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Invisible lives: An unjust social reality of manual scavengers

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Abstract

Manual scavengers, often marginalized and oppressed, face hazardous conditions while cleaning human waste. Addressing their rights and safety is crucial to eradicate this degrading practice and ensure their dignity and well-being. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, represents a significant milestone in quest for the eradication of manual scavenging in India. This landmark legislation seeks to address the in-humane manual scavenging practice, which has persisted for centuries, continues to affect the lives and dignity of thousands of individuals across the country. This abstract provides an overview and critical examination of the key provisions and objectives of the Act. Firstly, it delves into the Act's primary objective of prohibiting the engagement of individuals in manual scavenging, whether directly or indirectly. It discusses the stringent penalties imposed on violators and the mechanisms put in place to enforce compliance. Secondly, the abstract highlights the Act's commitment for the rehabilitation and social integration of manual scavengers. It explores the various measures outlined in the legislation, including the provision of alternative livelihoods, financial support, and skill development programs. The Act also emphasizes the importance of sensitization to change societal attitudes towards manual scavengers and to uplift their lives.

Keywords: Manual scavenging, rehabilitation, livelihood, discrimination, legislation

Introduction

In the vast tapestry of human societies, few injustices remain as glaring and deeply rooted as the practice of manual scavenging. This deplorable occupation, burdened with caste and class distinctions, perpetuates a cycle of marginalization and discrimination that persists despite progress in other realms of human rights. By exploring the plight of manual scavengers, we can uncover the harsh realities they face and advocate for their liberation.

Embedded within the fabric of caste-based societies, manual scavenging is an occupation largely assigned to individuals belonging to the bottom most strata of the society. The hierarchical nature of this practice places those in lower castes, particularly Dalits in India, at the forefront of this laborious and undignified work. This deeply entrenched discrimination ensures that manual scavenging is passed down through generations, stifling social mobility and exacerbating the class divide.

Manual scavengers shoulder the burden of dealing with human waste, be it from open defecation or poorly maintained sanitation systems. Their responsibilities include cleaning and unclogging sewers, septic tanks, and latrines, often without proper protective gear or technology. This hazardous and unhygienic work exposes them to numerous health risks, including toxic fumes, diseases, and infections.

Furthermore, there are significant socioeconomic ramifications to manual scavenging. People in this profession frequently don't have access to basic social amenities, work opportunities, or education. They are forced into a life devoid of autonomy and dignity due to the ongoing cycle of discrimination and poverty.

Addressing this injustice and working toward the outlawing of manual scavenging requires not only the implementation of strong regulations but also the promotion of empathy and social awareness. The lives of manual scavengers are tormented by caste and class divisions, which we can only free ourselves from via collective action, education, and an unwavering dedication to social justice.

In the subsequent sections, we will delve deeper into the various facets of manual scavenging, shedding light on the challenges faced by those involved, the existing legal framework, and the path towards a more inclusive and equitable society.

Objectives

The study has the following objectives

1. To chart the history of manual scavenging.
2. To identify the reason behind proliferation of manual scavenging
3. To ponder over the various constitutional safeguards vis-a-vis manual scavenging
4. To critically evaluate PEMSRA, 2013 (The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013) ^[9]
5. To look out for steps for eradication of manual scavenging

History of Manual Scavenging

The act of manually clearing sewage, human waste, and other types of debris from both public and private restrooms, sewers, and drains is known as "manual scavenging." It has often been associated with the lowest caste communities and marginalized groups in societies. The history of manual scavenging is a deeply rooted and troubling aspect of social and economic inequality in various parts of the world, particularly in South Asia (Armstrong and Davenport 2010, 5) including India. Manual scavenging refers to the practice of manually cleaning, carrying and disposing of human waste, sewage and other forms of filth from public and private toilets, sewers and drains. It has historically been associated with the lowest caste communities and marginalized groups in society, often referred to as "untouchables" or "dalits" in India's caste system. The practice of manual scavenging has ancient origins, tied to the hierarchical structure of societies that segregated people based on their caste (Zelliot 1996, 89) ^[29]. In many societies, manual scavengers were relegated to this work due to their low caste status, and they faced severe social discrimination, ostracization, and economic exploitation.

