



2. Exploring State Interventions and Manual Scavenging in 21st-Century India

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Abstract

This paper highlights the invisible and ignored aspects of manual scavenging in the 21st century. Manual scavenging is a crisis that continues to be there in the 21st century with its modern form. This century has witnessed the transition of manual scavenging from dry-latrines to septic-sewer cleaning. This transition of manual scavenging is life-threatening and has brought 'new' dangers. Two decades have passed, yet manual scavenging is still a major social challenge, largely ignored and invisible from the mainstream discourse. On the one hand, the state wants to eliminate open defecation, but on the other hand, it remains indifferent to 'Dalits' who directly enter into the waste to clean it. The paper aims to understand manual scavenging as a continuing crisis and to explore its invisibility in mainstream discourse in the 21st century. The increasing number of deaths of manual scavengers while cleaning septic-sewer tanks is reported but still largely ignored. There is a need to reflect on the same with a more nuanced understanding of the contemporary scenario.

Keywords: Manual Scavengers, Ignored, State, Deaths, Swachh Bharat Campaign

Introduction

The 21st century has changed the sanitation scenario, particularly the manual scavenging in India. The current form of manual scavenging is not merely robbing the dignity of workers but also killing them and further trapping their generations in the same work and misery. Manual scavenging is a social crisis that continues to be part of this century, even after two decades. Though manual scavenging is not a product of this century, the current form of manual scavenging (septic-sewer cleaning) can be understood as a consequence of this century.

The 21st century began after a decade of implementing new economic policy (LPG), significantly impacting the Indian economy and society, including sanitary science. New economic policy has paved the way for new developments such as more urban spaces, industries, investments, infrastructures, etc. This century has seen the booming of flush or waterborne toilets in India due to increasing urbanization, infrastructural growth, and state schemes. A private group called the Toilet Board Coalition (TBC) estimates the sanitation economy and market opportunity of India to be \$92 billion (\$ 9200 Crores) in 2021. (Toilet Board, 2022). These developments were needed but with a systematic sanitation and sewerage



science, which must be addressed more.

With industrial growth and urbanization, toilets evolved and were placed indoors. ‘England witnessed a major development of the toilet system in the late 1500s. The invention of the first modern indoor flushing system is credited to John Harrington, who devised the toilet flushing mechanism and installed it for Queen Elizabeth 1. In the 1800s and 1900s, flushing toilets were no longer confined in the royal households. It was gradually reaching out to the common man’. (Indian Eagle). The first sanitation law came to effect in India in 1878 via colonialism. The municipalities were mandated to construct toilets in the slums of Calcutta (now Kolkata), the capital of British India. (Ibid.)

In this century, India has witnessed the conversion of dry latrines to modern waterborne toilets and along with it, the construction of new modern waterborne toilets. It started replacing the dry latrine system. However, the septic tanks and sewerage lines and their maintenance remain a big issue and are still a dark spot in Indian society that is invisible and largely ignored by the state. Just two years after the new economic reforms, in 1993, an act was passed called ‘The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act’. This act aims to prohibit unsanitary (dry) latrines and the construction of sanitary (waterborne) toilets. The second aim of the act set the platform for converting dry latrines to modern flush or waterborne toilets. Along with the conversion to waterborne toilets, the state should have also introduced the proper sewer lines and mechanized cleaning. In India, Waterborne toilets need a septic tank or sewer lines that are required to be cleaned whenever required.

Though the state thought about converting insanitary latrines to sanitary latrines, it did not bother about how they would be cleaned. And did not even give a thought about the manual scavengers who would clean these ‘sanitary’ latrines in an unsanitary way with their bare body. Now, even the toilets are being termed as sanitized but the workers are not. This paper reflects on the state’s efforts in the 21st century to deal with manual scavenging.

Methodology

This research is based on the content analysis of the secondary data available on the subject of manual scavenging. The existing data has been critically analyzed to put into perspective to critically engage with the subject.

