

**The Status of Implementation of
“Prohibition of Employment as Manual
Scavengers and Rehabilitation Act-2013”
in Tamil Nadu**

Study Report

**Social Awareness Society for Youth (SASY)
Tamil Nadu**

The Status of Implementation of “Prohibition of Employment as Manual Scavengers and Rehabilitation Act-2013” in Tamil Nadu

Research Conducted By

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SCAVENGERS AND REHABILITATION ACT-2013”
IN TAMIL NADU**

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Preface

Dr. B.R Ambedkar says, “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”. Yes, ours is a battle for our Freedom, our Human Rights, our DIGNITY. In India, Human Society segregated into a Caste based social hierarchy through a Hindu social order, the Varna System which denies right to life with dignity, liberty, education, proper employment for Dalit community. Manual Scavenging which is an undignified occupation forced upon Dalit community because of the caste. The Practice of Manual Scavenging is against the Constitution of India and inhumane practice, when we say it is against the Constitution of India then according to Prevention of Atrocities Act (Scheduled Castes and Scheduled Tribes) 2016 Section 3(1)(j) the government itself is involving in Atrocities against Dalits by employing people to manually clean sewages.

In this Modern World, developing country like India the practice of manually cleaning the Human and Animal Excreta, manually cleaning the Sewage, disposing of waste by going down into the Underground Sewer Tanks, Unclogging the Sewage drain, Disposing the Water in the Sewer tank, manually cleaning the Human Faeces in Railway stations and all other kinds of manual scavenging activities are been forced upon Dalit community under the employment of Sanitary Work as the society deep rooted in the caste system. Around 95% of the sanitary workers are “Dalits” and among them 99% are Dalit women. As per the study report of Safai Karamchari Andolan, between 2016 to 2020 in Tamil Nadu 55 persons were died while cleaning Septic Tanks and especially the death rate highly increased in Chennai and surrounding districts.

The Local Governments takes place important role in implementing Prohibition of Employment as Manual Scavengers and Rehabilitation Act 2013 but true state is due to their negligence the practice of manual scavenging is executed well through themselves by employing workers in the name of sanitary workers. And 90% of them are placed as temporary laborers on contract basis. The employment of these workers is not done through regular means, and they are mostly daily-wage/ contract workers. They are not even paid their basic minimum wages. They have been exploited under the daily-wage and contract systems with the threat of losing their jobs. During the State Government Public gatherings, Functions, Festivals, Mega Events, Mass gatherings, political gatherings, Exhibitions and in Markets, only open defecations are occurring, there the sanitary workers are only employed for cleaning it.

This should be prohibited; the state government should make mandate installation of Bio Toilets in all the places of Public Gatherings. Especially during the disaster times, the situation of sanitary workers is even more get worse and they are illtreated and exploited. At those difficult time also, sanitary workers are employed for cleaning, Public are not much concerned about the sanitary workers lives during disaster times and not ready to maintain sanitation of their own places even at that emergency times which is a very cruel state of mind. In their day-to-day work lives they face a lot of caste-based discrimination and they were made involved in handling human and animal waste on roadsides. These things are not yet spoken seriously about in the mainstream properly. Their lives are not recognized by the society and depriving someone of their dignity and right to life by forcing them to do scavenger work due to caste and economic hardship is very cruel.

The Sewer Tank cleaning deaths are majorly occurred in most of the Private Apartments, Flats and under private institutions in recent days. Due to stigma of Caste, even degree holders of the Dalit community were only called for cleaning sewer tank jobs and Dalit Students especially Arunthathiyar children [Sub sect of Scheduled Castes] are forced to clean the toilets, fetch water inside the school premises and around eight incidences had taken place in the month of March, 2022 alone. It is very sad that this is the state of India after 75 years of Independence. To prohibit this inhumane practice, there were no enough actions taken on the perpetrators, filing the case under PoA (SC/ST) Act 2016 and PEMSR Act 2013 on accused itself is being a great challenge and if so, it makes delay in getting justice to victims. The state of Impunity in these cases is high in Tamil Nadu. The Local Government and Tamil Nadu Government must work jointly and take various effective measures to prohibit this practice in Tamil Nadu. To Abolish the practice of Manual Scavenging, various Political and Human Rights organizations taken effective measures, notably Safai Karamchari Andolan (SKA), New Delhi made a greater effort to bring the legislation, "Prohibition of Employment as Manual Scavengers and Rehabilitation Act 2013". Also, political organization like Adi Tamilar Peravai (ATP) are consistently fighting for the justice of Sanitary Workers especially for Arundhatiyar community and also other progressive democratic political forces taking enormous efforts to end this inhumane practice in Tamil Nadu. As a Dalit Human Rights Organization Social Awareness Society for Youth (SASY) working for the protection and promotion of the rights of Dalits, Adivasis, Women and Children. One of our important interventions is to address the issue of Manual Scavenging in Tamil Nadu and measures for the rehabilitation of the community including the Rights of Sanitary frontline workers. We are working along with

various other Human Rights organizations in implementing this Act and during 2020 – 2021, we have undertaken 21 Fact Finding Missions on Sewage cleaning deaths, Sanitary Worker Rights Violations, and on incidents of forcing Dalit Children to clean the toilets in schools. Following this, we have conducted this study on the status of implementation of “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013” in Tamil Nadu and Status of Legal Framework Prohibiting Manual Scavenging in India. The aim of the study is to find the gaps in the implementation of this Act and to strengthen it to completely end this in humane practice of Manual Scavenging by jointly working with various other Human Rights Organizations.

We would like to acknowledge and appreciate Dr. S. Kalyani, Assistant Professor, Madras Christian College, Tambaram, Chennai and Research Assistant Ms. Nikita Ruth D’cruz, Research Scholar, Madras Christian College, Tambaram, Chennai, and SASY’s Study team Mr. R. Murugappan (State Coordinator - SASY), Mr. K. Palanisamy (State Coordinator - SASY), Mr. R. Babu (District Human Rights Defender - SASY), Mr. S. Salamon Raja (Program Associate - SASY) Mr. R. Gurusamy (District Human Rights Defender - SASY), and Ms. T. Gomathi (District Human Rights Defender – SASY) for conducting this study successfully on behalf of Social Awareness Society for Youth (SASY). And we also like to acknowledge the effective works of READ - Erode, Vizhudhugal - Avinashi, TAAMS - Chennai.

We strongly recommend Tamil Nadu Government and Local Government to consider and effectively work further based on the recommendations which brought through this study to abolish Manual Scavenging, to mechanize all the scavenging works by providing enough technologies, machines to all the Local Government bodies and to promote Human Rights of Sanitary Workers to make their life with Dignity.