As we know, to defecate in the open was very common because the population was used to it for years (Singh 2014) ^[21]. The Indus Valley Civilization was renowned for having the best town layouts and designs. Hence, they had attached toilets and also public toilets. Toilets used to have a wooden seat placed on top of bricks and used water to flush out the waste (Humphries 2023, 87-108) ^[11]. Unfortunately, with the end of Indus valley civilization, the practice to defecate in the open started and persisted for a long time. After the entry of Mughals to India, they started building toilets for the privacy of women and also because of the Purdah system which was followed by them, but they did not use water for the cleaning purpose, instead manual cleaning was given importance (Verma 2019, 100-234) ^[27]. From that particular time the practice of manual scavenging started and got magnified which is still operating. At present, according to the Census 2011, there are still 770338 scavengers in India out of which nearly forty-four percent need to be rehabilitated. These many figures are on paper because 794,390 households still have dry latrines. Under the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) only 43,909 beneficiaries have been provided training. These are only official figures, the real

figures may still be obscured. These figures point out that very little has been done and an uphill task lies ahead of the government (BARTI, 92-94).

There are various Constitutional provisions which were mandated to prohibit and abolish manual scavenging (will be discussed further in the paper) in spite of them, the practice continues. Despite these legal measures, manual scavenging persists due to deeply ingrained social attitudes, lack of alternative livelihood opportunities, and insufficient enforcement of laws. The situation is complex and multifaceted, tied to issues of poverty, caste discrimination, lack of access to basic education and services, and urban planning challenges.

In the ancient and the medieval period, the practice of manual scavenging can be traced back to ancient civilizations, where tasks related to waste removal were often assigned to the lower strata of society (Ravichandran 2011, 40) ^[11]. Due to the division of labor in many ancient societies, some groups were pushed to the bottom of the social ladder and forced to perform menial and demeaning activities.

In India, the caste system played a significant role in the perpetuation of manual scavenging. The caste system categorized people into rigid social groups, with "untouchables" (also known as "Dalits" or "Scheduled Castes" and various other names) positioned at the lowest rung. These groups were often assigned tasks like manual scavenging due to their perceived "impurity." Untouchability practices ensured that these tasks were performed only by specific communities, resulting in discrimination, social isolation, and economic exploitation.

"India Untouched" is an emotionally charged documentary that overwhelms viewers with the stark realities of caste discrimination in India. Director Stalin K.'s powerful storytelling and unflinching portrayal of untouchability evoke profound empathy, challenging societal norms. The film is a poignant call to action, urging audiences to confront and dismantle deeply entrenched prejudices for a more inclusive future. Through compelling narratives and eye-opening interviews, it magnifies the urgent need for societal reform, leaving audiences with a profound understanding of the pressing challenges hindering India's path towards equality.

Pondering over the caste system in detail, it could be seen that there are various theories which are associated with the evolution of the caste system. Looking at the Manusmriti, which is considered as the legal text of Hinduism, it portrays that the varna system in the society is necessary to maintain the division of labor. Looking at the Rigveda (a sacred Hindu text), it shows a different theory for the caste system, Brahma (God in Hindu religion) is the creator of the caste system. At the top of the hierarchy, the first position goes to Brahmins who are intellectuals and deliver the lectures and are associated with the sacred process in the society and are believed to have come from Brahma's head. The second position goes to Kshatriyas who have emerged from his arms and hence, they are the protectors or the warriors. The third position is for Vaishyas, who have emerged from Brahma's thighs and generally do business related activities. The last position is for Shudras, who have emerged from the feet which considers that they have to do the task of cleaning and to keep the society clean (Sonawani 2017, 29) ^[23]. There are sub-castes also which lie beneath the four major castes and they also have to face discrimination

among themselves. Hence, it could be said that the caste system is very complex like the web which becomes difficult to understand and even to bifurcate the occupation of people.

