

“MICROBES OF OUR SOCIETY”: STORY OF MANUAL SCAVENGERS

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Abstracts:

The Paper deals with very important issues of violating human dignity which is widely prevalent in India, ignored, encouraged and accepted, that is manual scavenging. These part of community without them we can't find our streets, villages, towns and cities clean and free from health affect hazards are treated as Microbes, the so called upper class consider them Harijans, untouchables.

Keywords: *Human, Rights, Scavengers, Society, Untouchables*

India is an iconic figure among other nations of the world, known for it's vivid culture portrayed with flamboyance and ethical values. A nation with citizens who value dignity more than their life. Even in this advanced era where people are busy propagating importance on human rights and other socially relevant issues, it is embarrassing to know that some of our fellow beings are still treated as untouchables and are forced to clean the excreta of others to earn their daily bread; i.e. manual scavenging. Hence, we have put forward few questions on the account of this issue:

- How does the system of manual scavenging penetrate into the social life of India?
- How does the act of manual scavenging violate human rights?
- Whether the measures adopted by government to eradicate manual scavenging are effective?
- What is the plight of the community in the present scenario?

Manual scavenging and operation of dry latrines is an infringement of many of the fundamental rights such as Article 14, Article 17 and Article 23 of the constitution. Without any further doubts, here it is evident that their dignity of life is questioned. Also, the health hazards caused by this can't be neglected since the statistics show us that the number of affected ones are pretty high. There is an urgency for strict protection of rights and rehabilitation of manual scavengers all over the nation.

People of India are still unaware about the fact that, there are people in India who involuntarily involve in these abhorrent occupations. This reflects a clear-cut image that India is still suffocating with the evils of caste system. In the recent years this issue has generated widespread recognition in both national and international platforms. Even though there came various legislations and judicial proceedings to curb this act, they all went futile due to the lack of bona fide implementation of governmental policies. In spite of having a legislation to tackle their



issues and give them protection, it is unfortunate see that the law remains as a paper tiger. Through this paper we are narrating the story of a lamentable class of people who are forced to do manual scavenging and, we also wish to discuss the social and legal aspects regarding this issue.

1. HISTORY OF MANUAL SCAVENGERS IN INDIA

India is a country which has been cursed by the evil effects of the caste system. It often arises questions upon us on what basis these discriminating classification were framed among these diverse people of the society. According to Rig Veda each and every person is classified into different classes primarily according to their occupation. It had been believed that the different Varnas (classes), have been created by the supreme power called Brahma. It is said that from the mouth of brahma the Brahminical society (the priestly and intellectual class society) born from and it is from the arms Kshatriyas or the warriors has been originated and there came Vysias (the Bureaucrats and Merchants) from his thighs and finally the ones who took birth from the legs of lord Brahma, the down trodden class or the Shudras were evolved. The Shudras or this downtrodden societies were called as Bhangis which means “broken” or Trash.¹ They were forced to remain secluded from the mainstream societies considering them as untouchables. They were forced to do most atrocious jobs of that society. Within Shudras many other sub-castes were made according to their occupation. Since there were no modernised toilets then, human waste had to be collected from dry toilets daily. Thus came the need of manual

scavengers in the society. People who belongs to the Balmiki castes where forced to clean the excreta of their same kinds. Using tin sheet and brooms or even using bare hands they collects human wastes daily. For a very long time their sufferings went unheard. Many of them fell victim to a myriad of diseases due to their unhygienic practices. The ones who wished to go for other jobs where threatened and jeopardised. In the report *Broken People*, Human Rights Watch summed up caste as “the world’s longest surviving social hierarchy, a complex ordering of social groups on the basis of ritual purity” It varies from place to place from one religious interpretation to another. But all over India one thing is common: beneath the castes are the outcastes, the polluted and the untouchables.²

There were various subdivisions within the Balmiki class regionally such as Chauda, Rokhi, Mehatar, Malkhana, Halalkhor and Lalbegi or the Muslim Hela sub-caste. These communities were considered downtrodden and deteriorated even within the Dalit communities. Since they are born for collecting “human shit” and for doing other unsanitary tasks.