Dr. V. A. Ramesh Nathan
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Abbreviations

BPL	Below Poverty Line
CRSP	Central Rural Sanitation Program
CERD	Convention on Elimination of Racial Discrimination
CEDAW	Convention for Elimination of all forms of Discrimination against Women
CrPC	Code of Criminal Procedure
EMSCDL Act 1993	Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993
FGD	Focus Group Discussion
FIR	First Information Report
HUDCO	The Housing and Urban Development Corporation Limited
ILCSS	Integrated Low-Cost Sanitation Scheme
ILO	International Labor Organization
ILCS	Integrated Low-cost Sanitation Scheme
IIMA	Indian Institute of Management, Ahmedabad
IDI	In-depth Interview
JJ Act	Juvenile Justice Act
MS	Manual Scavenging
NGPY	Nirmal Gram Puraskar Yojana
NSLRS	National Scheme of Liberation and Rehabilitation of Scavengers
NSKFDC	National Safai Karamcharis Finance and Development Corporation
NHRC	National Human Rights Commission
NBA	Nirmal Bharat Abhiyan
NCSK	National Commission for Safai Karamcharis
NSLRS	National Scheme for Liberation and Rehabilitation of Scavengers
PCR Act 1976	Protection of Civil Rights Act 1976
PPE	Personal Protective Equipment
PEMSR	Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
PoA	Prevention of Atrocities (Scheduled Castes and Scheduled Tribes) Act
SC	Scheduled Castes
ST	Scheduled Tribes
SKA	Safai Karamchari Andolan
SRMS	Self Employment Scheme for Rehabilitation of Manual Scavengers
SCDCs	Scheduled Castes Development Corporation

SECC	Socio Economic and Caste Census and Manual Scavengers 2013 Act
SBM	Swachh Bharat Mission
SWRS	Sanitation Workers Rehabilitation Scheme
SCA	State Channelizing Agencies
SCP/TSP	Scheduled Castes Special Component Plan & Tribal Sub Plan
TN	Tamil Nadu
TSC	Total Sanitation Campaign
TISS	Tata Institute of Social Sciences
TSC	Total Sanitation Campaign
UT	Union Territory
UP	Uttar Pradesh
UDHR	Universal Declaration of Human Rights
VAMBAY	Valmiki Ambedkar Malin Basti Awas Yojana

CHAPTER 1

1.1 Introduction

In the country of India, there are constitutional as well as legislative preclusions on ‘untouchability’ and the practice of manual scavenging. Notwithstanding, individuals continue being participants in the physically cleaning of human fecal matter from private and public dry latrines, open defecation spots, septic tanks, drains and sewers. Having deep roots in caste-based segregation, in Hindu social hierarchy to be specific, the one’s hailing from the least privileged class known as ‘Dalits’ (formerly treated as ‘Untouchables’ and Constitutionally Abolished) are constrained into undertaking this humble and atrocious occupation of manual scavenging (Permutt, 2012). Manual scavenging, which is *‘the inhuman practice of manually removing night soil which involves removal of human excrements from dry toilets with bare hands, brooms or metal scrapers; carrying excrements and baskets to dumping sites for disposal’* is still wildly exercised in almost all states of India though data shows otherwise (Shahid, 2015; Rathore 2021). The scavengers typically choose manual scavenging due to prevalence of customary caste-based jobs that leave them barely any other livelihood choices, a circumstance propagated by flawed execution of regulations and policies forbidding this choice of occupation.

By large, the civil, communal and monetary life in India has been directed by the caste framework - an arrangement of social separation that assigns groups of people characterized by pedigree and restricted to specific occupations. This caste-based social association is represented by customs and is practiced socially and monetarily. Independent of the religion followed by an individual, caste in India is deemed innate in nature. A clan’s caste identity has essentially affected the capacity of those individuals even to the extent of owning land and other useful assets, laying out wide harmoniousness among caste and class. Dalits beings consigned to the lower most part of the caste hierarchy system generally have been restricted to jobs viewed as lamentable or considered too humble by higher positioned groups. Their rank assignment likewise delivers them socially ‘contaminated’ or ‘impure’ and is utilized to legitimate biased way of living (Caste system in India: 4 varnas). Historically, in widespread states of India, Dalit people were even denied admittance to local area water sources, refused services by barbers, served tea in exclusive tea cups, banned from going inside shops, barred from temples and kept out from participating in the localities religious occasions (Hannah Johns, 2012). While a slow but sure change has taken place in almost all the caste-based

discriminations the Dalit people have faced, the practice of manual scavenging striving raises the question of equality and existence of the social evil.

Since India framed its Constitution in 1952, the act of untouchability in light of the idea of purity and honor is a capital offense under article 17. Decades later with the ratification of the bill on Prohibition of Employment as Manual Scavengers and their Rehabilitation, 2012 on 7th of September 2013, disregarding this relevant and persistent issue is turning out to be progressively difficult. Till date, as the name suggests, the manual scavengers are required to handle human wastes utilizing customary brushes, brooms and tin plates. As indicated by National Human Rights Commission, India, the waste collected are packed into bins, which are then conveyed on their heads to such areas that are more often a few kilometers from the collected toilet or sewer. The handled wastes are the reason for some common intestinal illnesses like cholera, diarrhea, dysentery, typhoid, hepatitis, hookworm and other such lethal infections. Various investigations uncover that greater part of the sicknesses are dreadfully infectious and are accountable for causing almost 80% of the infections in non-industrial developing nations like India (Srivastava, 1997).

Manual scavenging being profoundly entrenched in standing has a diverse point to it as 95% of manual scavengers are Dalits, out of which close to 99% are women (Permutt, 2012; Sarah and Verma, 2021). According to the 2011 Census of India, there are around 2.6 million insanitary toilets which require human excreta to be physically cleaned, which further illuminate the current sanitary emergency in India. The postcolonial authoritative intercessions have seen four regulations banning manual scavenging, of which two are unique set ups denying the act of manual scavenging: Protection of Civil Rights (PCR) Act 1976; Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 (Atrocities Correction Act 2016); The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (MS 1993 Act) and The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (MS 2013 Act). These regulations accommodate a fundamental structure for the prohibition of the practice of manual scavenging and the assurance and rehabilitation of the workers. In spite of these unique lawful intercessions, the social and political discrimination, and disgrace encountered by manual scavengers continue (Wankhede, 2021).

1.2 Theoretical framework:

According to the *Traditional Theory* that owes its origin to the ancient literature believes that caste has a divine origin in manual scavenging. According to the Vedic literature there are four castes and the emergence of these four castes were from different parts of Brahma's body which is a symbolic description and indicative of the work performed by each of them. It considered caste as a natural determined organization of social functions and explains one's birth in a particular caste in terms of the doctrine of karma as well as dharma. Thus evolved the classification of caste system and forth category *Sudra* who are believed to be born out of the feet are to serve the members of other castes with respect and without grumbling. Thus, the purpose of creation of each caste is to perform specific functions according to the creation of God Brahma and such castes cannot be changed due to human will (Theories of Caste System in India). Hereditary and indefensible custom is the ultimate and ghost reason behind why this form of 'slavery' is chosen and carried out. Individuals, majority of them being women across the country continue to be held captive by the inhuman and degrading tradition of manual scavenging. It is because of this caste-based tradition that they remain deprived of their constitutional and statutory rights to equality, liberty, education and social development. This however has been diluted for the other caste individuals whom have figured out different occupations and ventured into other possibilities. The main hurdle because overcoming the preset occupation by the lower caste individuals were the notion of 'unclean' and 'untouchable' by other individuals in the higher peak of the pyramid. Even though they might yearn to renounce their profession, the so called 'low caste' tag, which further questions their 'cleanliness' and 'acceptability in the community' makes it impracticable to acquire another job. For instance, in the field of food manufacturing and restaurants, the employees find them 'unclean' to be employed and fear their presence being identified by customers which will lead to uninvited crisis for the setup.