Ignored and Invisible

The 21st century is filled with news of the deaths of manual scavengers while cleaning the septic tanks and sewer lines. There are frequent reports of deaths, but nobody bothers to address it as if the ‘*Dalit* body’ does not have the same value as others.

If we only look at the reported data, it reflects the dire condition of manual scavengers in this century. Between 2018 and 2023, 339 people lost lives while cleaning sewers and septic tanks in India, the Union Social Justice and Empowerment Ministry said. (The Wire, 2023). The ‘reported’ deaths of manual scavengers within 6 years is 339 which reflects the normalization of deaths of manual scavengers in the society. These deaths have been ignored



and made invisible from the public domain, as there is no accountability by the state. The government does not consider these deaths as deaths of manual scavengers rather they take the escape route from caste-based occupation and call these deaths due to hazardous cleaning. “Deaths have occurred in states/UTs due to hazardous cleaning of sewers and septic tanks and non-observance of safety precautions as prescribed under Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and MS Rules 2013,” the government said. (Ibid.). Researchers, Jawed Alam Khan and Rahat Tasneem said, “The government’s obstinate denial regarding the existence of manual scavenging is proving to be detrimental in making any real progress”. (The Wire, 2022).

The Government provides financial help to construct modern water-borne toilets, which, at least need a septic tank if not the sewer line. The Government wants the World Bank to join the Swachh Bharat Abhiyan (SBA) by funding the massive investment in building toilets under the plan. The program entails an investment of nearly Rs 2 lakh crore over the next five years to construct 12 crore toilets in India. (Economic Times, 2014). About 10.9 crore individual household latrines (IHHLs) have been constructed in the country under Swachh Bharat Abhiyan (Gramin). (PIB, 2022). It is quite contradictory that on the one hand, the state is providing funds to construct the waterborne toilets but they do not mention how these toilets would be cleaned. It seems, the state already knew ‘who’ would clean these toilets. The state should not only focus on the mere construction of toilets but should also focus on the campaign against manual scavenging, and how mechanically these toilets can be cleaned.

When we see the Indian government’s campaign for cleanliness and awareness, we do not find the ‘cleaners’, who are cleaning the waste in reality. We often see celebrities, Netas, Influencers, etc. performing sweeping and other activities as a choreographed show which is later posted on social media platforms, but with no ‘real’ workers. Why does Netas' speech not ponder on caste? Why did they not utter a single word about the particular caste doing the work or if we can put it into simple words, why are they always obsessed with cleanliness and not the cleaners? These questions need to be dealt through the sociological lens.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993: A Step Towards Accepting

This act can be seen as an entry point to understand manual scavenging in this century. Though there were committees and reports on manual scavenging and sanitation before this act, this act started the legal battle of manual scavengers. This act was the first of its kind to accept manual scavenging and talk about its prohibition.

This act starts by stating that this is “an act to provide for the prohibition of employment of manual scavengers as well as construction or continuation of dry latrines and for the regulation of the construction and maintenance of water-seal latrines”. (Act, 1993). This act mainly talks about two things: first, it prohibits the employment of manual scavengers along with the construction and maintenance of dry latrines. Second, it talks about the construction



and maintenance of water-seal latrines. According to this act, “manual scavenger” means a person engaged in or employed for manually carrying human excreta, and the expression “manual scavenging” shall be construed accordingly. (Act, 1993: Chap.1). The third chapter of this act talks about the power of state government, and it says that, a time-bound phased program for the conversion of dry latrines into eater-seal latrines. In the same chapter, the act further talks about the registration of manual scavengers and their rehabilitation.

Since the subject of cleanliness and health is part of the concurrent list, this act came under Article 252 of the Constitution. (Wilson and Singh, 2016). It applies in the first instance to the whole of the states of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura, and West Bengal and to all the union territories. (Act, 1993: Chap.1). The parliament passed the law in 1993, and the President signed its notification in 1997. It took four years to get the president's signature. In fact, until 2005, no other state took any steps toward implementing it. Only when the *Safai Karamachari Andoloan* (SKA), an organization submitted a petition in the supreme court, and every state received a notice from the court...in spite of this, six states, including the New Delhi, did not approve it till the end of 2010. (Wilson and Singh, 2016).

