



Basket Burning by safai karmacharis at Jantar Mantar, New Delhi – a symbolic act of defiance to push the demand for elimination of manual scavenging.

Photo Credit: Safai Karmachari Andolan

The Long March to Eliminate Manual Scavenging

*Bezwada Wilson and Bhasha Singh**

‘For ours is a battle not for wealth or for power. It is a battle for freedom. It is the battle of reclamation of human personality.’

—*Dr. B.R. Ambedkar*
(Vundru, 2013)

We would like to begin this chapter with some difficult questions, perhaps at the risk of making you, the reader, uncomfortable. Why are the Indian government and even the media and civil society quiet about the death of more than a thousand of its citizens (Thomas, 2016)? People are being killed in sewer and septic tanks every day and yet, so far there has been no relevant discussion by policy makers, in state assemblies or the Parliament. By the time you are reading this essay, this number would have increased multifold. What could be the reason for this apathy and indifference? Is this because all who die in sewers and septic tanks are Dalits? Why is it that even amidst the rhetoric of development and progress in 2017, 1.3 million (*FirstPost*, 2016) Dalits in India, and mostly women, are forced to manually clean human excreta? Why does the country allocate a budget of INR 16,248 crore¹ for the Swachh Bharat Abhiyan while it has only INR 5 crore to spare for rehabilitation of manual scavengers, as per the Union Budget for the fiscal year 2017–18? Why is India unable to invest in finding a technology to clean sewer septic tanks without endangering human life? These are serious

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questions that the Indian democracy must answer.

The observations and arguments in this chapter are derived from decades of first-hand experience of having lived and worked within the scavenging community. Through the chapter we will highlight the ground reality and everyday experiences of people who are dependent on manual scavenging for their livelihood. The lives of scavengers in every aspect are defined and governed by livelihood ‘choices’ which are a direct consequence of the caste group they are born into and die a part of. The chapter will focus on the extent and nature of the problem of manual scavenging and describe the struggles that have taken place against it in an attempt to ensure an ultimate goal of elimination. Before delving in to this we want to emphasize that this aim to eliminate manual scavenging is linked with the process of annihilation of caste as visualized by Baba Saheb Bhim Rao Ambedkar. It is from Ambedkar that we, the Safai Karamchari Aandolan (SKA), draw our energy, strength and intellectual clarity. Our vision can be summed up with the following words—

We shall struggle and build solidarity to reclaim our dignity, equity and human personhood. Through eradicating manual scavenging we will break the link imposed by the caste system between birth and the dehumanizing occupation.

(Safai Karamchari Andolan)

Introduction

Why are People Dying?

Most people act ignorant when faced with the issue of manual scavenging. People have often asked us in surprise, 'Are there human beings who carry other people's excreta even today? Where are these dry latrines?' These questions are often followed by an emphatic statement that they have never been witness to the act of manual scavenging. This speaks to a convenient blindness as the Indian Railways, prominently visible and public, is the largest employer of manual scavengers (*IndiaSpend*, 2015). Coaches are fitted with dry latrines from which the shit that drops onto the railway tracks, has to be manually cleaned. This denial, real or feigned, of the existence of scavenging speaks volumes about our cultural tuning and caste bias, where despite clear evidence, people cannot face the reality.

Similarly, sewer and septic deaths are not taking place in un-inhabited locations but in the midst of so-called smart cities, metropolitan cities, small towns and even in the National Capital. It is a national phenomenon. The post-mortem reports read the same for each death—gas filled in choked sewer lines or septic tanks killed the victim. Since the noxious gas is fatal, death is instantaneous. No great amount of analysis is required to see that methane gas is a killer, and yet, fellow Dalit citizens are hired for such jobs without hesitation.

The deaths of sewer workers with no one being held accountable, and the denial of justice has pushed the SKA to include the issues of sewer-septic workers within the larger ambit of the struggle against manual scavenging. This view has found some validity in recent legal and policy decisions. The Supreme Court, in a judgement in 2014 stated that in order to completely abolish the practice of manual scavenging, rehabilitation would have to take into account the issue of sewer deaths. This judgement first set up the grounds to bring the group of persons who were traditionally forced to

clean septic tanks, sewers and open drains, under the ambit of Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012. The Manual Scavenging Act, when passed in 2013 was passed with this clause, defining the employment of people for 'hazardous cleaning' as criminal. The caveat in the Act is that 'hazardous cleaning' refers to the employment of sewer workers without 'prescribed protective gear'.

According to the Supreme Court judgement (*Safai Karamchari Andolan & Ors v. Union of India & Ors.*, 2014) dated 24 March 2014, no human being should be allowed to enter into sewers or septic tanks for cleaning. The judgement says—

If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-

Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of INR 10 lakhs should be given to the family of the deceased.

No steps to implement this judgement have been taken yet. Even at the time of writing this essay, we were informed that three people had died while cleaning underground drainage in Cuddalore (Tamil Nadu). The Cuddalore incident occurred on the heels of other similar deaths in Vijaywada, Bangalore, Mumbai. The list is endless.

We are very clear in our mind that we are not fighting for any protective gear or safety belts—we want that no human being belonging to any caste should have to enter sewer-septic tanks for cleaning. It is simply a big NO.

The struggle for survival of women like Penchamma is not getting registered on any platform, despite such deaths being reported even from the National Capital, Delhi. On 11 November 2016, 30-year-old Chandan, who was working as a

Box 1**Penchamma's husband died in Chennai while cleaning a septic tank. She calls it a murder.**

Penchamma was very straightforward. Her husband, Malakondaiah, was 48 when he died cleaning a septic tank in the Stanley Hospital area on 16 July 2014. 'This society doesn't consider us humans,' she said. 'It pushes us to the gutters to clean its shit. My husband died and you all are responsible for that. Who killed him? He didn't die of any illness. He was not killed in an accident. He was murdered.' She goes quiet for a moment, brings out a bottle of water from her bag, takes a few sips and starts again, 'This is a cold-blooded murder and the culprits are roaming free... trying to push another person into the pit of death. Neither these killings will stop, nor will the murderers ever be caught.' She was talking without any grief or anger in her voice. 'They had to get their septic tank cleaned and for long they were coercing my husband to do that. That day, they caught hold of him when he was returning from work. They took him along from the way. I was at work and had no idea whatsoever of his whereabouts. While I was returning home, I saw some commotion on the way. People were shouting. Seeing the crowd, I stopped by to find out what's happening... Oh my God! He is my husband. He was still breathing but he never opened his eyes again. When the police came and enquired about what happened, the house owner just said that this man was drunk and was desperately asking for work. He was pressing us to give the work of cleaning tank to him. We thought of helping him... and this happened. Just imagine! My husband was dying of poisonous gas in a septic tank of their house and here they were talking so shamelessly! They were the ones who pushed him in their shit and just turned the blame upon him even before he breathed his last!

'What should I do? Whom should I catch hold of? Today elders are saying that there is no "man" left in the house. How will we live? I say, it's not just matter of compensation. Even ten million will not be enough to bring back the father of my children. My husband died just a few days back. I have stepped out of the house after that for the first time, to come here and just say that these killings should be stopped forthwith.'

