

Manual Scavenging: The Role of Government and Civil Society in against discriminative practice

Vikram Singh, Guru Ghasidas University Bilaspur, Chhattisgarh

1 Introduction

Caste is distinct as an arrangement incorporating within its construction and association and based on endogamy, hierarchy, and viable margins. It also prescribes the prototype of group associations that may bind the interacting individuals in custom life. The groups in the caste system are comprehensive, restricted, and separate, i.e., every person is a member of such a group and only one.

Connection in groups influences the members in their roles and actions; there is a level of role abridgement. The groups are self-determining; each needs the services or supplies provided by others. Customary Indian society was based mainly on the ideology of caste. Caste is the very composite social institution intensely ingrained in Indian society from the ancient past. It is an arrangement of social association found in customary India and existing to a substantial level to the present day. The earlier global texts 'The Veda' refers to caste as a social arrangement to get work done, and it was also possible to degrade Brahmin to a level of Shudra if the essential qualities do not exist or elevate a Shudra if he attains the merits of a Brahmin.

Hence, the restoration of Brahmin hegemony at the time of Maurya dynasty after the death of Ashoka destroyed this inherent elasticity, social and occupational mobility and turned a work driven social castes to the life-based caste society. However, many studies (Nadkarni, 2003) are replete with the argument that caste system sustained upon myths which Hinduism mostly failed to assert through the changing times logically. Those who kept in the fringes of the Aryan conquered regions among them there were *Chandalas*. "The *Chandalas* severely stigmatised in the later Vedic age. 'In *Dharmasutras* and *Kautilyas' Arthashastra* the *Chandalas* are treated as Untouchables, and the 'mixed caste theory' of the origins of untouchability enunciated" (Michael, 1999).

The caste system historically controlled by the caste composition in India—a formation in which Dalits are kept at the substructure of the social order and with the nature of no climbing of the ladder is possible. The social and political institutions designed for the individuals belong to State and continue to be for their useful life. "John Locke, one of the propounder the social contract theory, explains that life, liberty and property are the three necessary elements for which civil society and State came into actuality. Afterwards, development of democracy furthers added the element of equality and justice in these merits. India is one of the imperative nations of the subsequent wave of democracy in Asia if the Huntington categorisation has followed. Caste is one of the underpinnings of Indian Social Stratification system.

It has divided and sub-divided society by different birth-based characteristics. Social stratification is a point dealt with both indigent and alien sociologists. The caste, class and power are vital components of society. It has also been analysed by many scholars in a variety of ways at national, and regional levels. Also, it represents the system of graded inequality. However, besides this, each of the castes is organically linked. Each of them has to perform specific roles as assigned to them.

Their roles have perceived as indispensable. The needs for the disposal of waste and rubbish in cities and villages have resulted in the creation of particular caste, i.e. scavenging caste from among the untouchables. It said that they are the lowest among the low and the untouchable among the untouchables. As out-caste and rejects of Indian society, they have suffered myriad human indignities throughout the ages. They have been treated as 'impure' and have consequently socially and ritually avoided. Nevertheless, more than many, they have been shunned as less than humans.

The Dalits form a significant percentage of the Indian Population and are highly disadvantaged socio-culturally, politically and economically. Government officials, social reformers as well as people belonging to the higher castes have invoked several terms, viz, Exterior Castes, Outcastes, Depressed Classes, Harijan; Ex-Untouchables refer to this social category. However, as a move towards a secular new identity, the victims prefer to describe themselves as Dalits (the oppressed) which encapsulates all aspects of oppression. The formations of this new and secular recognition have been the result of their prolonged struggle in search of emancipation from the traditional, polluting and stigmatised identity that based on caste and occupation. Since the concern of this analysis is broadly the castes/communities that treated as untouchables (SCs) who suffer from all sorts of exploitation and physical isolation, the use of the term Dalits felt suitable for this context. The relation between caste and occupation is not a new phenomenon as it exists since ages and is thereby the beginning of the Hindu Varna system. "The Varna system divides the work among the different castes that have their specific duties and role to play in a society based on their birth. Occupation enjoys a key position in the framework of social, political, economic and ritual relationship in the social structure of a village. Kshatriya will be the rulers, Brahmin's job is to do prayers, Vaishyas will do the business and Shudras responsibility will be to provide services to the upper three castes. The system still works and prevails in our modern society, and many social scientists have confirmed it".¹

In the Indian caste system especially among Hindus, each caste and sub-caste traditionally associated with a particular occupation such as (Gardner, Oil Makers, Cobblers, Butchers, and Pig-rearers). This phenomenon is so striking that one can say that caste is nothing more than the systematisation of the occupational differential.

"The most downgraded occupation was considered to be cleaning or sweeping and removal of human and animal excreta. So scavengers occupy the lowest rank in the hierarchy. Therefore, manual scavengers concerned with the concept of pollution and being tainted in society. In India, caste system crept in amongst members of other religions, as well, even if it did not get associated with ethico-religious ideas; in practice, though, in other non-Hindu religious groups' caste hierarchy, as amongst the Hindus, regulates inter-caste relations" (Thekaekara, 2005).

¹https://archive.org/stream/CasteClassAndOccupationGhuryeG.S./Caste%20Class%20and%20Occupation%20Ghurye%20G.S._djvu.txt

“The concept of polluting influence of a member of a lower caste may not prevail among the converts or their descendants, but lack of social interaction continues to prevail more or less to the same degree as it did during their erstwhile membership of the caste to which they belonged, before getting converted. It explained by the fact that the majority of the members or their descendants of any religious group in India have converted from amongst the Hindus. It is true in India of Muslims, Christians, and Sikhs. The scavengers are also known as Bhangis (considered derogatory) Balmiki, Chuhra, Mazhabi, Rangreta, Lalbegi, Hela, Hari, Dom, Dhanuk, Thoti, Pakay, Mukhiyar,” (Ramaswamy K., 1995).

1.1 Background of Scavengers and Scavenging Occupation

“It could be your interest to be our masters, but how can it ours to be your slaves.” *Thucydides*

This quote of Thucydides tells the story of the slaves who made slaves serve for the betterment of the society. The masters can indeed enjoy the comfort they got in the cost of suppressing the weakest, but how can a weak can rise enjoy his discomfort, which based on the principle of inequality. Scavengers always faced the same kind of situation throughout their lives.

“Different names and surnames know scavengers in different parts of India. Since their position in the social system was at the lowest place, and the dominant social groups assigned them the work. The existing culture, religion, were manipulated by the dominated system or state machinery to legitimize and strengthen the scavenging as work. Social backwardness subsequently followed by backwardness in other aspects of life, primarily economic” (Thekaekara, 2005).

The historically large number of scavengers lived in rural society, but the issue of night soil carrying did not get serious attention. It was not perceived as a problem because the use and availability of open space by the masses for the discharge of night soil. As a result, the service rendered by the scavengers did not get importance. In other words, even though scavengers had a monopoly on this work, their bargaining power remained low. During the British period, some efforts made for their development, but it did not succeed because of the ad-hoc nature of the social intervention and lack of social will due to vested interests of higher castes.

After independence, many efforts have been made from time to time to modernize the night soil management technologies and improve the living and working conditions of scavengers by the Central, respective State Governments, NGOs and Philanthropist. Also, efforts are in progress to bring them out of caste occupation and rehabilitate them in other occupation. It assumed that with joining the new occupations, which are historically not known to them, their social status and consequently, the economic status would improve. It is encouraging to note that due to societal and institutional intervention, large numbers of scavengers, especially the young people, are found in the non-caste occupation i.e. blue-collar jobs activities. Only a few of them are in the white-collar occupations. “As per the Socio-economic and Caste Census 2011 (SECC-2011) data of manual scavengers released by the Ministry of Rural Development on 03.07.2015, there were 1,82,505 manual scavengers in the rural areas of the country”.²

² Press Information Bureau Government of India Ministry of Social Justice and Empowerment <https://pib.gov.in/newsite/PrintRelease.aspx?relid=133286/> Retrieved on 19/October 2019.