Various researches have accepted that manual scavenging came into force because of the caste system in the country. As the human settlement came into being and people started to live in the small towns, they were in need of such a group who can clean their excreta. Slowly, this work emerged as a profession which did not require any particular skill hence, many people joined. The cleaners were referred through various names (Darokar 2019, 198) ^[5] like *Bhangis* in Gujarat, *Pakhis* in Andhra Pradesh and *Sikkaliars* in Tamil Nadu. Manual scavenging has historically been connected in Hindu culture to certain acts that are considered "unclean" or "polluting" based on customs. This stems from the notion of ritual purity, where certain occupations and actions are considered impure and should be avoided by the higher castes to maintain their spiritual purity. They were considered "untouchable" and were isolated from mainstream society, often living in segregated areas on the outskirts of villages or towns. The *Naradiya Samhita* enumerated one of the fifteen duties for slaves was to clean or dispose human excreta; and the *Vajasaneyi Samhita* referred the *Chandals* and *Paulkasa* as slaves to dispose of the night soil (Dr. Babasaheb Ambedkar Research and Training Institute, BARTI, Pune).

According to an article published in The Indian Express on May 5, 2020, menial labor and marginalization are still commonplace experiences for lower caste Hindus who converted to Christianity centuries ago due to poverty, discrimination, and other issues related to their social acceptance.

Extracts from Various committees which were formed for the betterment of Manual Scavengers

The committee reports played an embarked role for the menial jobs like manual scavenging. The former Bombay Government established a committee called the Scavengers' Living Conditions Enquiry Committee in 1949, chaired by the late Shri V.N. Barve. The committee's primary objective was to investigate the living conditions of scavengers in the State of Bombay. The recommendations of the committee were circulated by the Ministry of Home Affairs. But unfortunately these recommendations are not available in public affairs. Even after many years, no such report or information is available about how many of these recommendations were accepted and followed.

The first Backward Classes Commission, established in 1953 with Kaka Kalelkar as its Chair, submitted its report in 1955. In this report, the Commission characterized the plight of sweepers and scavengers as sub-human. The dilemma is that the whole commission and various ministries failed to acknowledge scavenging as a major issue in the country. They have mentioned it as subhuman practice but the reality is that it is an in-human practice that denies basic human rights necessary for a healthy survival.

The third committee known as Malkani committee was constituted in the year 1957 known as Scavenging Conditions Inquiry Committee. The task was to develop a plan to eliminate the demeaning practice of scavengers having to transport night soil in containers like buckets or baskets. Even after submitting the suggestions to the government it seems that the proper implementation is not

done till date as in many states of the country, scavenging still continues.

A subcommittee led by Shri Bhanu Prasad Pandya was established by the National Commission on Labour, which was established by the Union Ministry of Labour, in 1968–69 to investigate the working and service conditions of sweepers and scavengers. The committee recommended legislation for these sections of society. Of course the legislation was designed in the form of Acts 1993 and 2013. However, the Act had no appreciable impact on the scavengers' quality of life. Various state level committees were also formed, but the codification of law was not an easy task to understand and implement (Lok Sabha Secretariat 2013) ^[15].

The real problem with all the committees was that they failed to acknowledge that manual scavenging is an in-human process and should not be practiced by any human being in the world. The schemes for welfare and rehabilitation were not carried out thoughtfully hence its impact was the least and could not reach the majority of the manual scavengers.

