

Manual scavenging: outlawed, yet persisting

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[The stinking legacy of suffocation and stigma captures](#) the degrading practice of Manual Scavenging in India. Twenty-six years after this repulsive practice has been outlawed by the [Manual Scavengers and Construction of Dry Latrines \(Prohibition\) Act](#), there are still [182,505 manual scavengers](#) across India, with 740,048 households using the services of manual scavengers for clearing out human excreta. Alarming, this number does not include septic tanks, public sewers, and railway tracks which are cleaned by manual scavengers. Manual scavenging poses a severe health threat: [every five days, a worker dies](#) owing to the inhalation of toxic fumes and gases while cleaning septic tanks, and countless others suffer from severe health problems. The practice is not only problematic in view of the right to health and the right to life: it is also a threat to human dignity and raises questions of discrimination and casteism. Thus, it is little surprising that several human rights bodies have called upon India to banish Manual Scavenging. Yet, despite being in violation of international law and outlawed under national law, the practice of Manual Scavenging continues to plague the country's poorest.

A long-standing practice rooted in the caste system

Historically, a system of social “classification” and hierarchy based on descent has governed the Indian society. Irrespective of the religion, the caste system is not just limited to restraining the descendants of a particular caste to specific occupations, it also discriminates on the same basis. Firmly rooted in customs, it is socially and economically implemented. At the bottom most rung of the caste hierarchy are Dalits who have customarily been confined to occupations considered “unclean” or lowly by the higher caste groups, such as manual scavenging. This relegation also serves to label them as “socially polluted” and is used as justification for furthering [discriminatory practices](#). In some regions of India, Dalit communities are still deprived of access to shared water sources, served food in separate utensils, denied entry in shops and temples, and prohibited from participating in societal religious and ceremonial [functions](#).

Manual scavengers generally belong to the most disadvantaged of the Dalit sub-castes, thus facing discrimination even from within the Dalit community. Their caste-designed occupation further reinforces the social stigma of “uncleanliness” and “untouchability”. It also exposes them to life-threatening diseases like cholera, hepatitis, meningitis, typhoid and cardio-vascular issues. Repeated handling of human excreta leads to respiratory and skin diseases, anemia, jaundice and carbon monoxide poisoning. [Muniammal](#), wife of a 32 year old manual scavenger in Chennai, recounts how she fears for her husband every day, how his limbs are covered in rashes and how he loses his appetite because the stench of human excreta doesn't go away even after a vigorous bath.

Despite [having been outlawed](#), the practice of manual scavenging persists because of the continued presence of insanitary latrines, unemployed labour looking for any sustenance and the persistent reinforcement of class divide and societal discrimination. India still has millions of dry toilets which require manual intervention for cleaning. Even the septic tanks suffer from such bad designing that beyond a point machines fail and cleaning by hand becomes a necessity. The incumbent government has planned to build 30 million septic tanks and pits along the river Ganges as a part of the *Swachh Bharat Abhiyan*. But if it does not make faecal sludge management a priority, the onus of cleaning them would again fall on the manual scavengers making it impossible to eradicate this depraved practice.

An illegal practice

The prohibition on manual scavenging is clearly spelt out, both in international instruments, and in Indian law. India was one of the first countries to ratify the [ILO Convention no. 111](#), which strives to promote equality in employment and occupation by eradicating discrimination on various grounds, including [social origin](#). Moreover, [the ratification of the Forced Labour Convention](#), 1930 obliges India to banish the use of forced or compulsory labour in all its forms.

India is also a party to other international conventions that reinforce obligations to end manual scavenging, including the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC). The [Committee on Economic, Social and Cultural Rights \(ESCR Committee\)](#), the [Committee on the Rights of the Child \(CRC Committee\)](#) and the [Committee on the Elimination of Racial Discrimination \(CERD Committee\)](#) have called upon India to banish manual scavenging. A multitude of international agencies have condemned the practice and [called for its end](#).

Under national law, several constitutional provisions are relevant, most importantly the abolition of caste discrimination (Article 15) and untouchability (article 17). The Supreme Court of India has also held that Article 21 incorporated the [inalienable right of human dignity](#), guaranteeing to all persons [a life of dignity free from exploitation](#). The recognition of these principles remains however somewhat theoretical, despite considerable progress. A bouquet of legislations ([Protection of Civil Rights Act, 1955](#); [Schedule Castes and Schedule Tribes Act of 1988](#); [Employment of Manual Scavengers and Construction of Dry Latrines \(Prohibition\) Act, 1993 \[1993 Act\]](#); [Prohibition Of Employment As Manual Scavengers And Their Rehabilitation Act, 2013 \[2013 Act\]](#)) aimed at ensuring an equitable and casteless society has failed to deliver its promises of alleviating the conditions of the weakest sections of the society.