Table 01 Number of Households Any Member who belonging to Manual Scavenger by Zone wise (Rural-India)

S. No	Zone	Total Number of Households	Number of Manual Scavengers	Percent of Manual Scavengers
1	North	9104338	14908	0.16%
2	East	47307665	14833	0.03%
3	West	31206237	71663	0.23%
4	South	39443917	16362	0.04%
5	Central	43325279	40981	0.09%
6	North-Eastern	8061458	2771	0.03%

Source: Socio Economic and Caste Census-2011

Figure 01 Zonewise Number of Households Any Member who Belonging to Manual Scavenger (Rural-India)

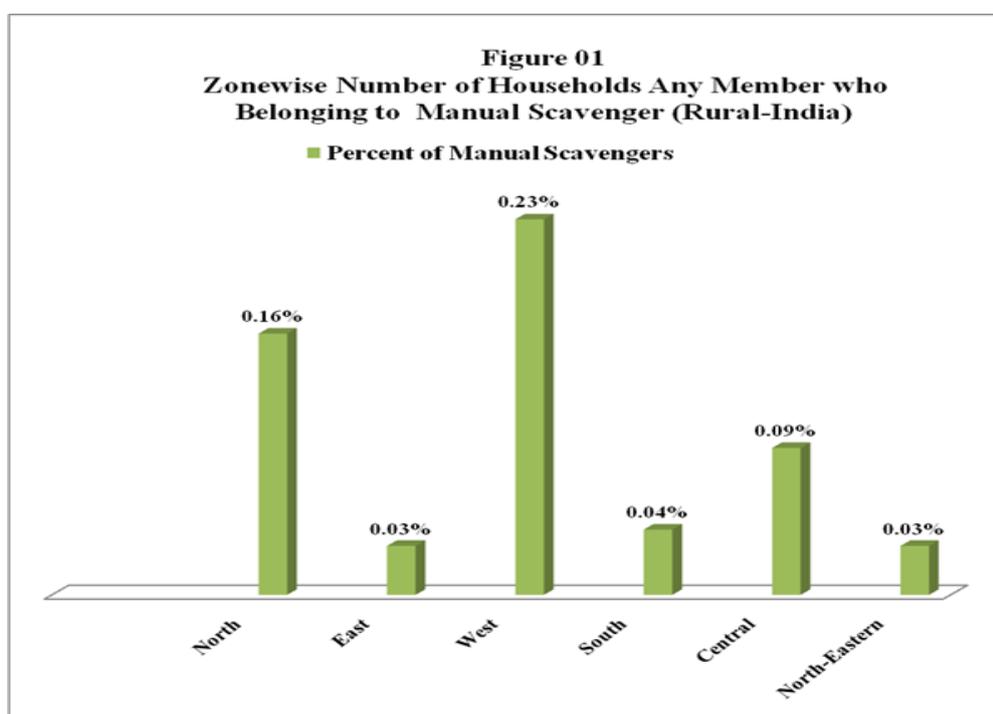


Table 02 State wise Number of Households Any Member who belonging to Manual Scavenger (Rural-India)

States	Total Number of Households	Number of Manual Scavengers	Percent of Manual Scavengers
All India	179787454	168066	0.09%
J&K	1601606	2904	0.18%
Himachal Pradesh	1263756	11	0.00%
Punjab	3269467	11951	0.37%
Haryana	2969509	42	0.00%

Bihar	17829066	7268	0.04%
West Bengal	15756750	2526	0.02%
Jharkhand	5044234	4153	0.08%
Odisha	8677615	886	0.01%
Rajasthan	10223073	3498	0.03%
Gujarat	6920473	2	0.00%
Maharashtra	13841960	68163	0.0049
Goa	220731	0	0.00%
Andhra Pradesh	9344180	388	0.00%
Karnataka	8048664	15375	0.19%
Kerala	6319215	100	0.00%
Tamil Nadu	10088119	334	0.00%
Telangana	5643739	165	0.00%
Uttarkhand	1479742	483	0.03%
Uttar Pradesh	26015592	17390	0.07%
Chhattisgarh	4540999	3	0.00%
Madhya Pradesh	11288946	23105	0.20%
Sikkim	88723	51	0.06%
Arunachal Pradesh	201842	1286	0.64%
Nagaland	284310	274	0.10%
Manipur	448163	1	0.00%
Mizoram	111626	1025	0.92%
Tripura	697062	21	0.00%
Meghalaya	485897	113	0.02%
Assam	5743835	0	0.00%
UTs			
Chandigarh	15657	0	0.00%
NCT of Delhi	1051097	0	0.00%
Daman & Diu	31795	6277	19.74%
Dadra & Nagar Haveli	45352	142	0.31%
Lakshadweep	10929	1	0.01%
Pondicherry	115249	66	0.06%
Andaman & Nicobar Islands	68481	62	0.09%

Source: Socio Economic and Caste Census-2011

As per the latest information available on the basis of survey undertaken so far, 12,226 manual scavengers have been identified in 12 States, State-wise details of which are given is:

Table 03 State wise details of Identified Manual Scavengers (Urban& Rural)

State-wise details of identified Manual Scavengers		
Urban-A		
S.No.	State	Identified Manual Scavengers
1.	Andhra Pradesh	124
2.	Bihar	137
3.	Chhattisgarh	3
4.	Karnataka	302
5.	Madhya Pradesh	36
6.	Odisha	237
7.	Punjab	86
8.	Rajasthan	577
9.	Tamil Nadu	462
10.	Uttar Pradesh	2404
11.	Uttarakhand	137
12.	West Bengal	104
Total-A		4609
Rural-B		
1	Punjab	5
2	Uttar Pradesh	7612
Total-B		7617
Grand Total (A+B)		12226

Source: Socio Economic and Caste Census-2011

1.2 Manual Scavenging and Hazardous Cleaning

The Prohibition of manual scavenging as an occupation is prohibited by ‘*The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*’ and ‘*The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013*’ (hereafter called MS Act) defines Manual Scavenging as follows:

“Manual Scavenger” means 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 latrine is disposed of, or on a railway track or in such other spaces or premises before the excreta fully decomposes in such manner as may be prescribed”.

Expanding its ambit to include the cleaning of sewers and septic tank, the MS Act stipulates that’ hazardous cleaning by an employee, in the relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance safety precautions.

³ The term is mainly used in the Indian context only. The employment of manual scavengers to empty "dry toilets" (meaning here toilets that require daily manual cleaning) was prohibited in India in 1993 and the law was extended and clarified to include insanitary latrines, ditches and pits in 2013 (passed on 6th September and enacted on 6th December 2016).

In general, manual scavenging and hazardous cleaning means the practices of cleaning means the practice of cleaning and removing human waste (excreta) with or without protective gears, and cleaning of sewers or septic tanks without protective gears and cleaning equipment.

The legal basis to abolish practice of Manual Scavenging and Hazardous cleaning has existed since 1993 via “*The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*”⁴ but this law has always been always observed in contravention. To understand the existence of such inhuman and degrading practices in this 21st century one has to look into the relation between the practice of manual scavenging and caste discrimination.

“Manual scavenging is the practice of manual cleaning of human excreta from insanitary/dry latrines. ‘Manual Scavenging means the picking-up of human excrement by another human with his/her hands’ (Singh, 2012). Bhasa Singh explains this Act as a horrendous act in her book Unseen in two ways; first scavengers clean the dry latrines by gathering human excreta in some vessel and throw it in some specific places; second scavengers clean the septic tank or sewerage pits which functions as waste disposal in toilets in somebody’s home or municipality. The law specifies that even cleaning sanitary latrines with bare hands amounts to manual scavenging. This practice can be seen in the entire country in one or the other form. Caste system and practices of manual scavenging are a phenomenon existing in Indian Subcontinent.

Scavengers are the most oppressed and suppressed class of Indian society-mostly Bhangis, toti, mehtar, dom, balmiki, dhanuk, choods, baasfor, halalkhor, domdaar etc. (Scheduled Caste and Schedule Tribes in India).

“It is historically seen that there is no specific group of people who are fixed with the role of scavenging. This group of people lives their entire life like this and remains in the lowest strata of society. The defenders of the caste society may call this segmentation as a division of labour. However, as Dr B.R. Ambedkar” (Ambedkar, 2003) argues, the caste system is not merely a division of labour but is also a division of labourers.

It is a hierarchy in which the divisions of labourers graded one above the other. Manual scavengers continue this apathetic job from generation as their children do not get proper education and environment. Ultimately this work is imposed upon them, which push them to the lowest stratum of social hierarchy. As we know, the tasks are appointed in advance based on the social status of their parents. “These occupations are not based on choice but the ‘dogma of pre-destitution’ where the caste system will not allow Hindus to take to an occupation where they are wanted if they do not belong to them by hierarchy”(Ambedkar, 2003). This argument has long been negated by Dr Ambedkar mentioning caste Hindus have vested interest in untouchability. This vested interested takes the shape of economic exploitation, such as forced labour or cheap labour that may not necessarily involve reason.

⁴ After six states passed resolutions requesting the Central Government to frame a law, The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, drafted by the Ministry of Urban Development under the Narasimha Rao government, was passed by Parliament in 1993. Enacted on 5th June, 1993 to provide for the prohibition of employment of manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water-seal latrines and for matters connected therewith or incidental thereto.