The *Occupational Theory* regarded caste system as the natural product of occupational division of Hindu society. Castes were identified on the basis of fixed occupation. Persons in noble occupations, such as educating the people, fighting in the battle field, trade, etc., were considered as members of superior class. The others were treated as persons belonging to inferior castes, such as the *Sudras*. This is apparent in the occupation of manual scavengers.

An ***Accident Theory*** that ties safety and productivity together speaks about the concept of risk linked to negative outcomes such as regret, loss and damage in occupation. In occupational health and safety management, it is caused by the presence of hazards that may trigger consequences such as personal injury or property/environmental damage. In identifying the types of risk, the theory makes mention of two namely entropic risk and residual risk that deals inherent risk in organizational activities. Life of Manual Scavengers is at risk at every stage when looking towards health-related concerns. The working conditions of these sanitary workers have lingered virtually unchanged for over a century posing the woman working as a manual scavenger at a greater danger of contacting endless number of diseases through their daily and closed contact with human waste.

1.3 A threat to the health of Manual scavengers:

Manual Scavengers are presented with numerous health dangers, which are mostly chemical and also natural, on the grounds that their contact with numerous hazardous substances while cleaning sewer lines which is concealing a blend of human excreta, kitchen waste, industrial waste, and a couple other solid left-over's which are not made for sewer lines, such as plastic bags, sanitary pads, left-over from construction sites, and so on. While dealing with this on a regular basis, the scavengers are exposed to different gases which are detrimental, like methane, carbon dioxide, hydrogen sulfide, and ammonia. This inhalation which is extremely poisonous might cost their lives too. The hazard associated with the exposure to *methane gas* is suffocation that leads to hypoxia (deficiency in the amount of oxygen reaching the tissues) and immediate brain damage. Similarly with *hydrogen sulphide* gas and later on low oxygen can lead to cardiovascular degeneration. MSs working under these insane conditions are in great danger of contacting countless diseases through their daily and closed contact with human excreta. Some of these diseases, in addition to TB, include campylobacter infection, cryptosporidiosis, giardiasis, hand, foot and mouth disease, hepatitis A, meningitis (viral), rotavirus infection, salmonella. These are inhaled hazards. On the other end, related to position of work and physical strain required by the occupation, musculoskeletal disorders like osteoarthritic changes and intervertebral disc herniation occur.

The second risk occurs as a result of unintended ingestion of contaminated sewage water which is more frequently found in men since they get more frequently recruited in this area. They cause infections like hepatitis, leptospirosis, helicobacter, various skin and

respiratory diseases and altered pulmonary function parameters. The third risk is per vaginal and per rectum which may arise when there is absence of protective clothing and undergarments which is prone to ascending infection. Unlike men without immersing in sewage, women are prone for diseases in this occupation because of exposed urethra. Urethra in men is long and the chance for ascending infection is less, whereas for women urethra is short and there is more chance for ascending infection grows upwards. Conversely, lesser exposure might foster respiratory illnesses, which are similarly perilous for their health (Tiwari 2008).

1.4 Commitment of Indian constitution:

The setbacks and crisis faced by the disadvantaged classes were looked upon by the framers of the Indian constitution right after the independence in 1947. Their interests and protection were in dire need to be protected and thus wide range of rights were passed in articles such as 14- right to equality, 15- right against discrimination, 23- prohibition of forced labor, 25- Freedom of conscience and free profession, practice and propagation of religion, 29- Protection of interests of minorities, 341 and 342- defines ST/SC of the Constitution. Articles 15(2), (4), (5), 16(3), (4), (4A), (4B), 17, 23 and 25(2) (b) were passed with an intention to eliminate social and economic disabilities of the less fortunate classes of people. It is to be noticed that Article 17 of the Constitution of India in specific outlaws the act of manual scavenging (prohibition of untouchability).

Other than the essential privileges and fundamental rights set up, certain mandate standards of the state policy make it mandatory to the State legislatures to guarantee the government' aid and welfare of the hindered lower classes. Article 38 of the Constitution requires the state to advance the government aid of citizens by achieving a social order in light of equity and justice. Article 42 stresses on just and humane conditions of work.

1.5 Measures laid out in Post-Independence Period:

In 1953, a Backward Classes Commission was comprised under the chairmanship of **Kaka Kalelkar**. The Commission in its report depicted the calamitous state of sweepers and scavengers and further proposals were made by the Commission, which, among the others, accentuated the need to acquaint mechanical and latest strategies for cleaning toilets in order to get rid of the employment and need of manual scavengers. It was brought to the notification of the State legislatures by the Ministry of Home Affairs in October 1956. Following those

proposals made, in 1956, a Central Advisory Board was additionally comprised under the chairmanship of the then Home Minister Late Pandit Govind Ballav Pant to survey the working and living environments of the sweepers and scavengers which further suggested a central government supported scheme for the reason.

Subsequently, in October 1957, under the chairmanship of Professor N. R. Malkani the Board comprised an advisory group known as **Scavenging Enquiry Committee** to set up a plan to annul this shameful practice. The advisory group additionally recommended a few measures to be taken to enhance the working and living environments of the Harijans.

Almost a decade later, in 1965, the subject of cancelation of standard rights of the scavengers who procured innate rights to clean toilets of specific people common in certain pieces of the nation further resurfaced and restored the concern of the nation's leadership. This drove the Ministry of Labor, Government of India to comprise the **National Commission on Labor** under the chairmanship of Shri Bhanu Prasad Pandya, who gladly scrutinized the working state of sweepers and scavengers. The commission recommended that the Government of India ought to embrace a wholesome legislation for modifying their working state. Tragically, the arrangement of manual scavenging still exists in India even following freedom. In spite of sufficient schemes and policies laid out in the Constitution towards aid and upliftment's of the hindered lower classes, the annihilation of manual scavenging remains unachievable in many spots of India.