Customary rights of scavengers

The definition of customary rights expounds that traditional practices, privileges, or entitlements that are recognized and respected within a particular community or group based on long-established customs and traditions. These rights are usually passed down through the generations and are based on the social, cultural, and historical traditions of the community rather than being enshrined in written laws. Regarding the manual scavengers, they have cultivated a relationship with the practice, and working in subhuman conditions has become their responsibility and obligation, passed down from one generation to the next. Knowingly or unknowingly, the practice got deep rooted into their tradition and now it is followed by the society. People have accepted that the work of scavenging should be done by a particular caste only as various theories (which show the segregation of varna system) force and support them to believe the same. The question is how does an in-human task become customary right for an individual? Finding the answer, research in this area underlines that historically, there were various socio-economic activities that strongly influenced the life of manual scavengers. Due to the commercial necessity and lack of awareness among the society, the activity related to scavenging urged the monopoly. As it converted into a strange form of monopoly, slowly and gradually it became the customary right of this particular group. Again, this work was recognised by the legal system positively and legal enactments were implemented. As a result, the job related to manual scavenging continued. Even the scavenger had a fixed number of households to provide the service which cannot be changed overnight. Hence, they used to earn a good amount of money from this work as they used to sell the night soil to farmers as manure for their fields (Koonan 2021, 48) ^[14].

There were various rules which were formed for the abolition of manual scavenging. Constitutionally, monopolization of any avocation is unacceptable and this vouched for the abolition of manual scavenging. Factors of arrogance, indiscipline and hindrance led to the abolition of customary rights. Due to such rules, the monopoly of the manual scavenger was also reduced and the economic

benefits were shrunk. Later, due to the construction of mechanized toilets or the flush latrines, the work of scavengers turned down. Their socio-economic condition worsened as they did not get work and their joining the mainstream due to the caste theory was not possible easily. Various acts, policies were framed, but due to the corruption and 'white discrimination' (can be also called 'white untouchability') (D'Souza 2016, 22-25) ^[7], the practice continues in the society. Dignity and life of manual scavengers was far away from the point of discussion.

The other question is why does the work of scavenging still exist and what if it gets eradicated? The answer lies in the caste-based political system which makes caste and its related occupation its major election agenda. If the problem of this in-human occupation is solved then political parties will find it difficult to work on identifying the main problems of the society and formulating policies to eradicate it. The other reason is construction of unplanned cities which causes the problem of clogged sewage systems, which needs desludging after a specific time period. In the so-called metropolitan cities, when this issue arises, these scavengers are reminded of their task to clean the sanitary sewer system without the use of protective gear.

Colonial Rule and Modern Eradication Efforts

During the colonial era in India, the British administration did little to alleviate the plight of manual scavengers. In fact, some policies exacerbated the problem by reinforcing existing hierarchies. Following India's 1947 declaration of independence, steps were taken to resolve the problem. The Indian Constitution provided for the advancement of Scheduled Castes and Scheduled Tribes and prohibited untouchability. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, was a significant step towards banning manual scavenging and dry latrines. Subsequent legislations further strengthened the legal framework against manual scavenging.

Constitutional provisions against manual scavenging

The Constitution contains several protections against manual scavenging in the form of fundamental rights. The guiding ideas of public policy and fundamental rights are considered to make up the "conscience of the Constitution." A fundamental right is one that is specified and safeguarded by the State's written Constitution; in the event that a fundamental right is violated, a person has the right to file a direct complaint with the Supreme Court to have his concerns addressed. A fundamental right protected by the Constitution cannot be altered using a procedure any less stringent than that necessary to amend the Constitution itself (i.e., by special majority). Ordinary legal rights can be altered by the legislature through the regular legislative process. Once more, these rights can only be curtailed or suspended in the ways specified by the Constitution.

Against unequal treatment meted out to manual scavengers, Article 14 of the Constitution aims to protect persons similarly placed, against discriminatory treatment, in other words, it ensures equality among equals. (Bakshi 2009, 16-26) ^[2]

Article 17 of the Constitution helps in abolition of untouchability. Though neither the Constitution nor any Act of Parliament define what is untouchability. However, the courts have ruled that any social activity among Hindus that denigrates a particular class of individuals due to their birth

and discriminates against them on this basis is prohibited, and manual scavenging is unquestionably one such practice. Therefore, manual scavenging as a practice must be declared as a form of untouchability and that's the way it can be eradicated (Bakshi 2009, 33) ^[2].