As ‘when reasons come into conflict with a vested interest, it fails’ (Ambedkar, 2003). An occupation which is against the will of a person or reason of system can have several adverse effects. It led to a constant desire to escape from the occupations which have blighting effect and stigma attached to it. After saying this much, we should ask the defenders of the caste system, what efficiency will it yield? “Ambedkar argues, as an economic organisation caste is, therefore, a harmful institution, since then, it involves the subordinates of ‘man’s natural power and inclination to the exigencies of social rules” (Ambedkar, 2003).

Varnashrama is justified on religious grounds, by rationalizing it in holy textbooks, scriptures, and though the theory of karma. Therefore, the practice of manual scavenging had always justified by similar grounds by the brahminical forces. The sewer men engaged in the municipality are forced to work under inhuman and degrading conditions. They enter the sewer lines with just a ladder and a rope.

No protective gears or cleaning devices are provided to them. They are not even provided with any washing provisions such as soaps to clean themselves after the work. The only thing that protects them inside the highly toxic environment of sewers from an ultimate death is their quick judgment about their surroundings. “Sewer materials are highly toxic and contain poisonous and inflammable gases. Personnel involved in the operation and maintenance of sewerage systems are often exposed to various types of occupational hazards like” (T.Venkataraju, 2012).

- Physical Injuries
- Injured by chemicals and radioactive waste
- Infections caused by pathogens
- Exposure to explosive or obnoxious gases (Hydrogen Sulphide H₂ S), Carbon Monoxide, Methane, and Gasoline vapors)
- Oxygen deficiency

“Presence of viral, bacterial or parasitic microorganism in the sewers acts as a potential threat, since it may result in infections. For those workers exposed to sewage, the most serious viral risk is tetanus” (T.Venkataraju, 2012).

“Nationwide hundreds of workers have died while entering and cleaning sewers/septic tanks in past few years and in the recent ‘Supreme Court Judgments’ taking the cognizance of this serious issue had asked authorities to provide protection and safety equipment to workers entering into sewers” (P.Sathasivam, 2003, 2011).

In the entire Nation workers who clean sewerage faced dangerous situations and near-death many times but were quick enough to understand the situation and escape. Due to inaction and apathetic attitude of the administration, such incidents were never reported. “Within minutes of entering the sewer, we felt irritation in our eyes; my friend told me to get out as soon as possible. Had not he realized the danger in time, I would not be sitting here and telling this story to you. But the reality is this is every day for us and considered ‘normal by

others says a 38-year-old sewerage worker who quit his job and now became an Out-reach Worker with SKA Delhi”⁵

“One or two breaths of air, with as little as 600 parts per million of Hydrogen Sulphide can cause a person to lose consciousness, and continued exposure to H₂S can be fatal” (Mehta, 2006). Apart from the fatalities, the workers are prone to sustain severe injuries due to solid objects like blades, glasses, and other sharp-edged or pointed objects. The septic tanks in almost India cleaned by these workers manually by bare hands, and no machines are used.

“Considering the various Judicial judgments regarding the issue of Right to life it includes right live with dignity, right to have healthy environment; right to have protection against hazards of the employment; right to health, right to have medical treatment and right to have adequate compensation for injuries suffered during discharge of duty” (Ramaswamy K., 1995).

On the one hand, they face severe structural discrimination perpetuated by the caste-ridden society which forced them to take such inhuman and the degrading job of manual scavenging on the other they face exploitation in the hands of administration and private contractors. “Manual cleaning of sewers leads occupation health hazards because of the toxic environment. Studies show an average sewerage worker or manual scavenger suffers from minimum 64 health ailments” (Mehta, 2006).

However, the administration and contractors (in case of daily wagers) these workers are a source cheap labour and not humans. These sewage workers are not only denied any protective or safety gears; they are not even provided with any health facilities.

1.3 Purpose of the Paper

1. The purpose of this paper is to examine the role of civil society organisations as a specific part against the discriminative practice of manual scavenging. How they are structured and organised from a rhetorical perspective and how the activists at organisations describe the manual scavengers to contemplate their situation, develop critical thinking and become empowered. Moreover, it would like to investigate what rhetorical strategies can infer from the liberation process in civil society organisations. Then it looks at how different actors of the civil society organisations provide different perspectives to highlight the issue of manual scavenging as a whole.
2. Then it looks the role of government in terms of legislative frameworks on ‘manual scavenging’ and it pros’ and con’ and other related outcomes of Scavengers, Municipal Waste Water Workers and scavengers’ of Railways. The paper analyses the outlined process to achieve the outcomes and the potential importance of the same.

1.4 Objectives

The paper focuses on the following objectives:

1. To understand the Government role, i.e. legislative measures taken to strengthen the implementation of MS Act 2013.

⁵ Safai Karmachari Andolan (SKA) is a national movement committed to the total eradication of manual scavenging and the rehabilitation of all scavengers for dignified occupations.

2. Analyse the enabling environment by Government of India for efficient implementation of total eradication of ‘manual scavenging’ in India.
3. To analyse the impact of civil society organisations in addressing the issue of scavenging and mainstreaming scavengers.

2 Theoretical Framework and Review of Literature: Manual Scavenging as a Structural violence with Impunity

Violence against manual scavengers can be considered as structural because of the many reasons. Individuals practice violence not as an outcome of personal hostility or individual discontent but as a consequence of the sociocultural wisdom that are taken in by the members of higher castes.

So, violence is not owed to inbuilt evils of any individual or caste but as of the inbuilt evils of caste system itself. In other words, caste system has got immoral forms of social, political, cultural and economic constructions that authorize or promote violence to go unconstrained. Violent societal sphere is scientifically institutionalised.

Society is divided based on work. Social division is stabilised through inheritance and social compulsion s demanded from the group as ethical norms as endorsed by religious scriptures. In such a societal system, the social labour (manual scavengers) was rewarded well by the members of the upper castes which is accepted as a moral act, but members of the lower caste were not compensated what was owed to them actually (worth and dignity).

There is no machinery within the system that might resolve societal problems. On the divergent side, there were very effective means to avoid any possible change. The members of the upper castes do not consider any change. However, it will threat to social order, therefore should not be acceptable. The endeavour to change the repressive practices by the victims leads to strain and conflict. “Violence and the constant menace of cruelty – both straight and circuitous – influence the whole sphere of scavenger’s lives and obstruct with the attainment of their capabilities. This disagreement is significant concerning manual scavengers who experience numerous forms of discrimination and violations of their fundamental rights”. As has been recommended above, this is due to the juncture of caste, class and occupation distinctiveness. Direct forms of violence, such as murder, death or forceful engagement in the job, are frequently more observable than circuitous forms of violence among them.

Crimes against manual scavengers, in theory, can be connected through legal measures. Though, “structural or institutional (i.e. societal) brutalities are indirect, deeply entrenched and more or less unseen to the existing society; they are an element of the social structure and consequently in use for granted.

The connection of different social structures, such as caste, class and occupation, relics invisible to the social, legislative and juridical frameworks, thus, their ill-treatment by the dominant-castes and government institution that enjoy the state’s security which enables them to commit” repeated violence with impunity against manual scavengers.

“Additionally, the vulnerability of manual scavengers to brutality has slam relations with their numerous identities interacting with the subject of caste, class and occupation -and the breakdown of the legal framework. The breach between substantive act and its bureaucratic characteristics dispossessed scavengers to attain justice from this juridical framework. The

lack of government responsibility and the nonexistence of efficient representation of manual scavengers in the public sphere through social framework directly connect them with the structural reasons for violence against them.

In the caste system, social, economic and political restrictions between dominant castes/institutions and manual scavengers are maintained by dominant forces who defend what is apparent as their benefits. Cross-cutting caste, class and occupational structures are supply to the continuation of this undue social structure. Considered ‘untouchable and polluted’, manual scavengers suffer multiple forms of discrimination. Violence against these individuals is seen as a means of power, as well as a way to punish them. Violence is thus worn by dominant castes/institutions to oblige ‘political lessons’ on their ‘inferiors’, to oppress those who complain, and to sustain the complete subjugation of this community. Here state impunity and caste impunity collectively have had essential repercussions for manual scavengers who have tried to defend their fundamental human rights in Indian society in the past.

“The Commission on Human Rights Impunity, 1999 defines the term ‘impunity’ as the impossibility, ‘*de jure*’⁶ or ‘*de facto*’, of bringing perpetrators of violence to account—whether in criminal, civil, administrative or disciplinary proceedings”. “Impunity thus entails that crimes of violence are not focus to criminal or other forms of enquiry that might lead to prosecutions, arrests, trials or sentencing to appropriate penalties, or to reparations being provided for the victims. Irudayam concludes that one of the many reasons for state impunity is the lack of legal sanction”⁸.