In 1986, the quandary of the manual scavengers again grabbed the attention when a tribe of South Indian Dalit people began a mission energetically against this offensive practice (Raghunathan, 2009). The mission picked up speed and gathered momentum into an all-India development known as the **Safai Karamchari Andolan (SKA)**. It accomplished a huge achievement after the honorable Supreme Court (SC) heard their request on 30th April and 8th May 1986 and consequently chose to endorse Collectors of every district with the responsibility for any continuation of this prohibited occupation of manual scavenging. The SC Bench involving the then Chief Justice K. G. Balakrishnan and Justices Arijit Pasayat and P. Sathasivam permitted the District Collectors a month and a half's time span to end the prohibited occupation by contending on the ground that the State legislations had over six years to annihilate every single dry toilet in their particular states (Zaidi, 2006).

Regardless of the effort made, the Supreme Court was still witnessing manual scavenging and had vigorously initiated steps that guided the Central and State legislatures to

figure out where manual scavengers worked and to secure different occupations for them. This rivalry between Safai Karamchari Andolan and SC soon turned the reality of the manual scavengers to the surface. From 1992 to 2005, while executing the **National Scheme for Liberation and Rehabilitation of Scavengers**, 0.7 million manual scavengers and their dependents were identified by the States and Union Territories. Later on, in 2007 the **Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)** was inaugurated and the phase of the scheme led as many as 79,454 eligible and willing beneficiaries to rehabilitation. Yet it is undeniable that it continues.

From the above conversations, it is evident that in spite of different proposals and ideas by the advisory groups to work on the working and living states of the sweepers and scavengers frequently after post freedom era, no substantial measures were started either by the State or the Central government until 1993 when the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993** was passed, which accommodates the ban of employing manual scavengers and development or continuation of dry latrines. Subsequently, the constitutional goal in article 17 (ban in practice of manual scavenging) was given wings through this 1993 Act. In spite of fines and imprisonment if found to be still violating, the law could not fix the state's liability. Many states did not even formulate rules under the Act, claiming their states were free of manual scavenging. Further, areas with water scarcity or negative minded people led to the failure of this act and the practice of manual scavengers continued. As needs be, from 26 January 1997, the Act became relevant only in Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura, West Bengal, Orissa, Punjab, Assam, Haryana, Bihar, Gujarat and union territories.

Regardless of endeavors from the Government of India to rehabilitate the manual scavengers, the hard truth was that their battles still proceeded. As of late, the National Human Rights Commission, India and the National Commission for Safai Karmacharis further put endeavors together to abolish this shameful practice (Trivedi, 2012). In the mentioned setting, the National Human Rights Commission suggested that the presence of such a large number of organizations and policies were frequently postponing the end of the act of manual scavenging and their rehabilitation work. It further suggested that both water shortage and space shortage in specific pockets of certain states in the country should be tended to by embracing apt innovation and technologies.

1.6 Reviewing the definition of “manual scavenging” in the view of four laws:

The Ministry of Social Justice and Empowerment defines a *scavenger* as the one who is partially or wholly engaged in the obnoxious and inhuman occupation of manually removing night soil and filth. The progression of the meaning of 'manual scavenging' is vital to be understood as it gives the readers an understanding of the thoughts of the legislature in prohibiting the practice and steps commenced for the rehabilitation of the participants in the demeaning act.

The **Protection of Civil Rights Act (PCR)**, 1976, was the primary legislation to forbid scavenging, nonetheless, just with regards to '*unlawful compulsory work*' when an individual is constrained to do as such '*on the ground of untouchability*'. The definition bars the Municipal Corporation and domestic laborers who also practice manual scavenging, who are prevalently Dalits and as an immediate outcome of their lowest caste position alongside the absence of other jobs attempt this livelihood. The restrictions of this definition originate from the establishing of the act of manual scavenging in the evidentiary edge of '*on the grounds of untouchability*', where the act of manual scavenging, in any event when constrained upon, is debarred from the compass of the act if such impulse was not on the grounds of upholding untouchability against an individual.

The **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (MS 1993 Act)** was the primary committed legislation banning the both construction of dry toilets and the work of manual scavenging, where the definition distinguished an individual as a manual scavenger assuming that such an individual is '*a participant in or utilized for physically conveying human excreta*'. In what can be recognized as a critical improvement from the PCR 1976 Act, as the definition here explicitly denied engagement and employment for 'physically conveying human excreta' with no necessity for the presence of untouchability as a ground for engagement in such activity. Along these lines, the banning of manual scavenging, through designating the powers to the state government, has dismissed the circumstances-based approach ('untouchability') of the PCR Act 1976 and gave a direct proscription on the work of manual scavenging

The **Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (The MS 2013 Act)**, intended to change the MS 1993 Act, laid out a different qualification between hazardous cleaning and manual scavenging. The first entails involve manual cleaning of the sewer or septic tanks by representatives *without defensive gear* and

other cleaning gadgets and guaranteeing all precautionary security measures. A manual scavenger in the second entails any individual who takes part in physically cleaning and handling of human excreta from an insanitary toilet or an open sewer or pit where the human excreta is discarded, including the rail line tracks or in such different spaces or premises as recognized by the government. A condition to this definition is tracked down— *‘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’*. In this way, both hazardous cleaning and the work as a manual scavenger are precluded by the MS 2013 Act provided that protective wears, gear and gadgets are not given to municipal representatives and manual scavengers. Hence, the Prohibition of Employment as Manual Scavengers and Their Rehabilitation act, 2013, holds a comprehensive rundown of 44 protective gears and gadgets which should be distributed to individuals who take part in cleaning sewer or a septic tank. Thus, the core importance of this legal framework against manual scavenging is that the MS 2013 Act needs special devices to accomplish its focal goal which it lacks — *‘the prohibition of employment as manual scavengers, rehabilitation of manual scavengers, and their families’*. It is stated on the grounds that, from one perspective, the act denies the work in unsafe circumstances and manual scavenging, and on the different end licenses practicing this generally restricted occupation assuming such individuals wear the defensive gear, hardware and gadgets. The act’s goal is seen consequently not towards totally precluding any type of work in handling human excreta, or entering sewers or septic tanks by people, yet to proceed with the act of such hazardous cleaning by distributing safety gears, which further encourages the occupation. It is obvious that such terms and condition-based license brings back the conditions-based approach as taken on by the PCR Act, 1976, and as deserted by the 1993 MS Act.

The **Atrocities amendment act, 2016** declared manual scavenging an ‘atrocities’ in its sub clause *“makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose”*. Thus, this act is seen here to have transposed how MS act 2013 defined a ‘manual scavenger’. From the above 4 legislative approaches we arrive at the obvious that manual scavenging is not visualized as violation to human dignity and further denies the fact it roots from caste-based discrimination against the Dalits. It is therefore safe to state no level of safety gear provided can alleviate the violation of human dignity as a fundamental right, right to life, dishonor and embarrassment stemming from the very act of manual scavenging.

This study would distinguish the gaps existing between planning and implementation of the legal regulations, current situation of manual scavenging and the way forward in form of narrative suggestions.