In various Ancient religious text books like Narada Samhita and Vajasaneyi Samhitha we could see references regarding manual scavenging. From that period onwards they were denied of all development, social and economic opportunities and even basic human rights. Even Safai Karmacharis and other communities faced discriminations and the upper castes often treat them brutally. Manual scavenging in India has a mixed lineage. Harappa and Mohenjo-Daro civilization of 2500 BC reflects evidence of existence of wet toilets. These cities had toilets which were connected to underground

¹<http://blog.longreads.com/2014/01/28/a-brief-history-of-class-and-waste-in-india> visited on 17th November 2015

²<https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> visited on 21st November 2015



drainage system lined with burned clay bricks. Excavations from Lothal, one of the prominent cities of the ancient Indus valley civilisation also showed that as in Harappa, people had waterborne toilets in each house, courtesy to a well-planned drainage system made of burned clay bricks. To facilitate operations and maintenance of the drainage systems and manholes and chambers were also made. History says that with the decline of Indus Valley Civilisation science of sanitary engineering held up. During the end of Vedic period, Rig Veda mentions about the Varna system which began to modify into caste system. Hence it can be seen that manual scavenging evolved with the evolution of caste system and now it is continuing in this country from Kashmir to Kanyakumari. Even in the Mauryan period Pataliputra (now Patna) was one of the five ancient cities where the city major termed as “Nagarak”, was the head of the organisation entrusted with the task of looking after the civil affairs of the town. He scavengers and sweepers cleaned the city and disposed the night soil. Some argue that the Mughals are the ones who instituted manual scavenging in the northern provinces of India. Prisoners of war were forced to engage in manual scavenging as a style of torture, and their descents were called as Bhangi. The proof of Research on the medieval sewage system reveals that the bathing rooms of the Mughal forts had small outlets used as toilets. The waste was carried by gravity to the ramparts with water. This mechanism can be found in the Red Fort in Delhi, in the palaces of Rajasthan, in Hampi, Karnataka and in Thiruvananthapuram, Kerala. The practice of manual scavenging continued even under the British who came to the 'Orient' on the pretext of a civilising mission³. The British

legitimised and systemised this degrading work while setting up army cantonments and municipalities. Official posts for manual scavengers were created. Every British institution - the army, railways, courts, industries and major towns were equipped with dry toilets instead of waterborne toilets/sewerage. And it has been decades after our country got independence and still this loathing job is continuing. According to my opinion caste system is the most outdated practice of our country and millions of people across the country are suffering as a result of them.

British India tried to establish rule of law and enforcement of equality of without any sorts of discrimination on the basis of caste and religion and in this respect some legislations like Charter Act of 1833 were also instituted. Still they were disinclined to amend the hierarchy in the prevailing social order, as they were interested in this social divisions. This poignant caste system manured the intensions of British in India. Mahatma Gandhi defined “Untouchability means pollution by touch of certain persons by reason of their birth in a particular state or family” and B.R Ambedkar defined “Untouchability is the notion of defilement, pollution, contamination and the ways and means of getting rid of that defilement”. It is a case of irreparable, congenital smear which cannot be purged. Mahatma Gandhi endeavoured to revamp the life of people indulged in manual scavenging. He considered manual scavenging as a sin against god and humanity and quoted “I may not be born again but if happens, I will like to born in a family of scavengers so that I may relieve them from this inhuman, unhealthy, and hateful practice of carrying head loads of night soils.”

³<http://www.hardnewsmedia.com/2008/03/2128#sthash.RHtffExs.dpuf> visited on 29th November 2015



In 1948, the Maharashtra Harijan Sevak Sangh, objected the practice of manual scavenging and eventually announced its abolition. In 1949, several recommendations were proposed to improve the working conditions of the sanitary workers. In 1957, the Scavenging Conditions Enquiry Committee recommended the abolition of practice of carrying human excreta in head loads. In 1968, National commission on Labour set up a committee to study the working conditions of sweepers and scavengers⁴. All these committees recommended the abolition of manual scavenging and rehabilitation of sanitary workers or in other words they are known as Safai Karmacharis, but none of the recommendations were implemented. Although untouchability is legally abolished in India the still prevalent.

2. Manual Scavenging and Violation of Human Rights

The framers of our constitution has adopted equality liberty and fraternity from the French revolution and included in our constitution. The Balmiki class is one set of people who are facing huge discrimination and has been kept ignored by the Indian polity. These illiterate ones are deprived of justice before law hence violating Article 14 of the Indian constitution.⁵

⁴Seema Chowdary, Manual Scavengers|The hands that clean you-a cause close to Mahatma Gandhi's heart this community is yet to be identified and uplifted available at http://www.livemint.com/leisure/fueZ4nUVfDloXSCFanLAXI/The_hands_that_clean_you.html, visited on 11th April 2013

⁵Article 14 "The state shall not deny any person equality before law or equal protection before law within the territory of India."

Violation of Article 17⁶:

India is a country which has been suffered due to the evil effects of untouchability. And the Article says about abolition of untouchability.

Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.

But while reading the facts stated before we are able to understand how these communities has been suffering from the evil effects of untouchability.

Violation of Article 19(1)⁷:

Manual scavenging is an unenviable profession and they are doing it only because they are forced to do it by their so-called "superior communities". They are warned and not allowed to go for any other jobs and they are deprived of all other job opportunities. Hence their right to undergo a trade or a profession according to their wish has been infringed.

Violation of Article 21⁸:

India is a country which gives importance to their dignity more than their

⁶Article 17 in The Constitution of India 1949: Abolition of Untouchability; Untouchability is abolished and its practice in any form is forbidden The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law

⁷Article 19(1) in The Constitution of India 1949: All citizens shall have the right(a) to freedom of speech and expression;(b) to assemble peaceably and without arms;(c) to form associations or unions;(d) to move freely throughout the territory of India;(e) to reside and settle in any part of the territory of India; and(f) omitted(g) to practise any profession, or to carry on any occupation, trade or business.

⁸Article 21 in The Constitution of India 1949: No person shall be deprived of his life or personal liberty except according to the procedure established by law.



life. In such a situation they are forced to live an undignified life by cleaning the excreta. They are not only deprived of a dignified life but also deprived of healthy living conditions. As stated before, they are suffered by a myriad of diseases due to their unhygienic environment and malnutrition. Even in railways the authorities are not giving any precaution to these workers (like glows) and hence caused with various skin disease. The community has been considered as a downtrodden or impure one and has lost their dignity for decades.

Violation of Article 21(A) Right to Education:

According to a field study done at altar of Rajasthan, revealed the children of manual scavengers are not getting proper education. Most of their children are admitted to a government school where the entire students of the school have been occupied into a single class. Mere going into the school doesn't make a child educated but what he requires is quality education and sadly that's what these poor children lack. The families who are involved in these abhorring profession are not willing to send their girl children to school. Since this is a caste based profession which has been practice for decades in the general perception of the people is that there is no use of educating such a girl child who will finally end up doing the same profession.

This practice of manual scavenging also infringes the directive principles of state policies. As per Article 46 of the constitution "the state shall promote with special care, the educational and economic interest of the weaker sections of the people and in particular of the scheduled castes and scheduled tribe and shall protect them from social injustice and all forms of exploitations."

3. MANUAL SCAVENGERS AND THEIR HEALTH

Many acts have been passed to curb this undignified occupation, but most of them are getting futile by the lack of proper implementations. Working conditions have got virtually unchanged all over the century. They are exposed to a myriad of hazards despite of various atrocities faced by them. They often get exposure to harmful gases like hydrogen sulphide and methane leading to the diseases like cardiovascular degeneration, musculoskeletal disorders like Osteoarthritic changes and inter vertebral disc herniation. They are also caused with infections like hepatitis, leptospirosis, helicobacter, various skin and respiratory diseases and altered pulmonary function parameters.

4. WOMEN MANUAL SCAVENGERS

Woman working under these barbaric conditions are in great danger of contacting a countless diseases through their daily and closed contact with human wastes. Some of these diseases, in addition to TB, include, campylobacter infection, cryptosporidiosis⁹, giardiasis¹⁰, hand, foot and mouth disease, hepatitis A, meningitis¹¹ (viral), rotavirus infection, salmonella¹²

⁹Cryptosporidiosis: A diarrhoeal disease caused by microscopic parasites, *Cryptosporidium*, that can live in the intestine of humans and animals and is passed in the stool of an infected person or animal.

¹⁰Giardiasis: Infection of the intestine with a flagellate protozoan, which causes diarrhoea and other symptoms

¹¹Meningitis: Inflammation of the meninges caused by viral or bacterial infection and marked by intense headache and fever, sensitivity to light, and muscular rigidity, leading (in severe cases) to convulsions, delirium, and death.

¹²Salmonella: A bacterium that occurs mainly in the intestine, especially a serotype causing food poisoning.



infection, shigellosis¹³, thrush¹⁴, viral gastroenteritis¹⁵, worms and yersiniosis¹⁶.

It is pitiful to hear that, according to the report of TISS (TATA INSTITUTE OF SOCIAL SCIENCES), “Ninety percent of all manual scavengers have not been provided proper equipment to protect them from faeces borne illness,” (Jan 2007). This includes safety equipment like gloves, masks, boots and/or brooms. The use of hands by women manual scavengers, along with the certainty that they will have direct skin contact with human waste, is a very dangerous combination that is contributing to serious health conditions. Chronic skin diseases and lung diseases are very common among women manual scavengers.