If this is unrestricted, a blueprint of brutal violations will be able to develop which can ultimately weaken the rule of law and the legislative framework of the state and the capacity of its institutions to guard human beings and their human rights.

“In these kinds of circumstances, Odinkalu explains that “there is a concurrence of impunity in law and in fact”⁹. In other words, impunity can turn into impunity in a *legal framework*, thus building the law dysfunctional. Hence, if impunity *in legislative* has to wreck, then impunity has to agree with throughout full and appropriate utilization of the authority of the legislative framework to do so.

Manual scavengers today are underprivileged of admittance to justice from the current legislative and juridical frameworks due to the impunity of offenders of violence before the

⁶ The term has come to describe a lawful, legal control of a state or a corporation. For example, a *de jure* government is one which has been created in respect of constitutional law and is in all ways legitimate even though a *de facto* government may be in control

⁷ This phrase is used to characterize an officer, a government, a past action, or a state of affairs which exists actually and must be accepted for all practical purposes, but which is illegal or illegitimate.

⁸ Irudayam S.J., Aloysius, J.P. Mangubhai, J.P., & Lee, J. G. (2006). *Dalit Women Speak Out: Violence Against Dalit Women in India*. Volume I study report and Volume II detailed case studies. New Delhi: National Campaign on Dalit Human Rights (NCDHR), National Federation of Dalit Women (NFDW) and Institute of Development Education, Action and Studies (IDEAS).

⁹ Irudayam S.J., Aloysius, J.P. Mangubhai, J.P., & Lee, J. G. (2006). *Dalit Women Speak Out: Violence Against Dalit Women in India*. Volume I study report and Volume II detailed case studies. New Delhi: National Campaign on Dalit Human Rights (NCDHR), National Federation of Dalit Women (NFDW) and Institute of Development Education, Action and Studies (IDEAS).

institutions of the state. This impunity is eased by the lack of accountability several state actors such as the police, district administrator and dominant castes. These “elongated recognized and received social inequalities to a great extent harder to identify and to confront than straight, explicit physical assault. Based on the work of Galtung and winter intricate the notion of structural violence with young children, is a helpful approach for thoughtful in understanding how structural brutality dispossessed” manual scavengers of their fundamental rights.

Hence it is argued that principles connect into all social structures; in the framework of caste construction, these principles are at the centre of the Indian caste system. The ideological domination and superiority of the governing castes entrenched in the caste structure and this hegemony interconnects with other social structures, such as class and caste. At the same time, it is imperceptible in the eyes of agencies charged with executed laws.

For example, a manual scavenger who left his traditional menial job was starved of the chances to buy ‘Ration’ (food item) from the local shop, which is run by governing castes. It was proposed to punish him because he declined to do his caste-defined menial job in the homes of governing castes. This penalty often takes the type of violence. Although the 1989 POA law forbids such discrimination, these practices stay as tolerable social norms. In this context, the manual scavenger who was not allowed to buy ration did not distinguish himself to be the sufferer of violence or discrimination.

Therefore, winter’s vision is that caste-based structural violence will not be redressed until manual scavengers can play further active roles in making choices concerning how assets are disseminated. Conceivably this approach can help to comprehend the structural roots of the intersectional structure of discrimination and violations of individual rights that manual scavengers experience in India.

3 Research Methodology

This paper focused on assessing the Role of Government and Civil Society Organisations against the discriminative practice of manual scavenging in India.

Hence the methodology of this paper depicts the research design adopted and sources for data of the paper. This paper is an attempt to explore the issue of scavenging and the plight of those engaged in it presently. In the era of the twenty-first century, the issues of caste and occupation continue to persist in Indian society. There are individual sections of the society for whom the growth of the country hardly makes any differences in their life.

The scavenger community is one among those communities that are still involved in such occupations. This paper is an effort to understand the mindset of the people who were previously engaged in this unclean occupation and afterwards voluntarily quitting it joined movements against manual scavenging and their aspirations for their community people who are still engaged. Moreover, to see how much independent government and civil society organisations have made a difference in their lives to whom they are associated.

3.1 Research Design

The paper has employed mixed methods research (MMR) designs because this paper in terms of civil society organisations delineates operationally about NGOs, advocacy and social action group who has an identity of existence to facilitate people’s participation, influencing

government policies related to manual scavenging and social development of peoples belongs to the scavenger community.

It also explains the phenomena of people's participation in the movements against the eradication of Manual Scavenging and reflects on the multiple realities & strategies of the various movements explicitly working on the issue of Manual Scavenging. Afterwards, it includes the critical assessment of the background of the Government efforts related to the eradication of manual scavenging viz. "Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993" and the amended Act "Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013" and its role in the present situation of Manual Scavengers.

Moreover, it describes the socially stratified communities in the lowest ladder forcibly engaged in manual scavenging practices. Furthermore, analyse whether the manual scavengers are treated with respect and dignity as envisaged in the constitution of India.

3.2 Sampling

The focus of the paper is to develop and gather in-depth information instead of generalising the findings. Therefore in light of these factors, this paper used a purposive sampling strategy that because it has highlighted the work of selected civil society organisations (viz. Safai Karamchari Andolan, Rashtriya Garima Abhiyan, and Navsarjan) because selecting sites for case studies are helpful to understand the influence of policy on outcomes achieved within a complex the phenomenon of Manual Scavenging.

3.3 Sources of data

The paper-based on available secondary sources of data from literature reviews related to the manual scavenging. Review of the researches conducted, Government official documents, civil society organisations reports and articles published on the subjects is consulted to develop the profile of the context. The documents evidence mainly from the Socio-Economic Caste Census-2011 has been used to depict data quantitatively.

4 Contextualizing role of Government: Constitutional, Legislative and Juridical frameworks

After the implementation of Constitution, the Indian Government, for eliminating manual scavenging, framed the various committees like Malkani, Barve and Pandya committees. For abolition and eradication of the manual scavenging and their occupational untouchability, the government formed the Civil Right Act 1955, Atrocity Act (POA) 1989, eradicating the Act for Manual Scavenging 1993 and 2013.

After all these Act and Committees, they also do not affect to issues of the manual scavenging. This chapter analysed the Constitutional Provisions, Law, Constituent Assembly debates and judicial responses which recognised that a section of people (manual scavengers) in Indian society had been denied certain fundamental rights since ancient times and had therefore remained, economically, socially and educationally backwards.

It is a fact that accommodation of manual scavengers is not possible without adequate Constitutional Safeguard and active intervention of the State through its policy in favour of manual scavengers. This understanding reflected in the Constitution itself where a chapter under the title "Special provision relating to certain classes" in Part-X IV has incorporated.

The Constitution provides for the protection and promotion of their social, economic, educational, cultural and political interest to remove the disparities and to bring them on par with other section of the society. Also, many Articles in parts -III, IV, IX, IX-A, Fifth and Sixth Scheduled of the Constitution reinforces these arrangements.

Even before the implementation of the provisions relating to the protection of the rights of Dalits, it realised that a unique component of protective measure required for striking the trinity principle of equality, liberty and fraternity as espoused by Bhim Rao Ambedkar.

“When the Constitution of India came into force on 26th January 1950 an attempt made to redress all the wrong done to untouchables. The Constitution enshrines the main purpose and objectives of our national policy. Our society is to based on twin pillars of social and economic justice” (Ambedkar, 1999).

“Ambedkar very clearly saw the conflicting interest that severely baffled the untouchables, bureaucratise and the legislators. Who tried to mete out justice to his or her caste people? Ambedkar was painfully aware that even if adequately represented, untouchables would not be able to meet out justice to their people, because they would be working under terrible pressure and condition of socio-economic insecurity dictated by the dominant forces in this Country” (Guru, 1995).

Constitutional: The constitution of India reproduces a three-cleft approach for changing the condition of the Scheduled caste (including Manual scavengers) on the conventional social order. It consists of:

Protective: Legal/Regulatory actions for enforcing equality and removing disabilities; providing decisive punitive action against physical violence inflicted on them; eliminating customary arrangement which deeply hurt dignity and person; preventing control over fruits of their labour and striking at a concentration of economic assets and resources and settings up the autonomous watch-dog institution to safeguard interest, rights and benefits guaranteed to them.

Compensatory Discrimination: Enforcement of reservation provision in public services, representative bodies and educational institutions.

Development: Measures to bridge the wide gap between the Scheduled Caste and other communities in their economic conditions and social status, covering allocation of resources and distribution of benefits.

4.1 Legislations, Commissions and Judiciary

Untouchability stands abolished under Article 17, and its practice in any form is forbidden and punishable under law. Hence the constitutional provisions are additionally strengthened by selective enforcement of various legislations and commissions related to the Manual Scavenging and Scavengers. Some of the significant enactments and commissions are as follows:

Untouchability Offence Act, 1955: Hence Article 17 of the Constitution forbids untouchability. Whereby Untouchability means the practices develop social restriction in sharing foods, access to public places, offerings prayers and performing religious services, the entry in the temple and other public places, denial of access to drinking water sources.