While this Act focused on sanitation requirements, it paid little or no attention to the deep-rooted social problem of the degradation of human dignity and thus was unable to come up with long term sustainable measures to eradicate the practices. (Ramanathan and Alex). The most marginalized community of society has been pushed to extreme margins for years and yet, they are being ignored by the legislation which is meant for their upliftment. It took almost a decade to implement this act on the ground and that too after the court's intervention. The time taken to implement this act reflects the extent of ignorance of the state and its machinery toward the most marginalized community of society. This whole process of forming a bill to pass it as an act and then getting an official node from the president of the country and then its implementation seems like a social attitude towards the particular caste group. This also tells us that, the first citizen of the country, the president is far at the top and the most marginalized community of the country being ignored is at the far bottom. Set aside the rehabilitation, manual scavengers are not even protected and provided the medical and other necessities.

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013: A Step Towards Change

While the 1993 Act banned manual scavenging in India, the 2013 Act provided for punishment for engaging any person for hazardous cleaning of sewers and septic tanks. (The Print, 2021). Same as the previous law, this law too emphasized on the prohibition of employment as manual scavengers because the act of 1993 failed to do so. (Ramanathan and Alex). The strength of this law is that it is a central law, binding on all states. This act starts with “an act to provide the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto”. (Act, 2013). Unlike the last act, this act was a central act that every state



government had to implement except the state of Jammu and Kashmir.

This act also talks about two things, first is the prohibition of employment as manual scavengers, and second is to rehabilitate the Scavengers and their families. For the first time, the state accepted and included septic and sewer cleaning under the rubric of manual scavenging. This act defines “manual scavengers” 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... (Act, 2013: Chap.1).

While this act is a big step forward from the 1993 Act in terms of its substance, it is still far from adequate. (Koonan, 2021). For instance, Bezwada Wilson underlines that the 2013 Act does not prescribe a cut-off date for the elimination of manual scavenging, and therefore, there could be more delays and excuses before the practice of manual scavenging is totally eliminated. (Ibid). This act came a little later after a decade in the 21st century; it was needed much earlier to emphasize not only the construction of sanitary toilets but also the rehabilitation of manual scavengers.

Though this act introduces the rehabilitation for manual scavengers, it is evident that much has not changed as there is no track record of those who are rehabilitated, and even if some are rehabilitated, are they still being rehabilitated or resumed manual scavenging? These questions are unanswered by now. This act too could not have a visible impact on the social reality of manual scavengers as they are still facing the same problem and dying more often than not. There is a need for research specifically focusing on the impact of this act on the ground.

Like the previous act of 1993, this act also could not serve its purpose. Therefore, the state came up with an amended bill called ‘The Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020’. Though this bill was tabled in 2020 in the parliament, it is still awaiting the approval of the cabinet. Minister of State for Social Justice and Empowerment Ramdas Athawale informed the Parliament, six months after the government announced this bill to make the law more stringent. (The Print, 2021). The Minister in his written reply said there is “no such proposal to amend the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013”. (Ibid.). One can think of this puzzle which shows the blatant ignorance and how the state taking an escape route.

Swachh Bharat Mission: The Height of Ignorance

In recent times, this is the most polished campaign for cleanliness of the society, where everybody participates in cleanliness but online, not in reality. The real workers are again being ignored to the extent that they are not even being recognized.



On 2nd October, 2014, The Prime Minister of India, launched the Swachh Bharat Mission to accelerate the sanitation the sanitation work. Under this renamed campaign, the government issued the guidelines for safe sanitation for both Gramin and Urban areas. Guidelines for Swachh Bharat Mission (Gramin) start by highlighting the importance of sanitation, such as its impact on health, the environment, children and women, and the economy. After highlighting the importance of safe sanitation, the main section that is on Swachh Bharat Mission starts with the purpose of the mission ‘to accelerate the efforts to achieve universal sanitation coverage and to put focus on safe sanitation’. (GSBM- Revised, 2017).