Source: Extracted and translated from a book called *Thavikkapattavarkal* authored by Bhasha Singh

housekeeper in Vasant Kunj Square Mall died while cleaning the septic tank in the mall. Another man, Israel, got injured in the incident and is currently in a coma. Chandan Daloi was a migrant from Sundarban area in West Bengal. His wife Putul, who is hardly 24–25 years old, and her eight-year-old son Alok Daloi are now struggling to survive. In the whole Bengali Mohalla of Masudpur Dairy 39, no one was aware of the 2014 Supreme Court judgement or The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, both of which clearly define the work

of cleaning sewer-septic tanks without adequate protective gear, as illegal. Though the SKA is trying to help bring their families justice by intervening, the criminal silence that prevails has made our work all the more difficult.

1.2 What is Manual Scavenging?

According to the 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (Ministry of Law and Justice, 2013) a manual scavenger is defined as:

...a person engaged or employed,... 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.

Manual scavenging describes any task that involves carrying, cleaning, or dealing with human excreta with only hand tools or bare hands. Manual scavengers, or *safai-karamcharis*, are employed to clean dry latrines (toilets not connected to a disposal system), railway tracks, streets, septic tanks, or sewers. It is also carried out in private latrines and in community latrines built by governmental and non-governmental organizations. In most parts of North India where there are community toilets, these are not dry latrines. However, in South India community toilets are under the aegis of the panchayat or the municipality and are often built as dry latrines to save cost. Manual scavenging is generally one of two types: first, the cleaning of dry latrines, where the work of the manual scavengers is to gather human excrement in a bucket or some vessel and then throw it at some fixed place; second, the cleaning of septic tanks (or sewage pits) which function as the means of waste disposal for toilets in people's homes or in municipalities. The work of cleaning tanks full of excrement is done at night and often people are hired collectively for this purpose. Both men and women clean tanks, whereas the dry latrines in houses and public places are generally cleaned by women. This practice, where it is still continuing, has developed according to local needs or customs.

Manual scavenging is, in absolute terms, a caste-based occupation, gendered in nature, and finds

its roots within aspects of Hindu philosophy and religious practice. As the caste system has evolved, it has permeated all religions but it can still be found in its worst and most discriminatory form within Hinduism. The casteist practice of scavenging, whereby the burden of cleaning human excreta rests on Dalits has over the years been legitimized institutionally and continues to be propped up by the political classes and the government, as society cannot be bothered to find a way of managing its own shit. This barbaric system whereby a community is tasked with cleaning human excreta proves to be a cheap and convenient sanitation solution at the cost of the dignity of life for millions. Cleaning human waste is considered ritually 'unclean' or 'impure' as is any association with animal and human death, or even with menstruation. Jobs around these physiological processes such as burning bodies at funeral pyres, skinning and tanning of animal skin, midwifery are a few of the many other tasks assigned to the most discriminated, even within Dalit castes. From its emergence to its continuance, the practice of manual scavenging has an obnoxious link with the existing caste and patriarchal systems. We believe that unless there is concerted and direct attack on these exploitative and discriminatory structures, it is impossible to eliminate manual scavenging in all its forms.

The *safai-karamchari* (s/he who cleans) community is divided into different castes and religions all over the country. They are diverse and take pains to establish their unique identity. They all belong to Dalit castes, but are in a race to establish themselves as slightly superior to others. This complex manipulation of one's identity is indicative of how deeply the *Manusmriti* has penetrated our society.

Within those who follow the Hindu faith, examples of castes whose members are employed as manual scavengers are Bhangi, Balmiki, Mehtar, Lal Begi in the North; Har, Hadi, Dom, Sanei in the East; Mehtar, Bhangias, Ghasi, Olgana, Zadmalli,

Barvashia, Metariya, Jamphoda and Mela, etc., in central and west India; and Mukhiyar, Thoti, Chachati, Pakay, Relli in the South. However, untouchability and this labour segregation on the basis of caste is not limited to the Hindu faith. The Helas in Madhya Pradesh, Halakhors in Bihar and Uttar Pradesh are Muslim caste groups employed as

scavengers. Similarly even Christian Dalits are part of the same occupation.

It is important to understand that the associations of impurity imposed on a caste are socially and culturally entrenched. Therefore, where the struggle is against caste oppression, a change in

Box 2 **What's in a name?**

'Dabbu-wali' (Bengal), 'Balti-wali' (Kanpur), 'Tina-wali' (Bihar), those doing 'kamai' work (Lucknow and north India), 'Tokri-wali' (Haryana and Punjab), 'Thottikar' (meaning 'dustbin', in Andhra Pradesh and Karnataka), 'Paaki' or 'Peeti' (meaning 'excrement', in Orissa), 'Vaatal' (in Kashmir)—there are as many names as localities.

All these names arise from the work they do. These are not caste names; these are manual-scavenging Dalits who are known by the names of the tools they use to clean human excrement with their hands. Just listening to these terms brings an expression of contempt on the face of civilized society, but these names are stuck to living men and women, to human beings. These terms have become their identity, and they have mostly forgotten their real names. Members of the houses they work in all their lives don't know their names; they just recognize them by the upper part of their faces. In case they need to address these women, they use the tainted term particular to the state or locality they are in, be it 'Thotamma' or 'Balti-wali'.

In Anantapur of Andhra Pradesh, sixty-year-old C. Narayan Amma got used to the sound of her name only in her fiftieth year. From the age of fourteen or fifteen she had only been addressed as 'Thottame' (manual scavenger). In her daily routine of cleaning communal dry latrines from early in the morning till afternoon, she would constantly hear this call, 'Hey, Thottame, clean here, hurry up.' So for a long period of her life, she remained nameless, and when the people of the organization began addressing her by her real name she took quite some time to get used to it. It was not surprising that in the locality where she worked for so many years, no one knew her name until 2010. The dry latrines there were destroyed under Narayan Amma's leadership. But even after all that ruckus, no one knew that she was Narayan Amma.

'Across the country, our bastis [slums or localities in which the scavenger community lives] are also referred to by the same names—gandibasti, valmikibasti, vatalmohalla, etc., and entrances are separate so that household members can avoid any contact with the scavengers.'

Source: Extracted from B. Singh, *The Truth about India's Manual Scavengers* and H. Mander, *Unheard Voices: Stories of Forgotten Lives*.

a person's economic situation cannot be an end in itself. While the rehabilitation package has been designed to provide some monetary support to manual scavengers who leave the work behind, this has to be seen as a stopgap measure. Loans and subsidies to encourage entrepreneurship also run the risk of reaffirming the same caste barriers instead of helping break out of them.

As a part of the India Exclusion Report this chapter will attempt to unpack 'manual scavengers' as a vulnerable group—explore the causes of this vulnerability, and the consequences of the same. The chapter also looks at what attempts there have been to address this vulnerability. On this point we would like to state at the very outset that manual scavengers form a unique category of vulnerable group as the very existence of this group is unconstitutional and needs to be challenged. We therefore want to reaffirm that any amount of effort by the government to make scavenging safer and healthier cannot ensure a dignified life for people engaged in such dehumanizing work as cleaning human filth. Furthermore the exclusion of manual scavengers from basic services and guarantees is intrinsically tied to their caste identity and livelihood. The chapter will highlight the issue of sewer-septic deaths that has brought these workers and their right to life to the forefront of the struggle in recent years. In this context, the chapter will also touch upon the 'Swachh Bharat Mission', the government's programme aimed at making India 'open-defecation free', and providing every household with a toilet. The chapter will look at what this drive and programme means for today's safai-karamcharis.