Article 21 of the Constitution is about the protection of life and personal liberty. A liberal interpretation of this Article suggests that many inferred composite rights have come to be included under the personal liberties of citizens like right to live with dignity and right to health of workers (Bakshi 2009, 46-57) ^[2]. Both these inferred rights project the basic need of the manual scavenger to sustain a healthy and comfortable living. Article 1 of the Universal Declaration of Human Rights also says that, All human beings are born free and equal in dignity and rights.

There is also a provision in the directive principles of the state policy regarding the protection of the strength and health of workers and avoiding circumstances which force citizens to enter avocations unsuited to their age or strength (Article 39e) (Bakshi 2009, 86) ^[2]. This Article though not enforceable in any court of law at least directs the public towards avoiding such coercive occupation in which the well-being of the worker is compromised. Almost the same thing stating to secure just and humane conditions of work and maternity relief is mentioned in Article 42 (Bakshi 2009, 88) ^[2]. Redefining the social and economic needs of the underprivileged, Article 46 stresses to promote with special care the educational and economic interests of the weaker sections of the people, especially the Scheduled Castes and Tribes (Bakshi 2009, 90) ^[2].

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 ^[9]

A further improvement to the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 was the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 ^[9] (Government of India 2013, 1-16) ^[10]. Though it has been formulated to eliminate scavenging and to rehabilitate scavengers, a review would give us an idea as to how much of its purpose does it serve! The Act has an overriding effect upon the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any other law, or in any instrument having effect by virtue of any other law.

The Act contains eight chapters and the need for creating the Act is to promote fraternity and to assure dignity of an individual among the citizens, which is also enshrined in the preamble of the Constitution. The Act acknowledges the fact that the right to live with dignity is also implicit in the fundamental rights of the Constitution. Additionally, it acknowledges that the State has a constitutional obligation under Article 46 to safeguard the weaker groups, especially the Scheduled Tribes and Scheduled Castes, against exploitation and social injustice in all its forms. The Act confesses that the practice of manual scavenging is a dehumanizing practice having roots in the iniquitous caste system and continuing due to the existence of insanitary latrines. It further realizes that the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging. As a result, the Act believes it is essential to amend the injustice and humiliation that the manual scavengers endured in the past and to restore their dignity.

Chapter one of the Act focuses on the preliminary information in which various definitions have been stated. Amidst these, the definition of a “manual scavenger” is the most complicated. The Act defines “Manual Scavenger” as “a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression “manual scavenging” shall be construed accordingly”.

Explanation - For the purpose of this clause, -

- A. “Engaged or employed” means being engaged or employed on a regular or contract basis;
- B. A person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify on this behalf, shall not be deemed to be a ‘manual scavenger’.

In the explanation part, B, it is implicit that if the person employed to clean the faecal waste with the help of any ‘device’ and a ‘protective gear’ shall not fall under the category of a manual scavenger, even if he/she continues to do the undignified process of cleaning the human excreta and inviting the worst form of respiratory and skin diseases to which he may eventually succumb!

Further, some questions arise, *first*, what type of device and protective gear should be used? A notification dated 12th December, 2013 brought out subsequently by the Department of Social Justice and Empowerment, Ministry of Social Justice and Empowerment illustrates in Chapter two, forty-four various kinds of protective gear and safety devices which shall be provided to the person engaged to clean a sewer or a septic tank by his employer (section 4), fourteen cleaning devices which the local authority has to ensure that they are used by the persons engaged in cleaning sewer or septic tank (section 5), twenty seven safety precautions that the employer shall ensure to be followed before a person is engaged in the cleaning of a sewer or a septic tank (section 6), five safety precautions that the employer shall ensure to be followed at the time when the person is engaged in the cleaning of a sewer or a septic tank (section 7) and three post-cleaning safety precautions that the employer shall ensure (section 8) (Government of India 2013, 18-33)^[10].

The exhaustive list of protective gear and safety devices (*viz.*, air compressor for blower, air line breathing apparatus, emergency medical resuscitator kit, etc, see Appendix pages 20-24 for further details) which the employer has to provide and the cleaning devices (sewer line cleaning bucketing machine, jetting machine, hydraulic operated trolley mounted grab bucket, etc) which the local authority has to ensure, gives one a feeling as if the government is seriously concerned with the well-being of the person cleaning the drain. If this is so then why does it not try well enough to get rid of the dehumanizing occupation? Having a closer look at the inventory of safety equipment and protective gear, the authors fail to imagine how will the person cleaning the sewer or the septic tank (having a small entry

point) even manage to enter putting all these safety equipment around his body!

