BACKGROUND

Manual scavenging refers to the practice of manually cleaning, carrying, disposing or handling in any manner, human excreta from dry latrines and sewers (UN, 2014). The practice is deeply rooted in the caste system in the country and the notion of pollution. This is against human dignity for the communities engaged in this work and also poses a major health hazard.

According to Census 2011, there are 7.4 lakh households across the country where human excreta is removed by a person from a dry latrine (Sen, 2018). Adding to this, there are also septic tanks, sewers, railway platforms from where human excreta is cleaned manually.

SOCIAL ATROCITIES AND HEALTH HAZARDS

Manual scavenging is also a gender-based occupation with around 90 per cent of the workers being women. Households employing manual scavengers prefer women to clean the dry latrines as they are generally located inside the house.

The situation can get worsened in the wake of recent emphasis on sanitation under the Swachh Bharat Mission as millions of septic tanks are being built in rural areas. It is expected that by 2019, some 30 million septic tanks and pits would have been dug along the Ganga alone. If the policy makers do not take up faecal sludge management as a priority, the onus will shift to the lowest rung of the society to clean millions of dry toilets built in hurry without taking sufficient long-term measures (Goswami, 2018).

RECOMMENDATIONS

1. Use Technology in sewage cleaning and train workers and sanitation inspectors to handle safety gears
2. Behavioural Change Campaign for better waste management and Sensitize authorities about MS Act 2013 for proper implementation
3. Monitoring mechanism to ensure compensation and other entitlements
4. Stringent action as per law against the employer and implementing agencies in fault
5. Amendments in the MS Act to ensure complete abolition of manual scavenging and also include SOPs for dealing with manual scavenging cases
According to a Human Rights Watch report, women are paid between a paltry Rs. 10 to Rs. 50 per month per household for this degrading job. This is much less compared to men who get up to Rs. 300 a day for cleaning sewers (Goswami, 2018). Women engaged as manual scavengers also face pressure from own family to continue this practice because of the fewer livelihood options available for the household.

Those who are engaged in manual scavenging often face discrimination which is not just from ‘upper castes’ but also from other dalit communities as well. Children of manual scavengers also face discrimination in schools resulting in higher dropout rates.

Direct handling of human excreta can have health consequences for the workers like constant nausea and headaches, respiratory and skin diseases, anemia, diarrhoea, vomiting, jaundice, trachoma, and carbon monoxide poisoning. They are also in danger of contacting diseases like TB, foot and mouth disease, hepatitis A and rotavirus infection. This is further aggravated by widespread malnutrition and poor access to health services among these communities.

**CURRENT PROVISIONS UNDER THE LAW**

**The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013:** The MS Act 2013 prohibits manual scavenging and states that no person or agency can employ manual scavenger. Local authorities should demolish existing insanitary latrines (household or public) that require manual cleaning and it shall be illegal to construct any such latrines after this law. However, for cleaning sewers and septic tanks, the Act stops short of completely banning the practice of manual cleaning and states safety measures that should be taken. However, a study by Rashtriya Garima Abhiyan shows that most of the provisions are not adhered to as per the law. The study covered 51 incidents in which 97 deaths were reported. It was found that not even in a single incident protective gear and safety devices were provided to the victims which are required under section 4 and 5 of the Act. Under section 6, various precautions like periodical check of protective gears and safety devices, providing body suits to the manual scavengers, presence of supervisor at the site of the cleaning, checking for oxygen level to avoid asphyxia were hardly followed. Similarly, section 7 of the Act require safety precautions in case of emergency; harness or any other method to bring injured manual scavenger out and availability of ambulance in close proximity to transport the injured. The study shows that the precautionary measures were almost absent in the incidents documented. Most of the deaths could have been avoided if these guidelines were followed. Hence, the implementation
of the Act is far from satisfactory.