1.7 Objectives:

1. To understand the Government role, i.e., legislative measures taken to end manual scavenging (secondary data).
2. To analyze the current working status of legislative measures against manual scavenging profession (secondary data).
3. To elicit the perception of manual scavenging occupation among the workers (FGD)
4. To bring out the reasons and driving force behind pursuing the occupation (FGD)
5. To assess the awareness and knowledge of existing laws against the manual scavenging occupation among the workers (FGD)
6. To analyze the impact of laws i.e., benefits applied and received among the workers (FGD).
7. To suggest measures in order to strengthen the legislative measures and end manual scavenging.

1.8 Research questions:

- What is the legislative and legal framework that exists in the Indian context with respect to eradication of manual scavenging?
- What are the current implementation measures taken towards meeting the goals of the legislative measure and the status in reality?
- Why is the practice of manual scavenging prevalent in India (TN in particular) even after laws being made for the abolition of the same?
- Why manual scavenging is more prevalent among the Dalit community?
- What is the perception of the practitioners towards their occupation?
- Have the practitioners applied and availed any of their rightful benefits? Have they sought for rehabilitation through the existing laws? What are the hindrances and issues they faced during the process?

CHAPTER 2

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

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The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)

As expressed earlier, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 received consent by the President of India in September 2013. This Act supplanted the then existing Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 as it had all the earmarks of being inadequate. The vital goal for the 2013 Act is to explore the state of the manual scavengers as there were records and proofs of about 2.6 million pit (insanitary) latrines as indicated by 2011 census report. This 2013 Act bears stricter measures to annul manual scavenging totally from the community. Similarly, the current Act has been outlined in such a way that there is a more extensive degree of punishments than the 1993 Act if broken.

This statute includes 8 chapters and 39 sections, and provides options for alternate employment and rehabilitation to the manual scavengers within a specific time frame. It also outlaws manual cleaning of septic tanks, insanitary latrines and sewers without precautionary gear (Section 7 and 9). It has now turned constructing or maintaining insanitary latrines into a felony and crime. Therefore, under this act, employment as a manual scavenger is prohibited. This legislation makes it a crime to hire employees to clean insanitary latrines as manual scavengers, to hire employees to clean septic tanks and sewers without protective or safety equipment, to create insanitary latrines, and not to demolish or modify insanitary latrines over a certain time-frame of this Act coming into effect.

2.1 Discussing the salient features of the 2013 act and its critical analysis:

1. The introductory paragraph of the 2013 act '*right to live with dignity*' is found to specify that protecting the dignity of manual scavengers is one of the goals. This is in sync with the goals infused in the Preamble of the Constitution of India. This act recognizes that 'work is worship' and hence entitles dignity to all type of professions without any attached stigma.

2. The act soon specifies that the fundamental rights of the citizens of India will be protected thereby irrespective of caste, creed and religion. Later within the introductory paragraph the act also states that article 46 and the goal of the act lies in tune since the former states '*State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation*' and the later is enriched with the same goal as its overall mission.
3. The Act prohibits the employment and engagement of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment and the construction of insanitary latrines (chapter 3).
4. Section 2(1) (d) of the Act defines the term 'hazardous cleaning'. It refers to the *use of protective gear and other cleaning devices and ensuring observance of safety precautions by the employer*. However, the law further states to follow what was recommended in other laws during the time of force and thus the type of protective gear and other cleaning devices is not well defined under the Act.
5. Further, the looking at explanation in 2(1) (b), the soul of the Act was completely slaughtered by stating that manual scavenging can be practiced while using protective gear and other similar devices. Manual scavenging should be in any manner completely discouraged.
6. Section 2(1) (e) defines the term 'insanitary latrine' as '*a latrine which requires human excreta to be cleaned or otherwise handled manually, either in situ in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes: provided that a water flush latrine in a railway passenger coach, when cleaned by an employee 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 an insanitary latrine*'. It is well known that the Indian Railway is the major employer of manual scavengers and can be seen very openly in many railway tracks. It cannot be denied that they face difficulties to avoid manual scavenging as small latrines are constructed inside the railway compartments. It is a typical scene in each rail line station in India that railway employees are found cleaning with a broom, railway sleeper coaches covered with human excreta standing by to be cleaned. Indian rail lines run one of the most intricate rail networks on

the planet. According to Nanda report, the rail route office has referred to a few rationales behind the deferral in further developing latrine facilities which includes restrictive budget and a large sum of cash needed towards improvisation or converting into bio-toilets (Rastriya Garima Abhiyan, 2013). In turn, the Railway Authority should formulate a system to clean the excreta from the latrines by way of assembling a removable small septic tank beneath the latrines inside each compartment, which may be cleared from the stations from time to time. This will get rid of a form of 'open defecation' and the need of cleaning the railway tracks in and around the stations. Following it, the Standing Committee on Social Justice and Empowerment was informed that high speed water jets are in place so that the safai karamchari's need not indulge manually.

7. Another disappointment is that the 2013 Act makes a drawback in the conceptualization of the meaning of manual scavengers, one that it expects to ban. Administered to conquer paradoxes of the 1993 Act, the 2013 Manual scavenging prohibition regulation contains a glaring legitimate shortcoming. Section 2(1)(g), states that an individual is considered to not fall into the class of a 'manual scavenger' if such an individual cleans human excreta or goes into drains/septic tanks with the assistance of defensive gear and gadgets. Notwithstanding the legitimate arrangements, the huge number of deaths of manual scavengers and reduced quality of life and physical wellbeing talks about gross carelessness of the state government in neglecting to give such defensive gears and shields specified under the law. It further situates us with the insufficiency of such protective gear in defending the lives of manual scavengers. No protective gear is equipped for preventing both present and long-term wellbeing impacts and related diseases on manual scavengers.
8. The Act seeks to identify, rehabilitate and to provide manual scavengers alternative employment (chapter 4). With the apparent hereditary, abominable and inhuman condition of manual scavengers, the government has formulated various schemes/programmes for their social and economic upliftment's- Valmiki Malin Basti Awas Yojana (VAMBAY), Total Sanitation Campaign (TSC), Nirmal Gram Puraskar Yojana (NGPY), National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS), Prematric Scholarship for the Children of those engaged in Unclean Occupations, Integrated Low Cost Sanitation Scheme (ILCSS), Pay and Use Toilet Scheme, National Safai Karamcharis Finance and Development Corporation(NSKFDC), Assistance to State Scheduled Castes Development Corporations (SCDCs), Self- Employment Scheme for Rehabilitation of Manual

Scavengers. However, large-scale corruption was unbridled in the rehabilitation scheme, which involved 7356 million at the time of implementation by the Government of India. Approximately, 76% people whom did not qualify the eligible criteria received benefits out of the schemes. This reality was disseminated at the public hearing of Rastriya Garima Abhiyan (National Campaign for Dignity and Eradication of Manual Scavenging) at New Delhi on 28 March 2013.