This situation is applicable not only for manual scavengers but also for sewage or manhole sanitation workers. The duty of a sewage worker is to remove the clogs in the sewage canal. For this they enter into deep drainage canal often having frequent contact with poisonous gases. Just as manual scavengers they also do this job without any required precautions. Sewage workers have to remove solid substance wastes using their bare hands which are responsible for the blockage of flow of fluid waste in sewage system.¹⁷

¹³Shigellosis: An intestinal disease caused by a family of bacteria known as shigella.

¹⁴Thrush: An infection of the mouth and throat by a yeast like fungus, causing whitish patches.

¹⁵Gastroenteritis: Inflammation of the stomach and intestines, typically resulting from bacterial toxins or viral infection and causing vomiting and diarrhoea.

¹⁶Yersiniosis is an infectious disease caused by a bacterium of the genus Yersinia.

¹⁷Rashtriya Grama Abhiyan: <http://www.mfcindia.org/main/bgpapers/bgpapers2013/am/bgpap2013h.pdf> visited on 25th November

5. LEGISLATIVE ENDEAVOURS AND MANUAL SCAVENGING

Manual scavenging prohibition and construction of dry latrines prohibition Act 1993. This act was primarily made for raising the standard of living of the manual scavengers and to improve the public health and sanitation

According to Section (2) of this act:

- a. No person shall engage in or employ or permit to be engaged or employed for any other person for manually carrying human excreta or construct or maintain dry latrines.

The main objectives of this act are:

- *Time bound phased programme for the conversion of dry latrines into water prone latrines.*
- *Giving provisions of technical/financial assistance for new or alternate low cost sanitation facilities.*
- *Construction and maintenance of community latrines and regulation of their use and pay basis.*
- *Construction and maintenance of shared latrines in slum areas or for the benefits of the Social or Economically Backward Class citizens.*
- *Registration of manual scavengers and their rehabilitation.*
- *Specification and standards of water seal latrines.*
- *Licensing for collection of fees in respect of community or shared latrines.*

Whosoever fails to comply with the act are made to be punishable with an imprisonment up to a term of one year or with a fine of Rs.2000 or both and if this act continues a fine of Rs.100 per day will be levied from the offenders.¹⁸

¹⁸www.downtoearth.org.in News visited on November 12 2015



The main criticism based on this act was it was purely made from the sanitation perspective and was made by the ministry of housing and poverty alleviation. But the actual objective of this act should be to restore human dignity and was liable to talk about rehabilitation and rejuvenation of manual scavengers.

6. THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT 2013

As a result of this case a new act was formulated for preventing atrocities against manual scavengers. Firstly a bill was drafted in the year of 2012 named “prohibition of employment as manual scavengers and their rehabilitation”. It was passed by both the houses on September 7th 2013 and the two main objectives were:

- *Prohibition of employment as manual scavengers*
- *Rehabilitation the existing manual scavengers*

This act gave impetus not only helps to eradicate manual scavenging, it had a wider scope for higher penalties as punishments.

Manual scavenging but also has the provision to provide alternate jobs to these employers and their families. Penalty is imprisonment upto five years according to this act.

The main features of this act are:¹⁹

It prohibits the employers from manual cleaning of sewers and septic tanks without protective equipment and construction of insanitary latrines.

- The definition of manual scavengers has been widened to include a person engaged or employed interalia for manual cleaning of human excreta in insanitary latrines or in open drains or pit.
- Express provisions for identification of manual scavengers and insanitary latrines
- Prohibition of hazardous manual cleaning of septic tanks and sewers, so as to ensure that health and safety of such workers could not be compromised. More stringent provisions for continuation of the new act.
- Vigilance and monitoring committees to set up at subdivisions, districts, state and central levels.
- It tells about the importance of protective gear and safety devices and precautions.
- It also say that every local authority shall carry out within a period of two months from the date of commencement of the act, a survey of insanitary latrines and publish the tests of insanitary latrines of this area for which a time schedule will be drawn.
 - It also say about the importance of awareness campaign that should be carried out at every state, district, subdivisions and town level whenever insanitary latrines are found during the survey.²⁰

Even after all these attempts it is shameful to know that the world’s largest railway network. The Indian railway is also the largest employer of manual scavengers. While the legislative body and bureaucrats officially denies the employment of manual scavengers it is an unambiguous fact that the

²⁰<http://www.prsindia.org/billtrack/prohibition-of-employment-as-manual-savengers-and-their-rehabilitation-bill-2012-2449> visited on 23rd November 2015



115,000 km track spread across a route of 65,808Km and 7,112 stations, has been kept clean by the hands of these innocent people. This act has the provision to indulge people in cleaning of railways tracks containing human faeces with the help of protective gears but is this what actually we want? Why can Indian railway provide biotoilets instead of these filthy closets where the human excreta is directly thrown outside in these track. Since we could clearly highlight the drawbacks we can't proclaim that this act is a perfect remedy.²¹

7. SAFAI KARMACHARI ANDOLAN CASE

The most landmark judgement regarding this hot topic was laid down in the case Safai Karmachari Andolan and ORS V. Union of India.