The Mission Coordinator shall be the Secretary, of the Ministry of Drinking Water and Sanitation (MDWS) with two Sub-Missions, the Swachh Bharat Mission (Gramin) and the Swachh Bharat Mission (Urban), which aims to achieve Swachh Bharat by 2019, as a fitting tribute to the 150th Birth Anniversary of Mahatma Gandhi, which in rural areas shall mean improving the levels of cleanliness in rural areas through Solid and Liquid Waste Management activities and making Gram Panchayats Open Defecation Free (ODF), clean and sanitized. (Ibid.)

If the state can give guidelines and launch a mission that is celebrated with showbiz every year by the ‘performance of celebrities’ from various fields such as politicians, cricketers, movie stars, etc., why cannot the state launch and give such guidelines to remove manual scavenging and rehabilitation of those who are trapped? On the one hand, the state is concerned about open defecation and its health consequences, but on the other hand, the state remains mere a spectator when the *Dalits* died while cleaning and clearing the septic tanks and sewer lines. Open defecation is a problem but how can we justify a human being dip into the same defecation?

ODF would mean the termination of fecal-oral transmission, defined by, a) no visible feces found in the environment/village and, b) every household, as well as public/community institution(s), using safe technology option for disposal of feces, as defined by the Ministry. (Ibid.). This clear-cut guideline by the ministry is welcomed, but what about those *Dalits* who directly enter maintenance holes filled with human feces to clean them? The state does not want feces in the environment, but how can a state be okay with manual scavenging, which directly requires a Dalit body to deal with human feces? One scavenger, while sharing his experience said, “*The water was so deep around us (hand up to his chest), and all the “butter” was floating around us... the gutter was full of all the feces. And as we were cleaning it, people were flushing their toilets from above, someone’s shit, someone’s piss, warm, everything fell on our bodies*”. (Dubey and Murphy, 2020)

Even if we see the priorities of the state in choosing the birth anniversary of M.K. Gandhi to launch the Swachh Bharat Mission, Gandhi’s Specs was made the prime logo of the campaign. Every year, the 2nd of October is celebrated as the anniversary of the Swachh Bharat Mission on social media. Vivek Kumar argues in his article, *Whose Cleanliness?* ‘In the wake of the aforesaid campaign, I am reminded of Sant Gadge (23 February 1876-20 December 1956), a saint from Amravati district of Maharashtra who used to promote public hygiene and



cleanliness'. (Kumar, 2020). Kumar further argues that 'the revered Baba started a revolution in the state by going from village to village, cleaning and preaching hygiene way before these issues became a part of the government and the United Nations program'. (Ibid.). Kumar also mentions that the Maharashtra government launched a program known as Sant Gadge Baba Gram Swachata Abhiyan. But how can the state ignore and not even acknowledge the right leader who has done so much for cleanliness awareness in society before it became a popularity stunt?

Conclusion

The above discussion highlights the continuity of manual scavenging and digs out the shallow efforts of the state to deal with manual scavenging in the 21st century. Indian science of sanitary looks biased, as on the one hand, it is more concerned with the construction of modern toilets or to say infrastructural change, but on the other hand, ignoring and invisibilizing manual scavengers, the 'worker'. Without proper significance to the workers and their social reality linked with the larger social structure, any efforts will further enslave the manual scavengers in this caste-based occupation.

Way forward

We are in the middle of the third decade of this century, and nothing seems to change in the lives of manual scavengers as they are dying and suffering. I would think of some suggestions for immediate implementation: First, the state should accept all forms of manual scavenging: Second, the state should also focus and launch social awareness campaigns against manual scavenging, and they should be celebrated every year just like other campaigns: Third, there should be more discussions in the parliament: Fourth, the State should provide the required machines and equipment to every Panchayat and Municipality according to the population: Fifth, the State should come out of caste-based dispositions and tackle this issue more seriously to completely rehabilitate the manual scavengers.

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