
 - (iii) To eradicate and prevent the inhumane activity so that it does not lead up to future generation.
 - (iv) Rehabilitation must be in consonance with the principle of justice and transformation.
 - (v) The Court ordered up the State and U.T's to completely bring into implementation the provisions of the act.
 - (vi) Necessary and Stringent actions must be taken up against the culprit and

¹ Special Civil Application No. 11706 of 2004

² W.P.No.23299 of 2014

³ (2014) 11 SCC 224

offenders of the provisions of law.

CONCLUSION

The attitude of people is the basic reason behind the persistence of practice of “Manual Scavenging”. They face immense discrimination and prejudice in society despite they taking up the risky task of cleaning human excreta. “Article 21” of the “Constitution” must be brought into force to provide the manual scavengers with the basic right of a dignified and a simple life. There must be alternative jobs for scavengers and also they must be awared about their rights and health, hygiene practices to keep them away from this practice. The country is though progressing towards economic development, it is a shame for us that the presence of such inhumane activities brings us down and backward. We need consciousness to be combined with solutions which are technical and also the skill development to remove persisting manual scavengers and to provide them with other possibilities of employment. Every five days, a worker owing to inhalation of toxic fumes and gases while cleaning septic tanks suffer from severe health problems. The problem is a threat to human dignity and throws light on the issue of discrimination and casteism in our society. The Act gives permit for summary trial of the offenders and due to this compromises on the gravity of the offence. It also fails to provide for a time bound conversion of insanitary latrines to sanitary one’s. The Government should take up efforts to bring law in to effect through “local authorities” and “district magistrates”. So, a vigilance committee needs to develop at subdivision, division, state and central levels. Eac administration of the state must send regular updates to central government regarding its success in achieving and implementing the provisions of the act. The majority of manual scavengers are persecuted by the society because of the type of work they are involved in. They are considered untouchable and are told to accept their situations. The efforts must be made so that the children of these workers can have the proper access to education and are not discriminated against in society anymore. If there is a proper joint efforts by both governmental and non-governmental organizations, there can be a “sharp dop” in the practice of “manual scavenging”. The government must completely commit itself to establish modern sanitation systems and provide full support, which even includes financial stability to those communities who want to escape the vicious cycle of “manual scavenging” as these communities are only prone to discrimantion and abuses by the society.