Within five years of implementation of the Constitution of India, the Untouchability (Offences) Act 1955 enacted by the parliament. The Act restricted a significant stipulation that where any of the unlawful practices "is stanch in relative to a member of a Scheduled Caste" the Court shall assume, unless the dissimilarity proved, that such act committed on the ground of untouchability. This obscure that the burden of the proof lies on the accused and not on the prosecution. Soon after that Act came into force, there was a common reaction of discontent with its impact as the legislation unsuccessful in serving the rationale for which it enacted. The penalty awarded under the Act was also not sufficient. The government of India consequently, appointed a Committee in April 1965 under the Chairmanship of Shri Ilaya Perumal to study inter-alia, harms of untouchability vis-a-vis the working of the Untouchability Offence) Act 1955 and to recommend changes therein. The Committee's report proposed in 1969.

The Protection of Civil Right Act, 1955 (PCR Act): "It based on the recommendation of the committee, this Act was broadly amended in 1976, and its name altered to "The Protection of Civil Rights Act, 1955". The amended Act came into force from November 1976. Under this Act, the discourses and performance of 'untouchability' or the enforcement of any disability arising from that place and for matters associated in addition to that, was made the cognizable and non-compoundable offence and the terms of punishment were improved"¹⁰. The PCR Act endows with for penalties for refusing right of entry to hospitals, educational institutions or hostels, for repudiates to sell goods or provide services, for avoiding tire exercise of any rights under Article 17, for demanding unlawful enforced labor relating to unsociability like scavenging, sweeping, removal of carcass, flaying animals, or removing the umbilical cord or any job similar in nature.

"The Act endows with that for punishment or retribution against a person for implements rights under Article 17, where the offence is punishable with imprisonment under the Indian Penal Code (IPC) for a term more than two years, it shall not be less than two years and also with fine. The Act also provides for abolition and deferment of licenses, assumption or suspension of grants and nuisance of communal fine. Consequent convictions carry higher penalties. Every such offence except where it is punishable with imprisonment for a minimum term exceeding three months may be tried summarily" (Naval, 2001).

Municipal Waste Water (Management and Handling) Rules under the environment (Protection) Act 1986: "The Ministry of Environment and Forest (MoEF), Government of India, is nodal Ministry at the central level of planning and promotion and coordination of environmental programs, apart from policy formulation. Some enforcement agencies assist the MoEF in executing assigned responsibilities. To its tribute, it has prepared and notified several rules and regulations for controlling pollution in the environment. It has brought regulations on water, wastewater and even to municipal solid wastes (Management and Handling) rules, 2000. So far, in the exercise of the powers conferred by section 3, 6 and 25 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government not notified comprehensive Municipal Waste Water (Management and Handling) Rules contains OSHA" (N.Meenakshisundaram, 2012).

¹⁰ Act no. 22 of 1955 and the Protection of Civil Rights (PCR) Rules, 1977

The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989: The enactment of Protection of Civil Rights Act, 1955 also passed to the forefront constrains both of the law as well as its execution in eliminating the practice of untouchability ' given its deep-rooted situation in the consciousness and conduct of higher caste Hindus and their confrontation to social change. Society as a total, never acknowledged the Protection of Civil Rights Act. In the intervening time, different atrocities against Scheduled Castes and Scheduled Tribes continuous to be committed in different parts of the country.

“It understood that still, the amended Protection of Civil Rights Act, 1955 and normal provision of Indian Penal Code did not provide avoidance in preventing cruelty on Scheduled Castes and Scheduled Tribes especially crime committed on caste background. Hence, parliament conceded another law called "Schedule Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989". “Article 17 of the Constitution has abolished "untouchability", and its practice forbidden in any form. The force of this article is to unshackle society from unsighted and ritualistic obedience to traditional attitude. It seeks out to set up a new and idyllic society. The disabilities, to which Dalitssubjected, have been forbidden and subjecting them to those disabilities are fickle of part III (Fundamental Rights) and Part IV (Directive Principles of State policy) of the Constitution.

For implement, this Constitutional provision, the Untouchability (Offences) Act, 1955 was enacted and amended in 1976 and renamed as the Protection of Civil Rights Act, 1955 (PCR ACT), which extends to the whole of India. Under the PCR Act, the practice of untouchability in various overt and covert forms is a cognizable and non-compoundable offence, and strict punishment provided for offences committed under the Act”¹¹. “Further, to check and discourage atrocities against Scheduled Castes and Scheduled Tribes, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was brought into force in January 1990, which extends to all States and UTs except Jammu and Kashmir. This Act defines various types of Atrocities against Scheduled Castes and Scheduled Tribes and prescribes appropriate punishments for such atrocities. In respect of corresponding offences under Indian Penal Code, it prescribes the higher level of punishment. It also provides for special Courts for trial of such offences and the relief and rehabilitation of the victims. Both these Acts have been enacted by the Government of India to safeguard the interest of persons belonging to the Scheduled Caste and Scheduled Tribes.

Police and public order are the State subjects under the Seventh Scheduled to the Constitution of India and, therefore the primary responsibilities of detection, registration, investigation and prosecution as well as prevention of crime and maintenance of law and order lies with the State Government. The State Government are duty bound to maintain law and order, uphold the Constitution and implement all laws for protecting and securing the lives and liberty of the citizens. Section 21(1) & (2) of the SCs/STs (POA) Act stipulates that tire State Government shall take such measures as may be necessary for the effective implementation of the Act.

“Similarly, section 15(A)(1) & (2) of the PCR Act,, stipulates that the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of untouchability are made available to, and are availed of by the persons subjected to any

¹¹ Act no. 22 of 1955 and the Protection of Civil Rights (PCR) Rules, 1977

disability arising out of untouchability"¹². "The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, came into force on January 31, 1990. The Act, among other things, specifies some types of offences as atrocities, provides for the imposition of stricter penalties for the guilty and setting up of special courts for speedy trial of such cases" (Gupta, 2016). "The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act 1989 identifies the atrocities which are answerable to penalties under Act, those are, forcing the eating's of toxic substances, dumping waste matter on land, denudation, wrongful occupation of land, deficiency, bonded labours, threats, intimidation during voting, ill-behaved litigation, false information, public disgrace, outraging humility, sexual exploitation, fouling of water source, impediment of entry into a place of public resort, expulsion from habitation, misbehaviour's with explosives, devastation of buildings and suppression evidence".

"These offences under Prevention of Atrocities Act bring heavier penalties than similar offences under the Indian Penal Code"¹³. "The main objective of the Act is to prevent the commission of offences of atrocities against the members of the scheduled castes and the scheduled tribes, to provide for special courts for the trial of such offences and the relief and rehabilitation of the victims of such offences and matters connected in addition to that or incidental to it. The Act was further strengthened, about manual scavengers, by the recent amendments"¹⁴.

"The Act which was notified by the Central Government on January 1, 2016, makes it a punishable offence to employ, permit or make any person belonging to SC/ST community, to do manual scavenging. The contravention of the said provision attracts imprisonment for a term not less than six months and may exceed five years and fine"¹⁵.

The Hazardous Wastes (Management and Handling) Rules, 1989:

"These rules aimed at control of generation, collection, treatment, transport, import, storage, and disposal of specified hazardous wastes. These are also applicable to factories which use, handle or generate hazardous wastes. The enforcement of these rules is carried out by the: State Pollution Control Boards. Some of the duties of the enforcement authority are provided authorisation to units for handling hazardous waste, ensure safe handling of hazardous waste, monitor and carry out tests, identify and notify the sites for disposal".

"The occupiers of the factories are required to take necessary, adequate steps to contain contaminants and prevent accidents and limit their consequences on human and the environment while handling hazardous wastes. They are also required to provide persons working with information, training and equipment necessary to ensure their safety. These rules deal with only hazardous wastes as specified, and hence their coverage about safety and health of workers is not adequate" (N.Meenakshisundaram, 2012).

¹² Reports on Prevention of Atrocities against SCs & STs, 2004 & Statement of Objective and Reasons for Scheduled Caste and Scheduled tribe (Prevention of Atrocities) Act, 1989

¹³ Act no. 33 of 1989 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995

¹⁴ The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (Act no. 1 of 2016)

¹⁵ Id. s. 4(j) and s.3 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993: The most undignified of all occupations and appearances of labour drive upon untouchables by the caste-based social order is manual scavenging. Members of communities who occupied in manual scavenging are made to clear faeces from public and private latrines, using a broom, tin plate and a basket and take them to dump grounds or discarding sites. Those working in personal establishments and households paid very low wages/ in cities, scavengers lowered into dirty gutters to clean out them and are fully engrossed in human waste with no protective gear. A number of them die as a consequence of carbon monoxide poisoning.