1.3 Sewer Workers under the Ambit of Manual Scavenging

The recurring incidents of sewer-septic deaths in recent years that have been referred to in an earlier section, have stretched the scope of the SKA beyond the issues of manual scavengers defined in

the traditional sense, to encapsulate the issues of sewer-septic workers as well. Sustained struggle by the scavenger community and the changing sanitation infrastructure across India, are two among many factors that have resulted in the current situation where there are less functional dry latrines today. Dry latrines are easier to destroy than manual scavenging however, which is deeply rooted in a socio-political culture of caste oppression and untouchability. Rather than being abolished, the nature of manual scavenging has therefore adapted to the changing times. Today, the members of the same scavenging communities are employed as sewer-septic workers to clean the same human shit.

To draw this parallel is not to claim that the experience of manual scavenging and cleaning sewer-septic tanks is the same, or that they should even be compared. For one, while manual scavengers, as described in the rest of the chapter are largely women, sewer and sanitation workers are both men and women (mostly men). The nature of work also differs as do the conditions of work and nature of employment contracts. Furthermore, while manual scavenging has come to be recognized as unconditionally illegal, sewer-septic work has not. The position of the SKA however, is clear—the unimaginable hardship and indignity faced by a manual scavenger in every sphere of her life is intrinsically linked with scavenging work and the caste she is born into. Her life cannot improve unless she is able to leave the life of scavenging behind. We believe that the same argument can be made of a sewer-septic worker who is also trapped in this line of work because of the caste he belongs to. While delving into every aspect of the lives of sewer-septic worker is outside the scope of this chapter, we would like to highlight the issue of sewer-septic deaths which is one that highlights the extent of government negligence and complicity in crimes against safai-karamcharis.

There are a range of causes of sewer-septic deaths. It is very rare for sewer-septic workers to reach the age whereby they become eligible to receive old age pensions. If they do not die due to exposure to methane gas and drowning in human excreta while cleaning sewer-septic tanks then they are killed by other diseases at a young age. Mani, a sewer-cleaner in Coimbatore poignantly commented,

‘Every time I enter the sewer, before sucking air into my mouth to hold my breath, I recall my daughter’s face. She has always been lucky for me. Even if I don’t come out alive, at least I’ll die with her image in my mind’ (Mani, personal communication, 20 January, 2014).

People who clean sewer-septic tanks cannot work without being intoxicated. Renu who cleans septic tanks in Patna once said, ‘It is impossible to pick up a bucket of excreta without filling one’s mouth with tobacco. The stench makes you throw up.’ Perumal from Coimbatore who cleans septic tanks corroborates,

‘We would not be able to cope and keep doing this work without getting drunk. It is not only the stench but the large number of cockroaches and other insects also creep on our bodies while we clean. Intoxication becomes a necessity for us’ (Perumal, personal communication, 21 January 2014).

Box 3 BhimYatra

We launched a nationwide campaign against these deaths and we had a simple demand from the government—STOP KILLING US!

BhimYatra was launched on the 125th birth anniversary of Dr B.R. Ambedkar and set off on 10 December 2015. It travelled across the country for 125 days, travelling more than 30,000 kilometres and reaching more than 500 districts in 30 different states. On 13 April 2016, the eve of Ambedkar’s birthday, they gathered with allies at Jantar Mantar, Delhi, in order to summon fellow citizens to stand with them in their struggle. People from the community participated in the Yatra and it received huge support from civil society. Women who lost their loved ones in sewer and septic tanks came forward and shared their agony and anger. It was the first churning in the community on this issue. An unprecedented call was sent out: STOP KILLING US IN SEWER AND SEPTIC TANKS! Earlier in 2010, SKA had organized the Samajik Parivartan Yatra to push the agenda of elimination of manual scavenging. We are sharing the experience of BhimYatra to emphasize that the scavenging community is fighting hard to come out of this casteist practice of dooming safai-karamcharis in filth and death. But the policy makers and political representatives have not even started thinking about this problem yet. Due to their criminal silence there have been so many deaths, which for us are nothing short of political murders.

Source: Authors’ own description of the Bhim Yatra organized by the SKA.

2. Unpacking Vulnerability

2.1 Perpetuating Untouchability

Untouchability is banned by the Indian constitution but it continues to persist even after seven decades of independence. Not a single village or city escapes its horrifying shadow. Some of the worst victims are manual scavengers; all of them fall under the category of untouchables. Untouchability destroys their basic human right, to even dream of a life with equality and justice. Women scavengers have to face the worst kind of exploitation and mental trauma—their movement, entry into the job market and many other aspects of their life are restricted as a consequence. Many women who want to leave this livelihood are not allowed to do any other work. We have encountered thousands of such cases of liberated women scavengers who have tried to move on to a more dignified livelihood, but have been rejected by society because of their caste. Geeta Devi of Patna for example managed to leave manual

scavenging and opened a tea shop but no one was ready to have tea from her hands. Despite this she continues to fight for her right to a dignified life.

2.2 Nothing ‘Decent’ about it

The ILO defines decent work (ILO, Guidelines for Producers and Users of Statistical and Legal Framework Indicators, 2013) as productive work that you can earn a fair income from that provides security at the workplace and social security for workers and their families. It is also defined as work that aids in personal development, social integration and allows for a freedom that can be expressed through speech, association and participation in decisions that govern your life. Decent work is also about equal opportunity. Manual scavenging is an occupation that does not manage to tick off even a single of the above categories. It is work that is a direct consequence of the caste system, a system of social exclusion. It is forced work that is deeply

Box 4 Untouchability

This was the only work that Saroj Bala had known since she was 13 years old. Like many other women in Ambala—a city of more than a million residents on the border of Punjab and Haryana—she would clean dry latrines in nearly a hundred houses each day. In return, she was given two stale rotis by many householders, and eight annas at the end of the month. Two years ago, when she finally left this work, she was being paid INR 10 in some homes, INR 20 in others. The women scavengers would enter the houses from separate entrances reserved only for them, and climb segregated staircases. Their employers would purify the floor with *gangajal* after they left. The women would collect the shit in baskets, and balance these on their heads as they trudged six times a day to the dump a kilometre away. People would shrink and cover their noses with the edge of their saris or hankies. The rainy season was the most traumatic, because the shit would slip through the baskets onto their hair and shoulders. They had to use separate public water taps, and even vegetable vendors sold them vegetables from separate carts.

Source: Resource Handbook for Ending Manual Scavenging, International Labour Organization, 2014.

gendered, pays little, and ranks amongst the most unsafe and dangerous occupations.

Manual scavengers are often asked why they don't just 'choose' a different profession. This question and the ignorance about how the caste system functions is infuriating. Narayan Amma, a symbol of the fight against manual scavenging, has now become an important member of part of the highest policy structure of the SKA. She fought a decisive battle against dry latrines in Anantpur in Telangana. She asks succinctly,

How can any person with a brain and all his/her senses think that the work of carrying others' excreta can be someone's chosen work? This work can never be a work of choice. If there was any other work then why would we do this? Lifting a basket of another person's excreta puts us in a position where we begin to see ourselves as less than human.