The *second* question has two subparts and the first subpart is related to the above sentence, that is, if the sanitation worker is provided with the protective gear and safety devices, then why don’t they use it? The second subpart is, if the sanitation worker is not provided with the protective gear and cleaning devices, then what is the reason behind it? The answer to both these questions shall be deciphered during the ethnographic field survey which will be part of the forthcoming paper.

The *third* question that arises out of the explanation part of the definition of a manual scavenger is that, if the sanitation worker is provided such devices and protective gear and doesn’t use but deals with the faecal waste directly, then why can’t he be called a manual scavenger and why he should not get the opportunity to avail the benefits allotted to a manual scavenger?

These questions arise because it has been observed that most of the people who undertake this in-human task are merely given masks, gloves and boots in the name of safety equipments and hence are not included in the category of manual scavenger, thereby depriving them of all the benefits as illustrated for people who perform this task with their bare hands. Whereas, the conditions in which they work stench equally bad because the mask that they wear does not prove to be effective enough to avert it.

Chapter two deals with the identification of dry latrines. Section 4 of the Act mentions the local authorities to survey insanitary latrines and provide sanitary community latrines. In sub-section (4), it is written that, “it shall be the responsibility of local authorities to construct community sanitary latrines and also to make arrangements for their hygienic upkeep at all times”. Here, it is not clear how the local authority ensures for the hygienic upkeep of the community sanitary latrines, nor has there been clarity via any notification till date!

Chapter three focuses on the outlawing of unhygienic latrines as well as employment and manual scavenging activities. Manual scavenging as a profession which was a customary right earlier enjoyed monopoly of a particular caste, the scheduled caste in this profession (Koonan 2021, 46)^[14]. With the abolition of customary rights, this profession diversified among various castes especially in the metropolitan cities. With mass unemployment and shrinking size of land due to fragmentation in rural areas, people have been flocking in cities and one of the sources of employment of the socially backward, unskilled rural populace is the scavenging job. Thus, people across the diverse castes have been taking up this job and surprisingly they even find it to be lucrative enough (Vivek 2000, 3723)^[27]. The irony is that with the increase in population, the waste generation is also increasing and so is the collection of waste. This leads to an increase in the manual scavenger workforce. Due to the intricate nature of relation between occupation and caste, the employment in scavenging jobs will lead to an increase in discrimination which will eventually lead to exploitation, social insecurity and inequality.

Section 6 (2) of the Act says that, “no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual

scavenging”.

A paradoxical situation is bound to happen when a person migrating from countryside who is unskilled to be employed in any other profession and who finds the scavenging job suitable enough to his skill will plead rather than ask for his retention in this job, so the question of his ‘willingness’ doesn’t arise when he is in desperate need of this job. On the other hand, the employer will have an upper hand of monopoly in paying the same emoluments. Further, there is no point in believing that the employer will assign him any other work apart from manual scavenging when he could get the same job done without investing in safety equipments and protective gear and also he is fully aware that this is the only task that the unskilled worker from the rural background would not refuse.

Section 10 of this Act which refers to the limitation of prosecution says that, “no court shall take cognizance of any offense punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offense”. With regard to this, the authors stress that prosecution with regard to commission of such an offense should be ‘Suo Moto’ because this practice of manual scavenging which is now outrageously enlisted in the National Skill Development Mission as a “possible employment opportunity” for people (Tandon and Basu 2016, 4), violates human dignity and hence it becomes all the more imperative for the judiciary to show its activism (Wankhede and Kahle 2023, 117) ^[28]. Also, one finds it hard to imagine, that a person having no education, no stable income and is willing to do the in-human task in order to make his daily ends meet, how can that person be in any position to register a complaint?