“Law has banned the practice of manual scavenging under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The act bars any individual to appoint in or occupy or endorse to be engaged in or working any other person for physically carrying human excreta or building of a dry latrine. “The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (hereinafter EMSCDL Act, 1993), provides for the prohibition of employment of manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water sealed latrines and matters connected therewith”¹⁶.

“The Act also authorised the State Government to make one or more schemes for regulating alteration of dry latrine into water sealed latrines and healing of persons who were engaged in or working for manual scavenging. The act mandates a time-bound phased programme for alteration of dry latrines into water sealed latrines, provision of technical or financial assistance for alternate low-cost sanitation, building and safeguarding of community latrines, registration of manual scavengers and their rehabilitation. The Act makes infringement of the law an offence punishable with captivity for a term which may extend to one year or with fine or with both”¹⁷.

National Commission for Safai Karamcharis Act, 1993: “The Act established the National Commission for Safai Karamcharis to study, evaluate and monitor the implementation of various schemes for safaikaramcharis as an autonomous organisation and also to redress their grievances. The Act is welfare legislation enacted for the welfare of persons engaged in cleaning and plumbing jobs in various state departments. Section 31 of the PEMSR Act bestows statutory responsibility on the National Commission for Safai Karamchari to monitor the implementation, enquire into the contraventions and non-implementation of the PEMSR Act, 2013” (Gupta, 2016).

The Water (Protection and Control of Pollution) Act, 1974 and the Water (Prevention and Control of Pollution) Rules 1995: “These Rules enacted for prevention and control of pollution in watercourses. These apply to all places of work including factories covered under the Factories Act. The Central and State Pollution Control Boards are the enforcing agencies. Some of the duties of the enforcement authorities include: providing technical guidance, monitoring, analysis and conducting investigations regarding water pollution, setting standards for industrial effluents in water. The enforcement is carried out by state boards through the qualified engineers and scientists appointed for that purpose. As per the

¹⁶ Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (Act no. 64 of 1993)

¹⁷ Reports on Prevention of Atrocities against SCs & STs, 2004 & Section 14 of the Act-National Commission for Safai Karamcharis: A Hand book 2000

requirement of this statutes, the occupier of the factories is required to ensure that amount of effluents in the water let out do not exceed the permissible limits”. “However, there are no provisions relating to control of harmful substances during use, handling and transportation as well as safety precautions to be taken to protect workers against exposure to these substances”.

The Air (Prevention and control of Pollution) Act, 1981 and the Air (Prevention and Control of Pollution) Rules, 1995: “These regulations enacted for prevention and control of pollution in the air. These apply to all places of work including factories covered under the Factories Act 1948. The Central and State Pollution Control Boards are the enforcing agencies. Some of the duties of these authorities include: grant No Objection Certificate to industries, setting standards for industrial pollution in the ambient air, monitoring, analysis and conducting investigations regarding air pollution. The enforcement is carried out by the State Pollution Control Boards through qualified engineers and scientists. The occupiers of factories are required to ensure that amount of pollutants released into the ambient air do not exceed the permissible limits prescribed under the statutes. However, there are no provisions relating to monitoring and control of the airborne concentration of pollutants at the source as well as in the workroom. The statutes also do not prescribe the precautions to be taken to protect workers against harmful airborne substance” (N.Meenakshisundaram, 2012).

The Prohibition of employment as Manual Scavengers and their Rehabilitation Act, 2013: “An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families and matters connected in addition to that or incidental to it. Whereas promoting among the citizen's fraternity assuring the dignity of the individual enshrined as one of the goals in the Preamble to the Constitution and whereas the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution. And article 46 of the Constitution, among other things, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation”.

“The dehumanising practice of manual scavenging, arising from the continuing existence of unsanitary latrines and a highly iniquitous caste system, persist in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging. It is also necessary to correct the historical injustice and indignity suffered by the manual scavengers and to rehabilitate them to a life of dignity”¹⁸.

“The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 that has become an Act on 19 September 2013 relates to the eradication of untouchables in India. In Indian society, the problem of untouchability can be traced to approximately to two thousand years ago based on a strictly defined division of labour. The Act, 2013 received the assent of the President of India on 18 September 2013 and published in the Gazette of India on 19 September 2013”. “This Act has replaced the existing “Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 as it appeared to be ineffectual. The key purpose of the 2013 Act is to freshly investigate the condition of the manual scavengers, as there were reports on the existence of approximately 2.3 million pits (insanitary) toilets according to 2011-census report. This 2013 Act bears stricter provisions to abolish manual scavenging completely from the society. As such, the present Act has framed

¹⁸ The Prohibition of employment as Manual scavengers and their Rehabilitation Act, 2013 (Act no. 25 of 2013)

in such a way that there are a wider scope and higher penalties than the 1993 Act” (Baruah, 2014).

Judiciary on the additional dispense has all the time cooperated an active role in escalation the foundation of socio-economic welfare by interpreting numerous directive principles into enforceable rights for the upliftment of poor and weaker section of the society. Hence the judicial response towards the manual scavengers, courts have adopted a stern attitude towards the manual scavenging and pulled up the State authorities for failing to eliminate manual scavenging.

4.2 Interlinking Role of Civil Society Organisations

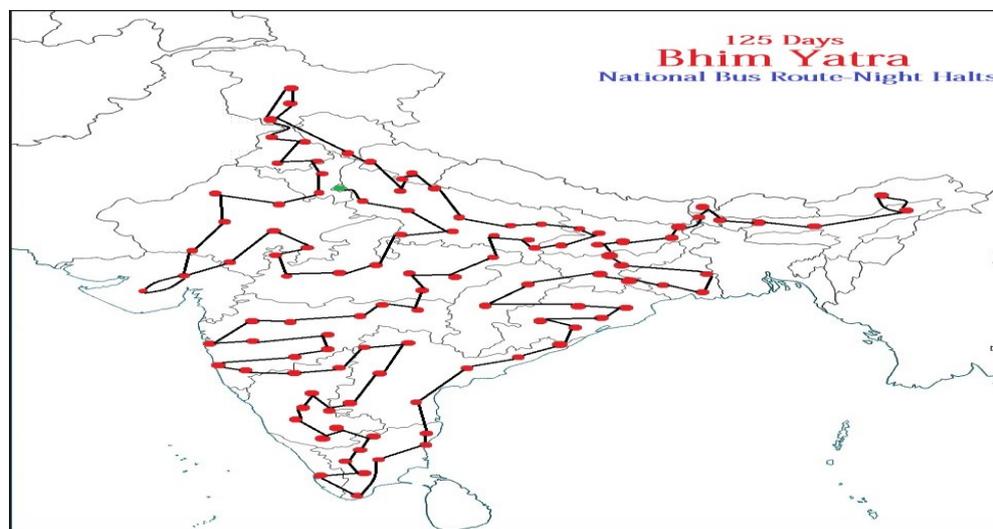
There are selected civil society organisations specifically working on the issue of manual scavenging (Safai Karamchari Andolan, Rashtriya Garima Abhiyan and Navsarjan Trust).

SafaiKaramchariAndolan (SKA): Safaikaramchari Andolan is a Delhi –based National movement working in entire India to eradicate manual scavenging along-with liberation of people who leave this profession. It also helps people who were previously manual scavengers in sustaining their livelihood with another dignified profession. SKA was initiated in the year 1995 by children of people who are engaged in manual scavenging for free themselves and their future generation with this dehumanising work and life. Afterwards, it has grown as National movement and expanded it over 25 states of India with the Head office in Delhi. The SafaiKaramchariAndolan has its core advisory group, under their guidance and supervision programmes/activities are carried out. Therefore it also works against the enforcement of institutionalisation. Till date various major activities carried-out by SKA to eradicate manual scavenging and liberate manual scavengers are as follows;

- **Action-2010:** In 2007, 30th November a mass rally was organised by SKA at Jantar-Mantar. This mass mobilisation has attended by a large number of men, women, youth and organisations from across the country. Subsequently, it has been followed by a National consultation in 2007, 1st December in which a huge number of peoples’ movements and community-based organisations working at grass-root level have participated.
- In this activity, all participants have taken an oath that they extend their support to accomplish the goals or aims of acquittal India as a nation from the blight of manual scavenging. At this consultation, a decision was made to launch “Action 2010” programme, a battle with the objective to end manual scavenging by 2010, 31st December.
- **Bhim-Yatra:** The programme was launched in 2015, 10th December for a year at Vishwa Yuva Kendra with inception to criss-cross the country for 125 days in 500 districts of 30 States of India which ended in 2016, 13th April occasion of the 125th birth anniversary of Babasaheb Ambedkar. It is a journey of fanaticism of the aggression, discrimination and violation of constitutional rights which is a representation to the insincerity of speeches/actions of Government & disgrace of manual scavenging in the 21st century. The yatra also spread the ideas of Ambedkar namely, Social justice, Liberty, equality and fraternity whereas decreeing his slogan “Educate, Organise and Agitate”. The journey is a country-wide yatra of Safai Karamcharis who have soreness and agony against the system. It is started under the social framework of SKA to enlighten the Nation and Government with the slogan

“STOP KILLING US” in dry latrines, sewers/manhole and septic tanks because elites are celebrating in this country whereas millions of safaikaramcharis are being forced into manual scavenging and manholes to die in hazardous situations.