No poor Brahmin or member of any non-Dalit caste would ever even consider this job of scavenging, not even in a state of complete penury and starvation. This is where it is important to understand how basic one's caste is to one's occupation and livelihood. You cannot choose your caste because you are born into it and die within it. Your occupation is decided by your caste and your ancestral history as you can only continue to do what your ancestors have been doing. If you speak up against caste oppression then you risk losing your livelihood and often even your life. This is the vicious cycle in which the scavenger community is trapped. The livelihood of scavenging, ironically, is in fact the only security that the community has as there is no competition. As this inhuman work is forced exclusively on this community it has been internalized by them also, as their own work.

2.3 It's a Woman's Job

A report titled 'Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India'

prepared by Human Rights Watch highlights that 95 per cent of the removal of human excrement from public streets and dry latrines is carried out by women. This is seen as one of the dirtiest forms of manual scavenging as the untreated human excreta has to be collected by hand. From the perspective of the toilet users, dry latrines are usually inside the home and the owners prefer that women enter to clean. On the other hand the safai-karamchari community is equally patriarchal and creates conditions whereby it is women who have to take up jobs that pay the least and are most looked down upon. The women get paid as little as between INR 10 and 50 every month per household, and sometimes as a bonus they are given stale leftover food and worn-out clothes.

A system called *jajmani* prevails in safai-karamchari communities that ties generations of women to the job of manually cleaning dry latrines. *Jajmani* loosely translates into ownership over the rights to clean a select number of dry toilets. These rights are equivalent to property rights and can be bought and sold, always in connection to the women of the family. Mothers-in-law often transfer their *jajmani* to their daughters-in-law. In times of crisis, these *jajmani* documents are also pawned to borrow money. The girls of the community are often betrothed on the basis of the number of *jajmanis* their mothers have and on the other hand the girl's family also enquires about how many *jajmanis* the groom's family has. Unless the bride's family is satisfied about the number of *jajmanis* it is difficult for the match to take place. 55-year-old Vimla Kumari from Lucknow, a woman who has now been liberated from scavenging, explains the practice as an example of the caste-based inferiority complex rooted deeply in the community's mindset. Her own experience was such that her father called off three different marriage alliances because he felt that the number of households the groom's side had were too few. It was his belief that a large number of *jajmanis* would guarantee that his daughter would

never sleep hungry, that she would at least find stale food with which to fill her stomach. This is not only Vimlaji's story, but a common story for many women whose job security and future is determined through this system of bondage. While the reduced numbers of dry latrines, and changing times has meant that this system is not as widespread as before it still exists and a woman's value is still assessed in the same way.

When thinking about how policies of government to eradicate manual scavenging have impacted women specifically, it is important to remember that most manual scavengers who clean dry toilets are women and therefore all policies targeted towards scavengers should be designed primarily keeping women in mind. Despite this, however, schemes aimed at rehabilitating manual scavengers are focused on an imaginary male breadwinner.

Corruption in the implementation of rehabilitation schemes has also meant that fewer women have benefited from these schemes, than men. Of the men, many are not and have not ever been manual scavengers. The problems with how the government has envisioned, designed and implemented its policies to rehabilitate manual scavengers have been elaborated on, in a later section.

2.4 Health, not a Luxury that we can Afford

The impact of this work and lifestyle on the health of safai-karamcharis is at one level obvious, but at another level invisible, especially to people outside the community. When asked by a journalist whether manual scavenging leads to illnesses, Saroj from Haryana, quoted earlier, replied,

Would you be alright sitting in a gutter? After relieving yourself you clean your hands with soap because they are dirty, right? We have to carry that very same excreta. Our health is bound to be bad because our work is with filth. We

menstruate more during our periods, suffer from miscarriages more often, our children are often born with some deformity or disability. Asthma, and other allergies causing skin lesions and itching are common side effects. We chew tobacco to counter the smells which then leads to a higher incidence of Tuberculosis. This is only to name a few....

Addiction and intoxication are a part of the everyday for scavengers, for both men and women and come with their own set of consequences. These stories can be heard in any corner of the country; stories of lives being ruined because of this addiction/intoxication, particularly of women and children. At the same time you cannot blame the person, as any of us in his/her place would have resorted to intoxicating ourselves. The true culprit is the work of manual scavenging which needs to be stopped. Unless this practice is uprooted, it would be extremely difficult to bring the safai-karamchari community out of this addiction mess. Similarly, their diseases and other health impacts cannot be wished away with treatment and medication as long as they have to handle urine and excreta for a livelihood.

2.5 The Dream of Holding Pens instead of Brooms

Access to education is ideally a route through which manual scavengers can be liberated, and a means through which societal attitudes can be changed. Unfortunately, like access to other basic services, the level of education in the safai-karamchari community is very low. Children of the community are often addressed and insulted by various caste names in schools where children from other castes have already been conditioned to not come in contact with scavenger children. At the primary level they often attend schools in the *mohallas* exclusively meant for children of the community and identified for instance as a *valmiki* school or a

vatal school. The level of education here is extremely poor. When they come out of primary school and attend schools in which children from other communities study as well, they have to carry their scavenger identity with them (even if they do not engage in the work themselves) and are sometimes forced to clean the toilets of the schools they study in. Despite the challenges however, in our homes, the biggest warning children are given is that if they don't study then they'll have to pick up a broom.

Quality formal education is a good that very few people in India can afford, and the challenge for this community to access good education is even bigger. The government's rehabilitation package stops at scholarship support regulated through certain conditions. The SKA, in its recommendations, continues to stress that a significant measure would be for the government to open residential schools for children of manual scavengers to reduce the discrimination they face. Further, all children should have access to free government-run schools up to Class 12, with scholarship support to cover all additional costs.

The SKA believes there is no scope of debate on the idea that we will have to come out of the work of cleaning, picking up the broom, cleaning human excreta and entering the gutters.

3. Fight for the Law: Towards Eliminating Manual Scavenging?

India is the only country in the world that still practises manual scavenging. People cannot fathom who will do this work if safai-karamacharis are rehabilitated. When a parliamentary committee was set up to make a new law to end manual scavenging and all organizations were going to submit their recommendations, we witnessed even honorable MPs choosing to ignore the barbarity of the practice and ask—'How will our urine-excreta be cleaned if these people do not do it?'

The cornerstone of Indian democracy is its Constitution. The Preamble of our Constitution talks of Equality, Fraternity and Liberty. Article 17 of the Constitution prohibits untouchability. But in the form of manual scavenging, untouchability is practised across the country, without any shame. Article 32 guarantees all its citizen equality before law, but the same practice of untouchability, and the forced livelihood of scavenging renders this promise void. Democracy, a system of governance that boasts of equal participation, equal rights and opportunities is still a mirage. For instance, it has come to our notice that the Maharashtra Government has reserved sanitation-related works in local bodies for persons traditionally and generationally involved in cleaning work. How can any legitimate government perpetuate untouchability like this? This is a blatant denial of justice and equality. Justice in this context should mean that the government starts taking necessary action to eradicate untouchability, and guarantee alternative work opportunities to children of families that have handled and cleaned human shit for generations.