Chapter four of the Act addresses the rehabilitation of manual scavengers in both urban and rural settings. With respect to this, all the due procedures to be followed have been laid down precisely and it altogether depends upon the successful execution of these procedures that the purpose of the law with regard to identification and rehabilitation of manual scavengers will be effectively achieved. But, as stated earlier, the problem starts with the identification of the manual scavengers, the definition of which excludes many people from the purview of the scavengers doing the scavenging jobs with some protective gear which are for namesake.

Chapter five of the Act refers to the implementing authorities. This chapter explains the duties of the District Magistrate and other authorized officers, the appointment of inspectors and their authority, the authorities designated for carrying out this Act's provisions, and the obligation of local authorities to guarantee the removal of unhygienic latrines.

Chapter six is about the procedure for trial. It has three sub-parts. The first one illustrates that the offenses are to be tried by an Executive Magistrate who will be conferred to powers of a Judicial Magistrate who will then work as per the Code of Criminal Procedure, 1973. The second part of this chapter makes the offense cognizable and non-bailable. The third part of the chapter mentions the trial against ‘companies’ for the commission of such offenses. It has further explained ‘companies’ which means any body corporate and includes a firm or other association of individuals and ‘director’, in relation to a firm, means a partner in the firm.

Chapter seven makes reference to vigilance committees. It says that the vigilance committee should be constituted for

each district and each Sub-Division. This chapter also refers to the State Monitoring Committee and the Central Monitoring Committee. As one can see, the monitoring and vigilance of various committees is fully decentralized. The thing common in this Act with respect to all these committees is the detailed illustration of the members of committees at every level and its functions.

The Vigilance Committees are responsible for coordinating the efforts of all relevant entities at the local level in order to provide sufficient credit for the rehabilitation of manual scavengers. One of the duties of the Vigilance Committee is to supervise the social and economic reintegration of manual scavengers and to keep an eye on the filing of violations of this Act, as well as the subsequent investigation and legal action.

Therefore, it becomes imperative to strengthen them by allocating maximum resources and powers as they may require. The Vigilance Committee shall meet at least once in three months.

On the other hand, the State Monitoring Committee and the Central Monitoring Committee shall meet at least once in every six months. The State Monitoring Committee is responsible for providing the Central Government with updates on the Act's implementation on a regular basis, as needed.

This chapter also delineates the functions of the National Commission for Safai Karamcharis which are as follows -

1. To monitor the implementation of this Act.
2. To enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action
3. To advise the Central and the State Governments for effective implementation of the provisions of this Act.
4. To take *suo motu* notice of matters relating to non-implementation of this Act.

Similarly, the State Government may designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority to perform within the state, *mutatis mutandis*, the functions of the National Commission for Safai Karamcharis.

Chapter eight of the Act has vivid miscellaneous provisions which are as follows -

1. It stresses on the use of modern technology for cleaning of sewers etc.,
2. It bars the jurisdiction of civil courts
3. It gives power to the appropriate Government to make rules (within a period not exceeding three months from the date of commencement of this Act)
4. It gives Central Government the power to make model rules
5. It gives the power to the Central Government to remove difficulties in giving effect to the provisions of this Act.
6. It also gives power to the appropriate Government to exempt any area, category of buildings or class of persons from any provisions of this Act.

Concludingly, it could be said that the execution part of the Act is as per the protocol and the local level authorities are given the onus for its proper implementation. The problem in the Act is the definition of the term ‘Manual Scavenger’

which is so defined to exclude most of them than to include them. No wonder, the fondness in excluding the poor showcases the ailing intentions of the government in uplifting already downtrodden. It would be curious enough to find out that the protective gear and the cleaning devices as mentioned in the notification are really provided to the people undertaking the sanitation work. Additionally, it would be good enough to apprehend about the funds actually spent on equipment, on mechanizing scavenging and on rehabilitation activities. Finally, we need to ask ourselves, are we human enough to let the scavengers do the work that they are doing? If the answer is 'No', then the very next step should be to go for habits which help eradicate this in-human practice!