The case has been judged by a bench consisting of three judges J.P Sathasivam, J Ranjan Gogoi and N.V Ramana. The main objective of filling this case was to strictly enforce the implementation of the Employment of Manual Scavengers and construction of dry latrines (prohibition act),1993 and also seeking for enforcement of fundamental rights guaranteed under Articles 14,17,21 and 47 of the constitution. The main objective of forwarding this case are as follows:

- To ensure complete eradication of dry latrines
- To declare continuance of the practice of manual scavenging and the operation of dry latrines violate constitution.
 - To direct union of the respondents to adopt and implement the act and to formulate detailed plans on time bound basis, for complete

eradication of practice of manual scavenging and rehabilitation of persons engaged in such practice.²²To direct Union of India and state governments to issue necessary directives to various municipal corporations, municipalities and nagar panchayats to strictly implement the provisions of the act.To file periodical compliance reports pursuant to various directions issued by this court.

Current statistics of Manual Scavengers:

According to the economic caste senses released on July 3rd 2013 reveals that 180657 households are involved in this act for their lively hood. Among the states Maharashtra tops with 63713 manual scavengers from a total population of 1.3 crores, followed by Madhya Pradesh (23,093), Uttar Pradesh(17,619) and Tripura(17332). From the statistics we could understand that the number of manual scavengers have reduced incredibly. In 1961 census there were 3.5 million manual scavenging in our country and roughly 8 lakh people were engaged in manual scavenging.²³

Issue of Manual Scavenging in an International level:

In recent times, this inhuman issue of manual scavenging has also attained an international exposure. Various internationally acclaimed organisations have strived to propagate this issue across the globe, especially United Nations. The special

²¹ www.downtoearth.org.in > News visited on 12thNovember 2015

²²Safaikarmachariandolan v union of indiaindiankanon.org/doc/6155772visited on 24th November 2015

²³<http://www.thehindu.com/news/national/manual-scavenging-still-a-reality-socioeconomic-caste-census/article7400578.ece>



rapporteurs comprises the Sub-Commission on the Promotion and Protection of Human Rights researched upon this subject. Even before this, in 2007, the annual report of the Committee on the Elimination of Racial Discrimination of the UN conveyed consternation about the callous conditions of manual scavengers in India. It stated, “The Committee notes with concern that very large numbers of Dalits are forced to work as manual scavengers”.

In its 1999 and 2007 reports, eminent international NGOs like Human Rights Watch have scrutinized the difficulties of manual scavengers, connecting these to untouchability and caste-based discrimination. In 1999 report, Human Rights Watch recommended that the government should ensure effective fulfilment of the Employment of Manual Scavengers and Construction of Dry Latrines Prohibition Act, 1993, including the judicial proceedings against the officials accountable for prolonging the practice and for not reintegrating the affected manual scavengers.

8. CONCLUSION:

Even in this advanced era where people are busy propagating importance on human rights and other socially relevant issues, it is embarrassing to know some of our fellow beings are still treated as untouchables and are forced to clean the excreta of others to earn their daily bread. This reflects a clear-cut image that India is still suffocating with the evils of caste system. In the recent years this issue has generated widespread recognition in both national and international platforms. Even though there came various legislations and judicial proceedings to curb this act, they all went futile due to the lack of bona fide implementation of governmental policies.

Before raising developmental propaganda, its high time government should implement fast track actions to completely wipe off these stain, which have affected the backward classes of our society. Government should also ensure that, there shouldn't be absolutely no control for people belonging to any so-called “apex” classes over them. A drastic alteration especially in the Indian Railway is consequential. Dry latrines should be substituted by bio latrine technology.

One of the major remedy lies within us, people should erase their barbaric attitude towards the people belonging to these socially backward classes. An individual should pledge to create a socially committed attitude to bring about pragmatic changes in our society. Young minds should enlighten the void and dark minds of people with proper awareness. So that with fraternity people of diverse classes hands and walk together to carve a better and brighter India.