Untouchability was made unlawful and punishable as early as 1955 when the Untouchability Offences Act was passed. This act states that the imposition on anyone, of a practice or profession on account of untouchability, is a crime. This definition very clearly includes manual scavenging. The Untouchability Offences Act is an act that is weak in its provisions as well as in how it has been enforced. The penalty for carrying out an act of untouchability (as defined under the law) is either an imprisonment of six months or a fine of INR 500. In 1976, Section 7A was introduced into the Protection of Civil Rights Act, 1955, to make, the act of compelling any person on grounds of untouchability to scavenge, an offence punishable by imprisonment.

Furthermore, the SC ST Prevention of Atrocities Act 1989 built a stronger legal regime to prevent

and punish acts and crimes of untouchability and violence, but even this had very little impact on the continuance of 'unclean occupations' like manual scavenging, and to combat the discrimination faced by scavengers.

3.1 The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993: Promises and Limitations

It took more than a decade, in 1993, for the Parliament to pass the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, which rendered even voluntary employment of manual scavengers for removing excreta an offence, and another four years for the act to be notified. This law, in spite of its many drawbacks, showed manual scavengers the way to liberation. It was for the first time in 1990—Baba Sahib Ambedkar's birth centenary year—that the government began looking seriously at the Dalit agenda, and the process of forming some opinion about it began to take shape. This culminated in the form of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

Since the subject of cleanliness and health is part of the concurrent list, this Act came under Article 252 of the Constitution. A law passed by the Central government on a subject from the concurrent list can be implemented only when the Vidhan Sabhas of the states approve it too. Unfortunately, when this law was placed before Parliament, only five states had given their prior approval, weakening the law from the very start.

At this juncture it is important to reflect on the level of seriousness of the lawmakers or our political representatives. The law was passed by Parliament in 1993 and the President signed its notification on 24 January 1997. That meant it took four years for this law to cover the distance between the Parliament and the Rashtrapati Bhavan. But

even in this extended period, the rest of the states took no note of it and did not show any eagerness to approve it. In fact, until 2005, no other state took any steps towards implementing it. Only when the SKA submitted a petition in the Supreme Court, and every state received a notice from the Court, did they wake up and appoint inspectors and executives to implement the law. In spite of this, six states, including the capital city of New Delhi, did not approve it till the end of 2010. This resistance by states paints a sorry picture.

Now let us look at the provisions of this law which hinder its basic purpose. First, in this law, the definition of manual scavengers is limited to those who clean dry latrines only, whereas those who clean railway tracks, manholes, sewerage lines, septic tanks, open toilets, etc., have not been considered, though all these jobs are various forms of the same work. Thus, a big percentage of manual scavengers were deprived of the benefits of this law. Second, in Article 3(1) of the Act, there is a provision that even after states are notified, the law will not automatically become effective over the whole state immediately. States will have to issue a separate notification and identify those districts or areas where this practice prevails. Moreover, a period of ninety days would have to be given to those areas to implement the law. As if this were not enough, in Article 3(2), there are loopholes provided by the law which serve to undermine the total eradication of this practice. In Article 3(2) (2), the condition for implementing this law is that there should be adequate supply of water in the given area for flush toilets. Similarly in Article 3(2) (3), the implementation of the law has been further hindered under the guise of protecting the environment and public health safety, which means that if any local official so wishes he can refuse to implement the law in the name of shortage of water or hazard to the environment or public health. Thus, the whole of Article 3(2) seems to be against the basic spirit behind the formulation of the law.

If these escape vents are not enough, in Article 4 of the Act, the state governments have been given total liberty that they can exempt any category of buildings or class of persons from the provisions of this law. There may or may not be a reason for this, only the whim of the state government is needed. If such exemptions have to be given, then what is the whole point of having a law?

The desire of the lawmakers is clear: everything should remain as it is and whatever little is left may be given to the manual scavengers. This is very similar to the mentality that, for centuries, has kept the Dalit castes deprived of all facilities and pushed them out of villages and towns. Lawmakers should be asked whether there should be any exemption to granting all the human dignity that is guaranteed in the Preamble to the Constitution of India. In the 1993 Act, it has also been said that only as much as is possible should be done for the purpose of rehabilitation of scavengers—meaning there is no watertight provision here. First, the law is so loosely formulated and, on top of that, the administration that has to implement is so snail-paced, even reluctant. Only a few people were ever prosecuted under this law and Central government agencies like the Railways openly violated the law.

Harsh Mander in the Resource Handbook for Ending Manual Scavenging (ILO, 2014) states that:

Even though banned by the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, the practice continued unabated, almost exclusively by women whereas men clean septic tanks of wet latrines. In 1997, the statutory National Commission for Safai-Karamcharis observed that manual scavengers are ‘...totally cut off from the mainstream of progress...’ and are still ‘...subjected to the worst kind of oppression and indignities.’

Even though the government launched programmes for livelihood rehabilitation of freed manual scavengers, for the education of their

children and for promotion of flush latrines in place of dry latrines, the very design of these schemes was problematic. It entirely disregarded the aspirations of the safai-karamchari community. The schemes referred to loans and self employment but ignored the fact that pursuing these options is a challenge for a socially and economically backward group such as manual scavengers who after years of being put down are hesitant to leave the security that their livelihood and way of life provides.

3.2 The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (MS Act, 2013)

A Step Ahead from 1993

India passed a new law in 2013 that prohibits manual scavenging. The strength of the new law, unlike the 1993 law, is that it is a central law, binding on all states, and not a state law requiring endorsement by state legislatures. It recognizes the ‘...historical injustice and indignity...’ (MS Act, 2013, p. 2) caused to people forced for generations to perform this degrading work, and imposes strict penalties for its further continuance. It also proposes package measures towards rehabilitation. This law is more comprehensive than the past one, and for the first time it brings in both the railways and sewers into the ambit of its definitions and prohibitions. Technical options exist today which can ensure that no human contact with excreta is necessary. But railways and municipalities have refused to make the investments necessary for human dignity of the sanitary workers, and the new law does well to bring them under the law. The 2013 Act has more stringent penalty clauses. INR 50,000 or imprisonment up to one year; subsequent penalty is higher (INR 1,00,000 and two years in prison) and for violation of ‘hazardous cleaning’ is INR 2,00,000 (and subsequently INR 5,00,000) and two years (and subsequently five years) in prison; and this is a cognizable and non-bailable offence.

However, a mere enactment of a law doesn't liberate anyone unless the law is implemented well. There are countless examples, discussed in subsequent sections, of how governments indulge in fraudulence rather than providing benefits to the community if there are no vigilant eyes at every step.

3.3. The Safai-karamchari Andolan and its Legal Battle

The SKA has been engaged in a protracted struggle since 1983 to eliminate manual scavenging and to reclaim our dignity and human personhood. We have been employing different strategies in our campaign since 1996: conducting surveys to identify dry latrines, users and those forced into manual scavenging, filing petitions and complaints with government officials at different levels, educating and sensitizing the civil society especially dry latrine users, filing a Public Interest Litigation (PIL) in the Supreme Court and networking with individuals, media and civil society organizations to form solidarity and pressure groups.