Figure 02 Route map of Bhim Yatra (Source: SafaiKaramchariAndolan)

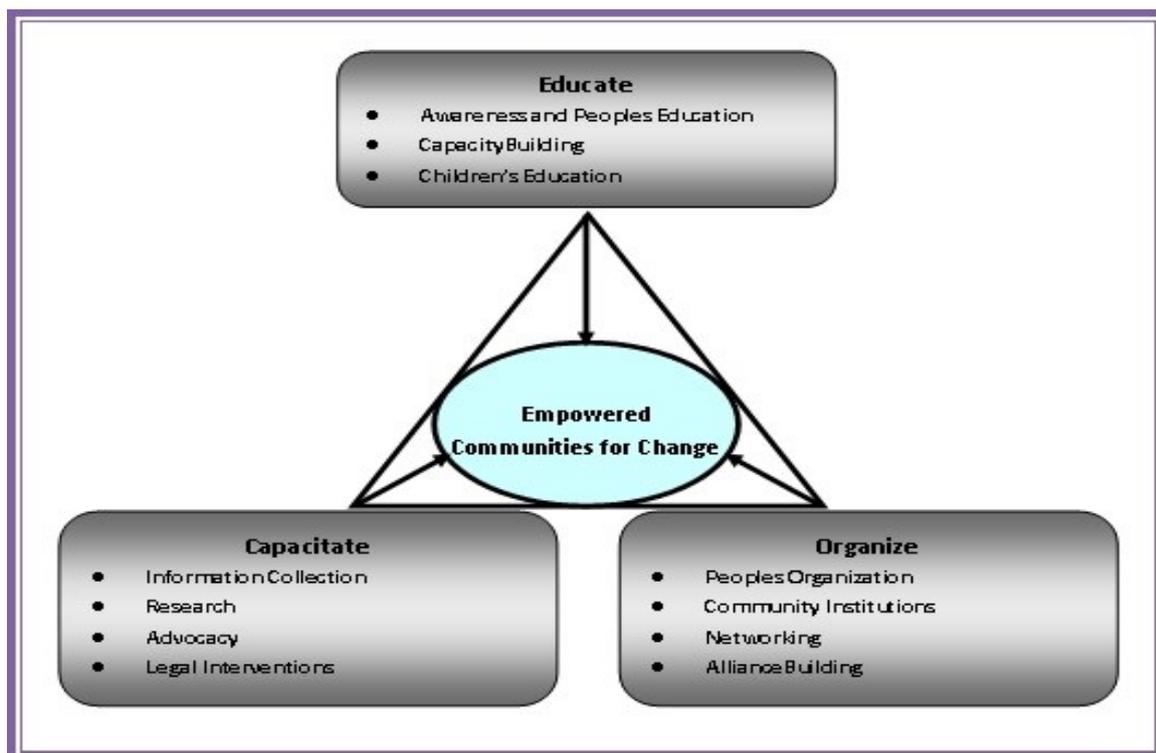


Jan-Sahas -Rashtriya Garima Abhiyan (National Campaign for Dignity and Eradication of Manual Scavenging): This campaign is an alliance of 30 civil society organisations across 13 states of India devoted to ending the manual scavenging. It is a unit of Jan-sahas social development society. Its dedicated organisation function to endorse the development and defend the rights of socially excluded communities with the singular focus on girls and women through eradication of all forms of oppression including manual scavenging and caste-based prostitution.

“The organisation works towards to end violence against women through gender justice skill development for dignified sustainable livelihood, legal aid for access to justice, social entrepreneurship, reform in criminal justice system, and support in education and to develop barefoot lawyers to build victim or survivors as leader and empowerment of communities through capacity and organization building. Jan-sahas started in the year 2000 when it advocated the issue of deaths of, childlabour and two Dalit Labourers in illicit –unit of firecrackers. Some likeminded united on the issue and Jansahas was born, afterwards, on this background, a group of youth volunteers decided to come together and form it as an organisation and registered under Society’s Registration Act with head office at Balghar, Dewas Madhya Pradesh” (Shaikh, L. B. 2011).

The beneficiary group of its operation socially excluded groups namely Dalits, Tribes, Dalit Muslims with a special focus on girls and women. The major operation areas of this organisation are 15 districts of 3 states namely M.P., U.P. and Rajasthan of India. Along with this Jan-Sahas has its extension in the rural and urban areas of other 48 districts of 5 states (i.e. MP, UP, Gujarat and Maharashtra) of India with the help of fellowship programme, alliance formation and movement initiatives. It also occupied in national level policy initiatives with the government and UN Agencies. The organisational strategies of Jan-Sahas encompass of three key elements for the empowerment of targeted communities (i.e. Educate, Capacitate and Organise).

Figure 03 Organizational strategies for Empowerment of targeted Communities



To implement key elements Jan-Sahar involved various approaches namely which are as follows;

- Promoting community leadership which enables community members to come forward for their socio-economic development.
- People-centered participatory approach which helps in organising the community and developing community-based social structures.
- Equal opportunity to women to eliminate Gender Inequality.
- Capacity building of targeted groups to capacitate people; hence they can address their problems from their own.
- Ensure access to justice for excluded communities through legal aid and advocacy.
- Enlarge the social entrepreneurship for sustainable livelihood
- Association and Coalition construction with government institutions, independent commissions, and community-based organisation/cultural groups.

Navsarjan Trust: Navsarjan is a peoples' organisation committed to ensuring human rights for all. The work of this organisation is to abolish inequity based caste and untouchability practice. It fights for equality of status and opportunities for Dalits and guarantees occurrence of the rule of law. Navsarjan is one of the largest peoples' organisation dynamically work in more than 3000 villages and major cities of Gujarat. It has a field staff of 80 men and women who come from the communities where Navsarjan is functioning which help to address the issue appropriately. They have their outreach activities in across the country and also associated with national/international alliances for the cause. It established in 1998 and started functioning in 1989 as a registered organisation. Initially, it has a primary focus to work on untouchability and caste. Afterwards expanded as legal assistance organisation, the organisation has its roots in the 1970s when its founding-member Martin Macwan was involved in a sustained effort to establish consciousness within the Dalit community to fight

socio-economic exploitation. Major activities carried-out by Navsarjan to eradicate manual scavenging and liberate manual scavengers are as follows;

Eradication of Manual Scavenging Campaign: Navsarjan has been functioning since 1996 to end this callous practice. Mahatma Gandhi called manual scavenging a nationwide disgrace in 1901, and yet caste-dictated practice persists. The manual scavenger and sweeper caste the majority often women who execute this work undergo from an assortment of grave diseases and disarrays at a much higher rate than the general population. They are indulgence by both society and government as social outcastes fit only for this humiliating and hazardous work.

- It works to eliminate manual scavenging and all caste-based professions in all their appearances by generating pressure on the state for the rehabilitation of scavengers into decorous occupations.
- Supporting scavengers in finding substitute job and self-employment and eliminate sub-caste separations and discrimination within the Dalit community. Navsarjan endorsed and expectants participation and representation of Valmikis at all levels, both within Navsarjan and the larger Dalit movement. Hence to prevents Valmiki children's inheritance of the caste-based occupations of scavenging and dragging away dead animals.
- It moreover concentrated on other infringements of rights such as non-implementation of minimum wages, forced wages, etc. and filing court cases and forcing the government to take deed.
- Researching to review the level and enormity of the problem, and to expose a practice further that many would prefer to disregard and to gain arable land for Valmikis through government programmes.
- For social security assurance of life insurance programmes is implemented for those occupied in hazardous unclean occupations. Through community mobilisation carried-out meetings with Valmiki's to educate them about their rights, and systematise unions and heartening Valmiki youth to join Dalit Shakti Kendra and gain skills to sustain themselves.
- Development and execution of Ecosan (ecological sanitation) amenities that eliminate the requirement for manual scavenging and managed with other national and international institutions to prolong todeveloping new strategies to struggle against manual scavenging.