What has the Government done for the eradication?

Mandating the acts and rules for scavengers will not be helpful to increase the quality of their life. Hence, the government of Uttar Pradesh tried to implement a scheme for the sanitation workers so that the link between caste and occupation can be dissolved to certain extent. The Uttar Pradesh government established a position of "Safai karmi" on a consistent basis within Panchayats to uphold cleanliness standards in rural regions. Research and field studies indicate that individuals from lower caste backgrounds predominantly undertake sanitation and cleanliness tasks. Although individuals from upper and middle caste backgrounds have secured employment due to the position being a government job, those actually performing cleaning duties receive minimal compensation. Refusal to work leads to a significant loss of income, perpetuating economic vulnerability for these workers. Hence, they have to agree to work and earn a livelihood. This kind of research reveals that the barriers for the scavengers even after years are still the same (Tripathi 2012, 29) ^[25]. The corruption in the system and other problems do not let the scheme work properly and for the needy people. The dominant social groups have made it difficult for the underprivileged to have a better quality of life.

Eradicating manual scavenging is a complex and challenging endeavor that requires concerted efforts at multiple levels—societal, governmental, and community-based. Strengthen and strictly enforce existing laws that prohibit manual scavenging. It should ensure that violators face severe penalties. Review and update legislation to address emerging challenges and loopholes.

Enacting the laws for manual scavenging will not only help the society to be healthy, its implementation at the bottom level is also necessary. The government has conducted surveys to identify manual scavengers and their families, making it easier to provide them with rehabilitation benefits. Efforts have been made to encourage the adoption of mechanized machinery for the maintenance of sewers and septic tanks, aiming to decrease dependency on manual labor. The government allocates budgets to fund rehabilitation programs and sanitation projects. Funds are also provided to states for the implementation of the rehabilitation scheme. This government agency known as National Safai Karamcharis Finance and Development Corporation (NSKFDC) provides financial and developmental support to Safai Karamcharis (sanitation workers) and manual scavengers.

Conclusion

The enduring practice of manual scavenging, despite being outlawed and condemned globally, remains deeply ingrained and degrading in various regions across the world. It reflects a systemic failure to address issues of sanitation, social justice, and human dignity. The individuals forced into this hazardous and undignified profession face unimaginable risks to their health and well-being, while also enduring discrimination and social stigma.

To eliminate manual scavenging, a comprehensive approach is necessary, encompassing not just the urgent implementation of safe and mechanized sanitation methods, but also addressing the underlying social and economic issues that sustain this practice. Governments, civil society organizations, and communities must work together to provide alternative livelihoods, raise awareness, and enforce stringent laws to hold those who perpetuate manual scavenging accountable. The government can publish and celebrate the success stories of individuals and families who have successfully come out of this menial job and have transitioned in their life. Proper awareness, education and skill development programmes need to be taught to students at a school level itself to empower them and to have better livelihood options. Implementation of comprehensive rehabilitation programs that provide financial support, vocational training, and job placement assistance to former manual scavengers. Encouraging the development of self-help groups and cooperatives to create sustainable livelihood opportunities. Community engagement programmes can address the issue collectively and acknowledge it as a problem. To ensure government agencies fulfill their responsibility in safeguarding the well-being and reintegration of manual scavengers, effective enforcement of governmental policies is essential, committees like the NCSK should be made at the state, district and other micro levels which may assess the allocation of sufficient budgetary resources for rehabilitation programs and sanitation infrastructure development. Finally, it becomes necessary to have a zero tolerance approach towards Manual Scavenging at all the levels.

Ultimately, the objective should be to establish a societal framework where access to sanitation is recognized as an inherent human entitlement, thereby freeing individuals from hazardous occupations like manual scavenging. This shift would enable every individual to pursue a life characterized by dignity and equal prospects. Eliminating manual scavenging isn't solely a moral obligation but also a crucial stride towards fostering a fairer and more just global community. Achieving this demands concerted efforts and dedication to guarantee that every individual contributes to shaping a safer, healthier, and more inclusive society.

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