When the situation of manual scavengers did not change even after the 1993 Act was passed, six organizations (including the SKA) and seven manual scavengers filed a PIL (Litigation no. 583) in 2003 in the Supreme Court under Article 32 for the implementation of the 1993 Act. SKA under the guidance of S.R.Sankaran strategized a legal battle as the best way to demand justice from the Indian State. The present Justice of the Delhi High Court and then advocate S. Muralidhar became the advocate for the litigants. The petition quoted the statutory National Commission for safai-karamcharis, which estimated the presence of around 96 lakh dry latrines in the country. The other reports revealed that manual scavengers were being employed by both private employers and several urban local bodies, and most unconscionably by the military engineering services and army, public sector undertakings and the Indian Railways. The

Supreme Court sent notices on this litigation on 8 January 2004 to the Central government, Social Empowerment Ministry, Railway Ministry, Defence Ministry, Ministry of Industry, National Safai Karamchari Aayog and 29 states and six Union Territories. Till the next hearing on 9 August 2004, only Goa and Tripura had sent their replies to the court. Therefore the court gave the other states four more weeks to send in their responses. After this, on 13 September 2004, the Supreme Court asked the Chief Secretaries of seven states (Assam, Jammu and Kashmir, Chhattisgarh, Manipur, Uttarakhand, Gujarat and Delhi) and one union territory (Dadra and Nagar Haveli) to appear in Court. From 2004 to 2007, there were twenty hearings on this petition. On the directive of the Court, the state governments gave affidavits about the state of manual scavenging in their respective states. Thousands of pages of replies were written. Predictably, in their affidavits most state governments denied outright that manual scavenging exists in their state. Further, there was a mockery of the Court's orders. The Supreme Court, in its earlier notices had also asked the municipalities and corporations to reply. Many corporations like the National Corporation of India, all dockyard corporations, Zinc Corporation of India, etc., replied to the notice although most of them had nothing to do with the matter, but none of the municipal corporations—the ones who were really supposed to provide answers—chose to reply. Through the duration of the hearing, it became clear that the State was not concerned with whether the scavenging basket was removed from the head of the manual scavengers or not.

States that denied the existence of either dry latrines or scavengers within their borders took to destroying dry latrines in the period between receiving the notice and sending their response. In the hearings they would then accuse the litigators of having provided false information. They were shameless enough to demand that action be taken against the litigators for this! On 5 August 2008, the

Supreme Court asked the litigators to find out all the places in the country where the work of scavenging was still continuing. They were given a period of only eight weeks to do so. To expect an organization or litigator to do a countrywide survey and hand it over in just eight weeks seemed impossible and it seemed as if we had been punished for asking for justice in the first place. The Supreme Court burdened us with work, which should have been done by the administrative system of the country. Instead of providing justice or paving the way for justice to the hapless litigators, the Supreme Court asked us to prove, on our own, that the practice of manual scavenging was still prevalent in parts of the country.

The SKA decided to take on this challenge as a part of the larger struggle to eliminate manual scavenging and with the help of 1260 activists, did a sample survey in 18 states and 274 districts. We found proof of manual scavenging in 14 states. Such facts were revealed which, in all these sixty years after independence, no government with its extensive resources had been able to collect. The many governments at the Centre and in the states, with all their political power, had conspired to render the practice of manual scavenging invisible. And yet this downtrodden community organized itself and had the courage to lift the veil from the governments' dubious claims. The surveyors managed to nail each official falsehood to the wall with moving, detailed affidavits, often with stomach churning photographs. Many of these affidavits should be compulsory reading. From Ahra, Bihar, unlettered Dinesh Ram, now 15 years old, has been doing this work since he was 9. He told the Court, 'I hate this work. I do not feel like doing it. But my problem is that I do not know any other work.' Ramrakhi, who has worked as a scavenger since she was 10, spoke up, 'The gas emitted by the shit has spoilt my eyes, and my hands and feet also swell. It sticks to my hands and makes me nauseous.'

The legal battle to establish a different truth and hold the State accountable carried on in court for 11 years. This lengthy struggle helped mobilize the community into action and the growing desperation to break out of the shackles of caste, among members of the safai-karamchari community, became evident. Lakhs of women scavengers not only burnt their baskets but also gave memorandums to district officials; they knocked on every closed government door to make their presence felt. Their voices were also heard during the Samajik Parivartan Yatra organized by the SKA in 2010. This yatra was taken out to eradicate and uproot the practice of manual scavenging from across the country and helped highlight the plight of the scavenging community. This in turn forced the Central government and the National Advisory Council to take cognizance of the problem. The Central government, which was denying the very existence of manual scavenging till then, started taking steps towards its eradication. This was reflected in the budgetary allocations that were subsequently made.

In the same year, under the guidance of the Ministry of Social Justice and Empowerment in 18 states 1,18,474 scavengers and dependents were identified for training and loans as means of rehabilitation (Press Information Bureau, 2015). Of this figure, 43,909 were documented as desirous of training, and the data shows that all 43,909 were provided training. Similarly, 78,941 were identified as loan beneficiaries, and the data shows that all 78,941 were provided loans. Under the scheme for rehabilitation, children of scavengers (or people engaged in unclean occupations) were provided with pre-matriculation and post-matriculation scholarships. In 2007–8, a total of 7,35,129 pre-matriculation scholarships were provided; in 2008–9, 6,18,277; and in 2009–10, 7,04,925. Similarly in 2007–8, 31,16,041 post-matriculation scholarships were provided; in 2008–9, 33,79,488 and in 2009–10, 4,02,49,888 children of scavengers were supposedly covered under the same scheme.

Despite steps towards spending on rehabilitation, it is also important to highlight the discrepancies in the data. With the numbers of dependents of scavengers and scavengers themselves being so incomparable, one has to ask who is being covered.

On 12 January 2011, the Supreme Court directed that the writ petition be taken forward by the various High Courts of the country, for the purpose of implementation of the various directions passed by the Court, and also for the implementation of the provisions of the 1993 Act. In multiple hearings of this case to date, governments have persisted in filing 'nil' reports of people engaged in the outlawed livelihood of manual scavenging. But each time SKA has fought back by responding to each lie, with unimpeachable data, reports and photographs detailing women still engaged in this work, and dry latrines that continue to stand.

On 27 July 2011, the Delhi High Court directed the Indian Railways to rehabilitate sanitation workers employed in cleaning railway tracks and technologically upgrade 1,72,000 toilets in trains, reaffirming the need for new legislation to encompass all forms of sanitation workers (ILO, 2014).

4. Changing of Terminology: Contesting Government Figures

The Government of India introduced a new term—insanitary latrines—for the first time in the 2011 census. Instead of pushing for exact numbers of dry toilets and finding out numbers of manual scavengers, a new jargon was created. The census shows insanitary latrines being cleaned by animals and being disposed of in open drains. This portrayal of the data marks a deliberate attempt to shift focus away from dry latrines and manual scavengers.

The number of 'insanitary latrines' was calculated for the first time in the Census of 2011 and we had pushed this to show prevalence of

manual scavenging. Overall, the total number of households with 'insanitary latrines' in India is 26,06,278 (2.25 per cent), out of which 12,76,530 (49 per cent) households are found in rural areas and 13,29,748 (51 per cent) households are in urban areas. Also, according to Census 2011 data there are 4041 statutory towns in India. In these statutory towns there are 8,82,271 households with insanitary latrines in which night soil or human excrement collected at night in buckets, is disposed into open drains and there are 1,78,296 households with insanitary latrines in which night soil is removed by humans. Uttar Pradesh reflects the highest percentage (18.2 per cent) of insanitary latrines followed by Tamil Nadu (13.4 per cent), Andhra Pradesh (12.8 per cent), Maharashtra (12.6 per cent) and Rajasthan (8 per cent). However the figures given in the census and those in the Socio-Economic Caste Census are vastly different.