- 9.** In chapter 2 Section 4(1) the local authorities (Municipality, Municipal Corporation, Gaon Panchayats, village councils) are given responsibilities over the own jurisdictions to identify insanitary latrines and also to construct common sanitary latrines. In the lines *(a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act* refers to only the identification of insanitary latrines and does not mention about the identification of spots where open defecation is takes place. Thus, it overlooks that consequently a manual scavenger has to clean these feces from the open spaces in urban areas.
- 10.** The proprietor of insanitary restrooms will be held accountable for changing over or destroying of insanitary toilets at their own expense. In the event of inability to do so the local authority will demolish and develop a new sanitary latrine in its place, and further the local authority is approved to acquire the expense of demolishing and construction out of the individual concerned. It is seen that monetary help for demolishing and construction of sanitary toilets will be essential in the event of Below Poverty Line (BPL) families and this class will comprise the greater part in the current scenario. Such families ought to be absolved from penalties as well. With Swachh Bharat Abhiyan in place, this analysis and suggestion is believed to be met.
- 11.** The District Magistrate and the local authority shall be the implementing authority as stated in section 17, 18 and 19. They play the role of implementing the act within their respective district by making sure no person gets employed as a manual scavenger, stops the usage and construction of new insanitary latrines, those identified gets rehabilitated as mentioned in section 16 and employers of such individuals should be prosecuted under the legal framework of section 5 and 6. It is observed that quite often the District Magistrate is a member of the civil services, and may also be the district collector. Thus, he or she may

hold the power of an Executive Magistrate. Conceding the Executive Magistrate, the power to judge cases for non-implementation of provisions of this Act could lead to a state of affairs where the judge is trying a case against himself or against a person who falls within the same administrative set-up. This may lead to biased judgments and is indistinct how this conflict of interest will be settled.

12. There is a controversial punishment laid down in the act which raised the maximum punishment from 2 years (MS 1993 Act) to 5 years (MS 2013 Act). Offences under the Act is stated to be cognizable and non bailable and can be tried summarily as per chapter 6 sections 21, 22 and 23. Since the cases can be tried summarily, Code of Criminal Procedure (CrPC) Section 262, 1973 states such cases cannot extend three months of punishment. Given this nature of summary trials under the CrPC, it is unclear how offences carrying punishment of five years, as is the case in the MS 2013 Act, will fit into this framework.
13. Article 50 of the Indian Constitution highlights that “*The State shall take steps to separate the judiciary from the executive in the public services of the State*”. The Act permits the state governments of India to authorize the Executive magistrates to manage trials for offences as per chapter 6 sections 21, 22 and 23. This may lead to difference in opinions between the executive and the judiciary.
14. Further, that act calls for once in every six months meeting for central monitoring committee. This should be shortened ideally to once in every quarterly for better monitoring and progression of the Act.

2.2 The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)

The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was presented in January, 2007 with the goal of restoring the leftover manual scavengers and their dependents in elective occupations by March, 2009. This was however extended to another year with extra means to cover the spill-over of beneficiaries. The soul goal of this scheme is to assist any identified manual scavengers and their dependents for rehabilitation into alternative occupations. Any manual scavenger as defined by the “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013”, along with their dependents fall

under eligibility criteria of the scheme. It is implemented by NSKFDC and State Channeling Agencies (SCAs) identified within each state.

- **Monetary assistance:** An identified manual scavenger or family is eligible to receive a One-Time Cash Assistance (OTCA) of RS.40,000/-. This amount could be availed in monthly installments of RS. 7,000/-. On the parallel, loans were admissible under this scheme up to RS.10 Lakhs and RS. 15 Lakhs in case the manual scavenger would like to move into a sanitation related livelihood, which is very well relevant and chosen among them. The rate of interest for such loans was 5% and 6% for projects up to RS. 25,000/- and above RS. 25,000/- respectively after a moratorium period of two years. The rate of interest is 1% less for women beneficiaries. After the moratorium period, the repayment of loans should be completed within three years for projects up to RS. 5 lakhs and five years for projects above RS. 5 lakhs. The beneficiary is strongly prohibited to divert the loan amount for any other need. Other monetary assistance is credit linked back-end capital subsidy and interest subsidy.

- **Training:** As the name suggests, rehabilitation is also provided for beneficiaries in form of training to obtain new abilities and business capacities. They are allowed to choose any reasonable income producing self-business project. Such ventures would not be forced on the recipients, rather their concern, insight and decision would be given due weightage. Post such training, the rehabilitated manual scavenger would be provided a loan to implement the trade for which he/she was trained for. Under the list of indicative projects/ activities from which the beneficiaries are allowed to choose and be trained, six ranges of financial assistance can be availed. The least range is up to RS. 25,000/- and the highest being above RS. 15 Lakhs. Below table shows few examples of projects/activities available with the price range

Table 1: The Self Employment Scheme for Rehabilitation of Manual Scavengers

Range	Indicative projects/activities/schemes
Up to RS. 25,000	<p>Agricultural Sector: Mixed Farming, Bee keeping</p> <p>Service Sector: Tea Leaf Shop, Tea Stall, Cane Bamboo Shop, General Store, Statue Making, Carpentry.</p>
From RS.25,001 to RS. 50,000	<p>Agricultural Sector: Goatary, Dairy, Poultry, Duckery.</p> <p>Service Sector: Beauty Parlor, Footwear Shop, Readymade Garments, Domestic Appliances Repairing.</p> <p>Industrial Sector: Wooden Photo frame, Handmade bricks.</p>
From RS.50001 to RS .1.00 lakh	<p>Agricultural Sector: Poultry, Goatery.</p> <p>Service Sector: Fabrication Work, Shuttering, Computer, Carpentry Business, Fertilizer Shop.</p> <p>Industrial Sector: Broom Stick, Artificial Jewellery</p>
From RS.1.01 lakh to RS.5.00 lakh	<p>Agricultural Sector: Land Purchase, Poultry Farming</p> <p>Service Sector: Dhabas / Mini Hotel, Advocate Office, Bricks Sale, Travel Agency, Medical Shop.</p> <p>Industrial Sector: Broom making, Brush making</p>
From RS.5.01 lakh to RS.10.00 lakh	<p>Service sector: Mini Hotels/Motels, Dhaba.</p> <p>Transport Sector: Bolero, Mahindra Jeep, Innova, Qualis, TATA Sumo, Micro Bus(RTV)</p> <p>Industrial Sector: Rice Mill, Stone Crusher</p>
For more than Rs.10.00 lakh	<p>Sanitary based equipment's Vacuum loader, Suction Machine with Vehicle, Garbage Disposal Vehicle.</p>

Recipients would be given training to courses up to two years with allowance of Rs.1000- 3000/- every month. The training will be given according to the educational status and mental fitness of the recipient.

The indicative list of trades of training are computer technology, apparel technology, vocational, construction, etc., These trades are taught to the beneficiaries in 1 month being the least to 1 year depending on his or her capacity and interest. Certain training programmes require more than a year and may need a minimum qualification such as SSLC or 12th pass. Few such programmes are wireman (24 months), radiologist (24 months), diploma in dialysis tech (18 months), etc., The existing schemes of various other Ministries like District Rural Development Agency, Ministry of Labor and Employment, District Industries Centre's etc., for imparting training, would be efficiently used for training of beneficiaries with national and state training framework of SRMS scheme working as a guiding force.