There are provisions in the Constitution of India as well that directly and indirectly prohibits manual scavenging. The practice is rooted in the caste system and the Constitution forbids practice of untouchability in any form and also provides right to live with dignity, which is implicit in the fundamental rights guaranteed to every citizen of the country. Article 46 under the Directive Principles of State Policy provides that the State shall protect the weaker sections, in particular, the Scheduled Castes and the Scheduled Tribes, from social injustice and all forms of exploitation.

KEY RECOMMENDATIONS

1. Technology as a solution:
Usage of technology to minimize direct handling of human waste is the most viable solution for the problem. Tata Trusts has initiated Mission Garima in partnership with the Municipal Corporation of Greater Mumbai (MCGM) to improve the working conditions of sanitation workers in Mumbai (Box 1). The initiative is exploring the use of several machines and personal protection equipment to the sanitation workers to minimise the manual handling of human waste. Kerala is another example where robots are being tested to clean manholes and septic tanks. These solutions should not be restricted to bigger municipal corporations and must be scaled up to include smaller cities and rural areas as well.

2. Awareness and Sensitization:
The conviction rate of employers in cases where manual scavengers are killed or get injured in the process of cleaning is almost nil as the causalities are generally treated as accidents. There is a need to sensitize the authorities about the various provisions under the existing law for such cases. Also, there is a need for community awareness about the hardships of such workers and behaviour change campaign for better waste management practices at household level to lessen their burden.

Box 1: Mission Garima

Mission Garima was started in March 2014 as a joint initiative of Tata Trusts and the Municipal Corporation of Greater Mumbai (MCGM) to eliminate unsafe, undignified practices for sanitation workers in Mumbai. The mission asserts that it is not possible to have clean cities without restoring the dignity of its cleaners. The major focus of the mission is to improve the protection equipment, machines and other technology to minimise manual handling of the waste. Another intervention under the mission is spreading community awareness about difficult working condition of the workers and behaviour change campaign for better waste management. The mission also aims to provide better healthcare facilities to the sanitation workers and provide better livelihood opportunities for the children through education and skill building.
3. Monitoring mechanism to ensure compensation and other entitlements: As per the March 2014 judgement of the Supreme Court, families of victims who lost their lives due to non-adherence to the provisions of the MS Act 2013 are entitled to a compensation of Rs.10 lakh. The Act also has various provisions for rehabilitation of manual scavengers like one-time cash assistance, residential plot or house and training and concessional loan for alternate livelihood etc. There should be a mechanism in place to ensure that all victims are identified and the progress in disbursement of compensation and other entitlements is monitored.

4. Stringent action against the employer and implementing agencies in fault: Local authorities and contractors continue to employ manual scavengers without following the provisions of the MS Act 2013, resulting in many deaths. The prosecution rate in the incidents of death of manual scavengers is not satisfactory as most of the times these are treated as accidents. Police should register FIR in case of any incident and the offenders should be penalized as per the provisions under the MS Act and other applicable law like PoA Act etc.

5. Amendments in the MS Act 2013: The MS Act should include the process to be followed for the prosecution, FIR, trial, proceedings and compensation to the victim. The Act should include clear SOPs to be followed at different stages for effective implementation. The Act has provisions for ‘protective gears’ and ‘safety devices’ while cleaning, in which case the person is not defined as a ‘Manual Scavenger’. Such measures cannot address the complete abolition of caste-based engagement of manual scavengers. The Act should be amended to ensure complete abolition of manual scavenging.

REFERENCES
Rashtriya Garima Abhiyan (Justice Denied: Death of Workers engaged in manual scavenging while cleaning the Septic Tank or Sewer
Sen, J. (2018), After 25 years of broken promises, India is counting its manual scavengers. Again., The Wire.
Goswami, S. (2018), Manual scavenging: A stinking legacy of suffocation and stigma, Down To Earth

TATA Trusts is a 150-year old philanthropic organization working along with organisations, institutions, and governments to transform and improve the lives of people and communities in a sustainable, innovative and scalable manner.