Section 4 (1) of the 2013 Act mandates the survey of insanitary latrines by local authorities within two months from the commencement of the Act. These surveys should have been completed by 6 February 2014. However, far later than the deadline, even in 2015 only 11 states and union territories had reported the number of insanitary latrines in urban areas, and only nine states and union territories had reported the numbers in rural areas. The numbers declared in the survey vary greatly from the 2011 Census data. For instance, while the 2011 Census data for Odisha identifies a total of 81,285 insanitary latrines (54,066 rural and 27,219 urban), this survey identifies zero insanitary latrines in rural areas, and 25 in urban areas. This absurd difference in data calls into question the method and quality of the survey conducted by the few states that have declared numbers. Also whether both common, insanitary latrines and household latrines have been surveyed is not clear. The data if taken at face value could be used to make the argument that since 2011, states have taken measures to end scavenging, which is a clear misrepresentation of numbers.

According to the Ministry of Social Justice and Empowerment (SJ&E), Government of India, the total population of manual scavengers in 1992 was 5,88,000 (Rashtriya Garima Abhiyan, 2012). In the year 2002, a total of 7,87,000 were engaged in scavenging. In 2002–3, the same ministry quoted the number as 6,76,000. The anomalies in these estimates prevent a realistic idea of the extent and prevalence of manual scavenging. The fraudulent manipulation of statistics is something in which the governments have continued to indulge, as evident in many documents presented in different government meetings, surveys, etc.

Sections 11 and 14 of the new Act call for the survey of manual scavengers to be carried out if local authorities believe that there are manual scavengers being employed in their region of jurisdiction. As per the data extracted from the Survey of Manual Scavengers in Statutory Towns and archived by the Safai Karamchari Andolan, out of the 30 states which chose to declare survey results, 17 states declared that zero manual scavengers were identified in urban areas. Karnataka which in the same survey identified 890 insanitary latrines in rural areas declared that no manual scavengers could be identified.

Contesting the figures provided by the state and union territory governments, NGOs provided their own data on the number of scavengers in 15 states. They identified a total of 10,698 manual scavengers. It was decided that, together with the NGO that had identified scavengers, the states would verify the numbers, and where manual scavengers were located, they would provide them with the sanctioned rehabilitation package. However this verification was carried out without the presence of the NGO. Out of 10,697 identified cases, the government was only able to verify the existence of 625 manual scavengers. Of these 625 eligible beneficiaries, the government claims to have rehabilitated 528. This blatant disregard for data collected by NGOs is only made worse by the

flouting of the process laid out, where verification is supposed to be done in the presence of the NGO responsible for identification.

The latest Socio-Economic Caste Census data released on 3 July 2015 reveals that 1, 80,657 households are engaged in this degrading work for a livelihood. Maharashtra, with 63,713, tops the list with the largest number of manual scavenger households, followed by Madhya Pradesh, Uttar Pradesh, Tripura and Karnataka, as per Census data. In a review meeting held on 21 July 2016 and organized by National Commission for Scheduled Castes, data submitted by state governments show vast discrepancies between number of dry latrines and number of manual scavengers cleaning them. Telangana, for instance, reported 1,57,321 dry latrines as of 31 December, 2015, but zero manual scavengers (Pathak & Sampath, 2016). The survey results submitted by Himachal Pradesh, too, showed 854 dry latrines but nil manual scavengers. Chhattisgarh reported 4391 dry latrines but only three workers. Similarly, Karnataka reported 24,468 dry latrines but only 302 manual scavengers, and Madhya Pradesh's numbers were 39,362 and 36. Bihar reported only 11 manual scavengers, while Haryana reported nil for both dry latrines and manual scavengers (Pathak & Sampath, 2016).

Even now the Indian government doesn't have any accurate figure of the number of dry latrines and manual scavengers. Generally very little data is available with the government on the rehabilitation of manual scavengers. Government schemes such as 'The Self Employment Scheme for Rehabilitation of Manual Scavengers' (SRMS) state that liberated a manual scavenger is entitled to get a loan of a maximum of INR 15 lakh. But not a single person has received an INR 15 lakh loan. Rehabilitation also does not mean an end to untouchability and discrimination. We have seen that in a majority of cases the government will push liberated manual scavengers to take loans for livelihood activities such as pig rearing, goat rearing, etc.

All these years, the budget allocation for rehabilitation of manual scavengers and for education of their children was largely unspent. This shows deliberate negligence on part of the executive, which is still continuing. Now the government has mercilessly reduced the budget for rehabilitation to just INR 5 crore. The National Commission for Scheduled Castes (NCSC) observed in a note circulated for the meeting that ‘...expenditure for the last three years is negligible...’ under the Self-Employment Scheme for Rehabilitation of Manual Scavengers (Pathak & Sampath, 2016). The budgeted amount for SRMS for 2015–16 was INR 470.19 crore. The actual expenditure was nil.

Schemes for rehabilitation of manual scavengers have failed for reasons illuminated by the extremely insightful report released in 2003 by the Comptroller and Auditor General (Safai Karamchari Andolan & Ors v. Union of India & Ors., 2014). He found the scheme ‘a prisoner of its own statistics’, since although the government claims that it rehabilitated 2.68 lakh scavengers, the number of officially recognized scavengers did not go down, but instead rose further to 7.87 lakhs. The problem, the report pointed out, was that those scavengers it claimed to liberate were not those who were ‘rehabilitated’. The scheme instead often gave loans to persons who are not really manual scavengers, for low-skill, low-wage alternatives, ignoring factors of ‘habitation, cluster, aptitude, gender and motivation’.

5. Swachh Bharat Mission— A Critical Look

On 2 October 2014, the 150th birth anniversary of Mahatma Gandhi, Prime Minister Narendra Modi restructured the existing Nirmal Bharat Abhiyan and announced another mission called Swachh Bharat Mission. The mission aims to eradicate open defecation in India by 2019 by constructing 12 crore toilets in rural India, at a projected cost of approximately INR two lakh crore (US\$29 billion).

Ironically, under SRMS the government made shameful deductions of INR 5 crore in the budget estimate of 2017–18 as compared to the budget estimate of 2016–17. The Swachh Bharat Mission seems to be reversing all the efforts of the SKA.

Swachh Bharat has glorified the broom and has posed an obstacle in the path of caste-liberation. When the campaign to pull safai-karamcharis out of the abyss of manual scavenging was reaching a decisive stage, Swachh Bharat entered the scene with pomp and show. The entire focus shifted from those cleaning the toilets to constructing toilets. Prime Minister Narendra Modi has bet big on this Swachh Bharat campaign but nobody asked the basic question—who will clean these 12 crore toilets? Nobody asked where the excreta and urine from these toilets will go. Are sewer lines being laid out for dealing with this urine and excreta? Till now there is neither any such proclamation nor any budgetary allocation for this. It is more likely that these 12 crore toilets being built under the Swachh Bharat Abhiyan will actually be 12 crore septic tanks.