- **Monitoring and Evaluation:** The implementation and progress of the scheme is monitored by NSKFDC, National commission of Safai Karamcharis, district level vigilance committees, other apex level and independent agencies. Online exclusive website for monitoring the scheme at district, state and national level is launched for application of the loan or subsidy to ensure transparency and to keep the data uploaded for easy access.

Overall, it very well may be reasoned that the rehabilitation of the manual scavengers is an excellent component of the Act, yet it should take on a more stringent and specialized provision for prohibition and rehabilitation. This is on the grounds that in spite of the presence of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, there has not been even a solitary conviction and until date, the barbaric act of manual scavenging proceeds. Apparently, the ideas of freedom, equity, balance and dignity, which track down a position of pride in the Constitution of India have not yet become imbued in the hearts and minds of citizens. The need of great importance is to teach the citizens about the utilization of sanitary latrines and to instill the sense of hygiene after the utilization of such restrooms in ways of flushing. With aggregate endeavors, we can expect a way forward towards eradicating this practice completely.

2.3 Discrepancies seen in the numbers of Manual scavengers recorded across the country:

Inclusion and rehabilitation are hampered by the absence of dependable data on the genuine number of manual scavengers and insanitary latrines in the country. Three main sources which are accessed for sourcing such information are The House listing and Housing Census of 2011, The Socio Economic and Caste Census and Manual Scavengers 2013 Act. Huge discrepancies were recorded across these three sources, as census 2011 showed 7,94,390 households being serviced manually due to insanitary latrine and 13,14,562 were being emptied into open drainages; while SECC 2011 identified 1,68,066 rural manual scavenger households, which at least had one manual scavenger. As inconsistencies were obvious between both the sources, Lok Sabha in 2016 recorded 1,67,487 and Rajya Sabha in the same year stated 1,82,505 manual scavenging households.

According to the overviews directed under the SRMS command, barely 13,465 manual scavengers were recognized till 26 December 2017. While SECC 2011 gives self-verified information, the SRMS studies are intended to check the source's data introduced under similar cases. SRMS had discovered just 8% of the manual scavengers' families recorded in SECC 2011 after observations as on 26 December 2017 across the nation. Alongside, Since January 2020, half lakh manual scavengers were reported by a survey which included 18 states. There are additionally critical state wise variations seen in the number of manual scavengers existing between each source. SRMS survey distinguished more manual scavengers than recorded in SECC 2011 in Tamil Nadu. According to the SECC 2011, Tamil Nadu had only 334 manual scavengers. However, after the Manual Scavenging (MS) Act took effect in 2013, Tamil Nadu state conducted a census-like survey to recognize manual scavengers once again and the new number was 462 manual scavengers by the year of 2015. After this 2015 survey, the SKA surveyed eight districts in the state to reproduce Tamil Nadu' numerals. It identified a surprising 3,032 manual scavengers and put forward the same to the government in 2019. Conversely, on the excuse of verifying these names, incidents have been recorded were government officials supposedly harassed and terrorized them to sign on documents stating they were not manual scavengers.

2.4 Reasons for continuation of manual scavenging:

At present when equity and basic freedoms are undeniably more dominating than any other era in recent memory, it is only natural for many to believe that exercises like manual scavenging is a custom. In spite of the fact that it stays banned and illegal on papers, the truth on the ground remains extraordinarily different. Hereditary and indefensible custom is the ultimate and ghost reason behind why this form of 'slavery' is chosen and carried out. The

unequal societal living within the hierarchy that was formed eras ago has been normalized. The individuals who thus belong to the so called 'lower caste' are held hostage to carry out the preset occupations by the ancestors. This however has been diluted for the other caste individuals whom have figured out different occupations and ventured into other possibilities. The main hurdle because overcoming the preset occupation by the lower caste individuals were the notion of 'unclean' and 'dirty' by other individuals in the higher peak of the hierarchical pyramid. Even though they might yearn to renounce their profession, the so called 'low caste' tag, which further questions their 'cleanliness' and 'acceptability in the community' makes it impracticable to acquire another job. For instance, in the field of food manufacturing and restaurants, the employees find them 'unclean' to be employed and fear their presence being identified by customers which will lead to uninvited crisis for the institute.

Another vital reason for existence of manual scavenging is the mere necessity of extra income by the scavengers in spite holding other jobs. Even though the larger part of the individuals works either on temporary or contract basis by a private contractor as a manual scavenger, the assured flow of income and poverty status of the family drives the women manual scavengers to take up this occupation alongside for sheer sustenance. Though they earn Rs.300- 500 per day as a manual scavenger, it is a well appreciated amount by the otherwise borrowing or starving family members. Also, this sometimes pays higher than their other occupations like working as a sweeper in residents, construction laborer, agriculturist, etc.

The sewer cleaning machines are hardly usable in all circumstances and are widely criticized for its faults. The state governments do not purchase sufficient machines as they don't meet the sole purpose. Even if available, the contactors do not make use of the facility and end up hiring a manual scavenger to enter into the sewer or to grab feces manually.

A continuing presence of unsanitary latrines and urbanization requires manual removal of the sewer. Thus, the easy availability of such occupations and the bondage of societal hierarchy encourage the scavenger to stick to the opportunity. Poor literacy levels, unaware of their existing rights, laws and rehabilitation schemes, lack of sufficient skills to migrate to other jobs, lack of confidence to try self-employment paths, elder ages of women manual scavengers, low self-esteem and devoid of self-actualization are few of the major reasons why manual scavengers still continue in this job without migrating to other forms of employment. Banks and other financial sectors think twice to sanction any loan towards manual scavengers to venture into finding an alternative employment since the rate of recovery falls way short. Poor enforcement of the laws by the central and the local levels further adds to the wounds and proves to be taken lightly.

CHAPTER 3

STATUS OF IMPLEMENTATION OF PEMSR 2013 ACT IN TAMILNADU, LEGAL FRAMEWORK PROHIBITING MANUAL SCAVENGING IN INDIA.

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GOVERNANCE STRUCTURE FOR WELFARE OF SANITATION WORKERS

3.1 Caste system in India proving to be inseparable from the practice of manual scavenging:

Manual scavenging has been a caste-originated job which dates back to 3000 years. While other occupations have managed to neutralize and burn the bridge from the caste impositions, this unclean and rampant occupation has been still deep rooted within people from certain castes. On the other hand, though the Dalits intend to pursue a different occupation they are left behind with not much to choose from, since both the previous occupation as a manual scavenger and the birth identity as a Dalit originating from the caste system prove to be a hindrance.