Table 04 Functioning areas of Organisations in Eliminating Manual Scavenging

Key areas to Eliminate Manual Scavenging	Organisations working on Manual Scavenging			
	Safai Karamchari Andolan	Jan Sahas	Navsarjan Trust	Total Nos. of same functioning areas organisations focusing
Information collection/Fact-finding	✓	✓	✓	03
SHGs Formation		✓		01
Non-formal Education		✓	✓	02
Vocational Training		✓	✓	02

Liberation	✓	✓	✓	03
Livelihood promotion		✓	✓	02
Supporting community organisations	✓	✓	✓	03
Help in Access to Government schemes	✓	✓	✓	03
Promoting community leadership	✓	✓	✓	03
Sensitisation	✓	✓	✓	03
Rehabilitation	✓	✓	✓	03
Participatory Governance	✓	✓	✓	03
Total Nos. of issues organisation working	08	12	11	

Table 04 depicts about the various issues highlighted by organisations to eliminate manual scavenging and liberate people who are associated or engaged as manual scavengers; hence, it is clear that all three NGOs are highlighting concerned issues which help to eradicate manual scavenging, more issues compared with other two organisation addressed by Jan-Sahar.

All three organisations are functioning in the area of promoting community leadership and participatory governance which based on agitation model of development, where they are bringing peoples together, giving them awareness and pushing them to fight against government machinery that oppresses them for claiming their rights. In the background of information collection, the organisations carry out their intervention activities, after that the beneficiaries referred for rehabilitation. Fact-finding or information collection undertaken to mount campaigns and publicity to create awareness among the public and to mobilise them to put pressure on the authorities not only to stop violations but also to prevent further violations.

If it noted that the government does not interfere in manual scavengers' rehabilitation, it is used to be forward to campaigning and joint action. Campaigns and publicity spotlight on explicit people to help them getting justice as well as instant liberation.

5 Conclusion

'Swachh Bharat Abhiyan' or Clean India Campaign is launched on the birth anniversary of Mahatma Gandhi in 2014. The campaign started to fulfil the objective of cleaning India in five years, which would help tourism. The campaign attempts to glorify and spiritualise the Act of purification. However, it ignores those who in our country have traditionally engaged in cleansing. In this campaign, there is no mention of the entire section which is involved in the cleaning chores, which consists of particular castes. Large numbers of workers are engaged in cleaning toilets without protective equipment; the condition of sewage workers are particularly dangerous. The intervention of modern technologies in the landscape of sanitation may have stopped the use of dry latrines and caused a gradual shift towards sanitary latrines to some extent.

Nevertheless, what has never changed are the lives of millions of manual scavengers belonging to particular castes who are considered untouchables in India society. What remains unchanged is the occupation of these manual scavengers who earlier used to clean dry latrines with their bare hands (which continue) and now clean sewers and septic tank manually. They still tied to the caste equation associated with cleaning and sanitation work in India. This campaign fails to address even the fundamental social and political problems of the manual scavengers and sanitation workers.

It is a move to dilute the real issue concerning workers engaged in sanitation work. Sanitation workers are 'doubly marginalised' one because of the structural stigmatisation that exists in society; second, due to the rampant contract system denying even the fundamental rights to the workers including their rights to form unions. The contract system makes these workers a source of cheap wage labourers and does not help in any skill development, which would have helped them in coming out of the clutches of caste-based occupation. They perhaps fell short of the realisation that this critical yet polluted work is done only by particular castes in our society with the least source of living.

However, the unfortunate truth is that little has done to change the poor condition of manual scavengers. The International Labour Organisation acknowledges the widespread occurrence of manual scavenging at dry latrines, septic tanks and sewers. An NGO, Human Rights Watch, reports that it is the most pervasive menace in Gujarat, Madhya Pradesh, Uttar Pradesh and Rajasthan. However, our system has used a blind eye to the agony of people at the grass-root level. The partial improvement of Government's about Swachh Bharat Abhiyan without believing that the root of obstacle lies in institutional prejudice against the Scheduled Castes.

Furthermore, the manual scavengers get access to education, then their aspirations will be raised, and their thinking will also be critical. Through which, they can ascertain about themselves, and they will not engage them in the degrading practice. However, most notably the mindset of the upper castes who serve higher position in administration must change. Furthermore, the manual scavengers must get the job as per their qualification in the corporation, and the caste-based occupation should cease to eradicate the manual scavenging.

By preceding discussion, it can conclude that despite several governmental initiatives, the plight of the manual had not shown much improvement. Policymakers have initiated several social welfare reforms directed towards manual scavengers, but have considerably failed to ensure their success on the ground. The real satisfaction of basic needs and amelioration of the scavenging community has not only ignored by the policymakers, but even the organised schedule caste movements have failed to address the cause of manual scavengers. Manual scavenging remains a serious concern about the issues related to human rights. Even legislation, considerable budgetary allocation, and economic assistance programmes for the scavenging communities have put in place. However, the most vital prerequisites which are required is the rigorous enforcement and scrutiny measures needed to ensure the proper implementation of laws and the practical use of budgetary allocation. Lastly, awareness among the public to discourage degrading occupations like that of manual scavenging is inevitable.

In the context of civil society organisation, a trend can see is that the selected organisations focus on the eradication of manual scavenging is working on the poverty of money and

access. It can seem that high focus of areas like livelihood, income-generating activities and employment help curtail manual scavenging.

It found that all organisations strongly believe in the rights of the people towards their well-being. Moreover, the approach they have adopted is primarily a rights-based approach, and there are elements of service delivery and community development. Their rights-based approach can reflect in the high level of participation of people in different levels of their work; the target population participates at all levels from the phase of designing of the programme until the evaluation. It found that organisations adopt an approach towards development and also for service delivery. Moreover, organisations worked at all micro, meso and macro levels – that is individual, family, community, national, influencing and policymaking. Furthermore, one organisation worked at all levels except the individuals from family, community, city, state, national to influence policymaking. Models of advocacy, lobbying, campaigns and movements, capacity buildings were adopted by all organisations to include manual scavengers in the mainstream.

References

- Ambedkar, B.** (1999). *Ambedkar Writing and Speeches* (1 ed., Vol. 1). Pune, Maharashtra, India: Education Department Government of Maharashtra.
- Ambedkar, B.** (2003). *Anihilation of Caste*. New Delhi: Samyak Prakashan.
- Baruah, A.** (2014). The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013: A Review. (R. Bhattacharya, Ed.) *Space and Culture*, India, 1 (3), 9-17.
- Gupta, A.** (2016). MANUAL SCAVENGING: A CASE OF DENIED RIGHTS. *ILI Law Review* (Summer Issue), 36-58.
- Guru, G.** (1995). *Ambedkar's Concept of Political Power*. Pune, Maharashtra, India: Department of Political Science University of Poona.
- Mehta, D.** (2017). The Great Scavenger – Plotting Manual Scavenging and Reuse of Night Soil in Gandhi's Vision. *Imperial Journal of Interdisciplinary Research* (IJIR), 3 (11), 65-70.
- Michael, S. M.** (1999). *Untouchable: Dalits in Modern India*. Boulder USA: Lynne Rienner Publishers.
- N. Meenakshisundaram** (2012). *Manual Scavenging Act and Municipal Waste Water Workers in India – Policy and Practice*. School of Environmental Law. Bangalore: National Law School of India University.
- Nadkarni, M.V.,** (2003) Is Caste System Intrinsic to Hinduism? Demolishing a Myth, *Economic and Political Weekly*, Vol. 38, No. 45 (Nov. 8-14, 2003), pp. 4783-4793
- Naval, T.** (2001). *Law of Prevention of Atrocities on the Scheduled Castes and the Scheduled Tribes*. New Delhi, Delhi, India: Concept Publishing Pvt.Ltd.
- Ramaswamy, G.** (2005). *India Stinking: Scavenger in Andhra and their Work*. Chennai: Navayana Publication.
- Singh, B.** (2014). *Unseen: The Truth about India's Manual Scavengers*. U.K: Penguin.
- T.Venataraju, T. G.** (2012). *Draft Safety Manual for Construction and Maintenance of UGD Lines and Septic tanks in the limits of Urban Local Bodies*. Karnataka: Urban Development Department, Government of Karnataka.
- Thekaekara, M. M.** (2005). *Endless Falth (the saga of the Bhangis)* (third ed.). Bangalore: BOOKS for CHANGE.
- Writ Petition** (Civil), Civil Appeal, 583, 5322 (THE SUPREME COURT OF INDIA 2003, 2011).

Author's Address:

Vikram Singh, MA, MSW, MPhil, PhD, Assistant Professor
Department of Social Work Guru Ghasidas University (A Central University) Bilaspur
Chhattisgarh
vsvikkysingh@gmail.com