After the Swachh Bharat Abhiyan, a lot of news reports have emerged about Dalit children being forced to cleaning toilets in schools (Sudhakar, 2015). Also, the kids of manual scavengers are quite hesitant to share their parents’ occupation in their schools. This inferiority complex generated because of the shame attached to their parents’ profession also leaves them behind. And once they grow up then the only option they are left with is to do the work that their families have been doing—the work of holding the broom and cleaning. Programmes like Swachh Bharat Mission are more likely to prepare several grounds for exploitation of these kids if they continue to be compelled by their school administration to clean toilets.

Moreover, a separate cess has been levied for Swachh Bharat and hence billions are being collected for constructing toilets. The government doesn’t have any interest in identifying those who

are scavenging and doesn't care about rehabilitating them; it only cares about the construction of toilets. All the big corporate houses are also busy competing in constructing toilets in the name of their social responsibility. The Corporate Social Responsibility (CSR) money which could have been used to improve the lives of ordinary people especially the safai-karamcharis is now being used only for constructing toilets. If the CSR funds of all big corporations are probed then we'll come to know that all these companies are claiming to build toilets at a mass level. It seems that the biggest problem of the country is construction of toilets and nothing else. Apparently the government is also contemplating making 30 per cent of all CSR money mandatorily to be used for Swachh Bharat (Singh & Surabhi, 2016).

The idea of *Swachh*, implying purity, is a problematic concept in itself. Swachh Bharat is an extension of the purity and pollution theory, Swachh representing a casteist mindset that is built upon a *Manuwadi* (those whose social and political position in the society is influenced by Manuwada, particularly with respect to caste) structure. In this there is no room for the principle of justice. By focusing Swachh on the users of the toilets and silencing the lives and struggles of the cleaners, Swachh Bharat is only perpetuating the practice of manual scavenging. We feel afraid of the government's ambition to construct 12 crore toilets by 2019. Swachh Bharat Abhiyan will be counterproductive in the people's struggle to break the historical ties between their birth and caste, and between their caste and occupation. The questions then arise; how much more burden will be placed on the community? How many more sewer-septic tank deaths is this nation waiting for?

6. Conclusion

In the last seventy years, manual scavengers have never really had the opportunity to use the power

of the ballot to create political pressure for their emancipation from the torment of scavenging. The issue of eradicating manual scavenging has never been framed as a political issue. The burden of changing their own lived condition continues to rest on the backs of manual scavengers themselves.

The central problem is that most laws, policies and schemes aimed towards abolition and removal of this practice as well as towards the rehabilitation of erstwhile manual scavengers, fail to acknowledge how the practice is merely a symptom which is actually deeply rooted in the caste system. The majority of the country, unaffected by this nature of caste discrimination, feeds into this vicious cycle—where the homes remain clean, and the indignity suffered by the safai-karamchari community gets invisibilized. While over the last few years, the community itself has started treating manual scavenging as a political issue, and has begun demanding their right to life with dignity, the rest of the country often washes its hands off the moral responsibility for this violation of human rights.

Even after numerous Supreme Court orders and directives, the State has time and again failed the movement. Till as recently as February 2017, the National Commission for Safai Karamcharis (NCSK), established under the Ministry of Social Justice and Empowerment back in 1994, did not even have adequate members, with all office bearers' posts lying vacant, except those of Commission Secretary Narain Dass and the Deputy Director Varinder Singh, along with Section Officer G Srinivas (*DNA*, 2017). This has been the state of affairs for over a year now. Thus, even the little bit the government has done in order to put an end to this practice has often amounted to tokenism. While the movement will continue to grow more political, certain things at the level of the State must be done. Some recommendations are given below:

- (a) **National Level Common Survey for Safai-karamcharis:** Before the government can

effectively formulate any solution, we need to have reliable and consolidated information on the extent of the problem. The Government of India, thus, needs to initialize a national level common survey to identify the number of manual scavengers as well as dry latrines in the country and use it as a point of reference for the implementation of all policies and schemes. It needs to collect data from each state on the number of persons engaged in manual scavenging, the family information with data on dependents, the number of Community Dry Latrines (CDLs) and number of Individual Dry Latrines (IDLs).

- (b) **Need for Data from Authorities under the Central Government:** The Government of India should also initialize a survey and, in conjunction with the national level survey, acknowledge the fact that even with ‘protective gear’, what they are effectively doing is employing manual scavengers. The Indian Railways must provide information about the number of such workers employed by it, as well as number of employees engaged by other Ministries and other undertakings, including mines, and household information and details of their dependants, must also be collected. The government should devise a separate rehabilitation policy for such employees as well.
- (c) **Amend the 2013 Act:** There is a striking loophole in the 2013 law (The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013), whose Article 2, Clause 1, sub-clause (g) comes with an explanation that ‘...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 in this behalf, shall not be deemed to be a “manual scavenger”’. What this effectively does is to dissociate the problem of scavenging from

the indignity suffered by the community on the basis of their caste. It makes it an issue of implementing better infrastructure in the form of protective gear rather than removing the practice altogether, thereby allowing the state to regularize and normalize manual scavenging as a practice. This is dangerous and the Act should be amended at the earliest in order to hold Central authorities like the Indian Railways responsible for this practice.

- (d) **The 2013 Act and Need for Accountability of the Monitoring Agency:** The 2013 law prescribes the process for the setting up of Vigilance Committees both at the Central as well as state level, in order to monitor the implementation of the act. However, as the experience of the movement has shown, the effectiveness of such committees has been negligible. Hence, there needs to be a framework for the accountability of the monitoring agency, taking cognizance of the fact that manual scavenging is a violation of human rights and the constitutional rights of the victims, and as such, a failing Vigilance Committee must be answerable to the community for not addressing their demands.
- (e) **Review of Rehabilitation Programmes:** Dignified livelihood opportunities, free of scavenging should be the core idea in framing any rehabilitation programme. This must include job security, land, housing and free, good education for their children. All the schemes should cater to the aspiration of community women. The government has formulated various rehabilitation programmes for erstwhile manual scavengers and their dependants, but given their ineffectiveness, as described in the chapter, it is necessary that the government should initiate a review of its programmes, and table status reports, state-wise, of the

implementation of welfare and development measures meant for safai-karamcharis and their children. A contract system in sanitation work should also be abolished.

(f) Amending the Swachh Bharat Programme:

No more toilets should be built under any schemes unless the government ensures that no human being will be forced to clean gutters and sewer-septic tanks. We don't want more killing gas chambers for our people. Modernization of sewage system should be guaranteed. The Swachh Bharat Programme, though popular, has turned a blind eye to the problem of caste and to the fact that notions of purity and cleanliness in India are deep-rooted in the caste system. The programme

and its rhetoric, as they stand now, run the danger of normalizing practices like manual scavenging, thus pushing the community further into the vicious cycle of continuing in this line of work. The government needs to acknowledge this caveat in its understanding of public and private cleanliness, and must alter its programme so as to work with our movement, and not become a roadblock to it.

It is a long march to break shackles of all kinds of discrimination. We have to commit ourselves towards the annihilation of caste. We have to stand as foot soldiers of the vibrant democracy in all spheres of life.

Jai Bhim!

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