With reference to manual scavenging, the spirit of Article 17 of the Constitution of India had already been given voice through the Protection of Civil Rights Act, 1955, which outlawed the act of compelling a person to do any scavenging on the basis of his or her untouchability. The 1993 Act made employment of “scavengers” or construction of dry toilets punishable by imprisonment for up to one year and a fine of Rs.2000 [25 Euros] subject to increase by Rs.100 [1.26 Euros] each day

for continuing violations. The enactment through Section 6 also provided for the expedited conversion of dry latrines into water seal latrines.

The Act, though well intentioned, has failed in its stated goal of ending manual scavenging, mostly due to the federal structure of the Indian democracy wherein sanitation being a [state issue](#), the implementation of the law rested with the states. In its judgment in the [Safai Karamchari Andolan v. Union of India](#) case, the Supreme Court of India recognises this failure on the part of the states and the unabated continuance of the practice of manual scavenging.

The failure of the 1993 Act eventually led to the enactment of the 2013 Act which marked a seismic shift in the perspective of the enactment, as the 2013 Act sought to end the affront that is caused to human dignity through manual scavenging by categorically [recognizing the Article 17 and Article 21 rights of manual scavengers under the Indian Constitution](#). The 2013 Act, *inter alia*, widened the definition of manual scavenging, strengthened accountability and shifted the focus on rehabilitating the manual scavengers. It recognized obligations to eradicate historically reinforced social and caste injustices by providing support for alternative livelihood, scholarships for children, and other legal and allied assistance. Through the operation of Section 31 of the 2013 Act, the onus for ensuring the implementation, investigating the contraventions and non-implementation of the provisions of the Act has been placed on the National Commission of *Safai Karamcharis*. However, as with the 1993 Act, it has made local bodies responsible for implementing the measures provided in it, namely, identifying and rehabilitating manual scavengers, demolishing insanitary latrines, providing manual scavengers with alternative avenues of employment etc., a practice which, historically, has not been fruitful. Further, the Act has many other loopholes; for instance, the explanation under Section 2(g) provides a garb for the continuance of manual scavenging. The explanation states that where protective gear is provided, the person employed to do the task would not be deemed a manual scavenger. The responsibility of providing protective gear rests with the employer. However, since most of the municipal cleaning is outsourced, this responsibility falls onto private contractors who are lax in complying with the stringent requirements set out in [Rule 5 framed under the Act](#).

The Act further permits summary trial of the offender and therefore compromises on the gravity the offence. The Act also fails to provide for a time bound conversion of insanitary latrines to sanitary ones.

The road ahead

The authorities have remained stoic to the trials and tribulations of the manual scavengers in the country. A Right to Information application revealed that the incumbent government has not released a single rupee on the [rehabilitation of manual scavengers](#) and is yet to spend half the funds released by the previous government.

The inaction of the government with regard to this section of the citizenry and the inability of the legislative framework to adapt to the challenges posed by the existing infrastructure has forced the new-age engineers of India like Sateesh S Nair to usher

in a change. Nair and his colleagues have launched India's first manhole cleaning robot called '[Bandicoot](#)'. This arachnid machine has spindly arms which can pry open a manhole covering and plunge into the abyss of stench and suffocation. Its limbs can scoop out bundles of sludge and deposit it in a bucket. Vimal Govind, the CEO of the Genrobotics team which created Bandicoot, says that James Cameron's Avatar inspired the look of the robot. As soon as the Kerala government and Kerala Startup Mission garnered enough funds, Govind and his team began intensive research and came up with Bandicoot, a 14 feet machine which mimics human movements. However impressive Bandicoot may seem, [it is not the sole machine configured](#) to alleviate the sufferings of manual scavengers. In June 2018, a group of 10 senior engineers — aerospace, mechanical, electronic, robotics, mechatronics and software, pooled in their resources to construct '[Sewer Croc](#)', a half a meter long reptilian machine, fitted with powerful blades which can maneuver through narrow pipes. The machine is corrosion-resistant and powered by a high velocity water jet.

In April 2019, students from IIT Madras, India's premier engineering school, devised '[Sepoy Septic Tank Robot](#)' which uses high velocity cutters to wade through the thick sludge in septic tanks and clear drains. Once the sludge is cut through, it is sucked out through a vacuum pump. The price of this machine is pegged between 12,855 Euros and 38,500 Euros. The robots are [currently being tested in field trials and mock drills](#). They are going to be particularly useful for toilets built in narrow streets where pumps cannot be used.

Indian cleaners are still at a fatal risk where using even a protective cap is a luxury for them. In such dismal scenarios, these innovations are a ray of hope for thousands of lives. The robots can be operated by these cleaners at a safe distance by monitoring the cleaning process thereby ensuring that artificial intelligence does not make human capital irrelevant. The governments have the onus of funding this innovation and the training of the labour involved as per Section 13 of the [2013 Act](#). For instance, the Kerala Startup Mission and Kerala Water Authorities provided impetus to the engineers Bandicoot to develop the robot intensify research-based solutions. The state government provided an area of 5000 sq ft to GenRobotics to carry out experiments and this support has been instrumental in their success. Now, it is up to the Central Government and other state governments to follow suit.

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