At Fatehpur Sikri, a small city south of Delhi, a manual scavenger mentioned *“It is my fate. I am born to do this”* while she alarms the pedestrians to give way as she douses the hole with fly ash and scoops its content into a basket. She went on to say *“Suppose I have money and open a shop,” she says, her face covered by a sheer veil. “Non-Valmiki people won’t buy from me. Suppose I want to be a cook. Nobody will let me enter their kitchen”*. This heartfelt, hopeless line from a Dalit lady reflects the fact that caste is governed by a pre fixed obsession with purity (The guardian, 2018). Traditionally, and even to a certain extent in this millennial generation, the food and water handled by the Dalits are considered to be spoiled and impure. In certain fanatical cases, their shadows were deemed as tainted and the non-Dalits avoided to even ply by them or else would have to take a shower to wash off. So, even if they want to mitigate from this occupation, the others are not welcoming them. This racial segregation persisting in even developed cities like Delhi, limits the occupational scope of the manual scavengers where women being the worst affected and contribute 95% of the proportion.

Looking into this redundant caste system, that bloom centuries ago into our nation and continues to have such a tremendous affect, there are 4 varnas or classes ranking from high to low: Brahmin, who are priests, intellectuals and who teach; Kshatriya, who were warriors and protectors; Vaisya, the merchants and administrators who oversee the duties of societies;

shudra, who are peasants or farmers. These varnas further comprise thousands of sub groups which each had a specific occupation provided to them. Below all these groups and subgroups were the ones who handled dirty waste and sewage of the rest of the classes and hence were titled as ‘untouchables’ or ‘outcaste’ or ‘bhangi’ meaning ‘trash’ in Sanskrit. (Caste system in India: 4 varnas)

Those who were successful in leaving this occupation with a good support from the community later found it difficult to access housing, employment or even to avail benefits from the existing government schemes as they state they carry the name ‘Dalit’ no matter what. The Dalit men scavengers have faced nothing less in any way. Incidents have been noticed where they get paid in form of stale food which are dropped into their hands or even get Rs.20/- as monthly salary. The question of whether the name ‘outcastes’ or the occupation ‘manual scavenger’ that is imparting this secluding attitude gets distinct that the later imparts further more effect on the former existing irrational ideology.

3.2 Population of SC/ST in India- Comparison between 2001 and 2011 census:

Scheduled Castes are notified in 31 States/UTs of India and Scheduled Tribes in 30 States/UTs. There are altogether 1,241 individual ethnic groups, etc. notified as Scheduled Castes in different States/UTs and number of individual ethnic groups, etc. notified as Scheduled Tribes is 705 (Census 2011). There have been some changes in the List of SCs/STs in States/ UTs during the last decade

Table 2 - Population of SC’s- 2001 and 2011 (In millions)

	2001	2011	Variation (%)
Total population	166.6	201.4	+20.8 %
Males	86.1	103.5	+20.3 %
Females	80.5	97.9	+21.5 %

Table: 3 - Population of ST’s- 2001 and 2011(In millions)

	2001	2011	Variation (%)
Total population	84.3	104.3	+23.7 %
Males	42.6	52.4	+22.9 %
Females	41.7	51.9	+24.4 %

Table: 4 - Proportion of SC/ST Population in India– 2001, 2011 (in %):

	Proportion of SCs		Proportion of STs	
	2001	2011	2001	2011
Total	16.2	16.6	8.2	8.6
Rural	17.9	18.5	10.4	11.3
Urban	11.8	12.6	2.4	2.8

They, both SC and ST constitute 25 % of Indian population this means in every 10 members two-three may belong to SC/ST (Census 2001, 2011).

Figure: 2 - Distribution of SCs Population by States – 2011 (in %)

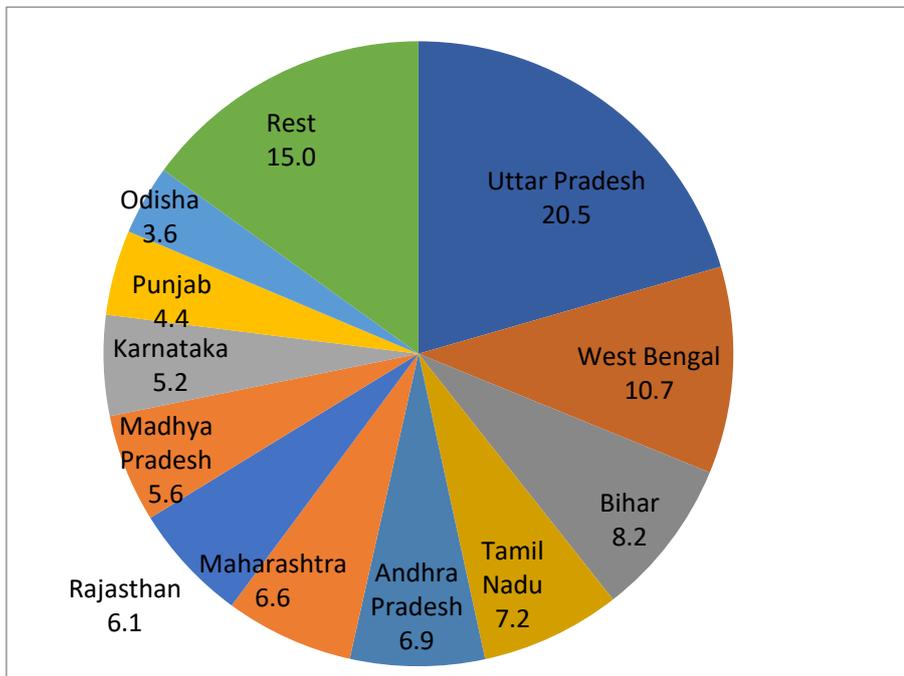


Table:5 - States/UTs Ranked by Proportion of SCs - 2011 (in %)

Top 5 States/UTs		Bottom 5 States/UTs	
Punjab	31.9	Mizoram	0.1
Himachal Pradesh	25.2	Meghalaya	0.6
West Bengal	23.5	Goa	1.7
Uttar Pradesh	20.7	Dadra & Nagar Haveli	1.8
Haryana	20.2	Daman & Diu	2.5

Of all the states and UT's, Punjab is found to possess the highest proportion of SC population where they are classified into a separate clan as 'ad-dhram'. Himachal Pradesh and West Bengal follow Punjab with 25.2% and 23.5%. Looking back at Punjab, against the national average according to census 2011 of 16.6 %, Punjab has almost double this population listed under SC. Not to our surprise the SC population here has been growing at a steady rate much higher than the other state SC population growth rate. Looking at the last few decades of census data, the proportion of SC population was 24.7, 26.7, 28.3 and 29 in 1971-2001 survey. Another interesting fact about this SC proportion in this state of Punjab is 35% have settled in the lush green region of Doaba, much higher than the state average. The proportion of Dalits in U.P and Maharashtra is evidently much less than that in Punjab. U.P's successful model and to some extent the model of Maharashtra for migration and mobilization of the Dalits is illustrious from the less successful or failed Punjab Dalit mobilization is their splintered nature of identity and consolidation(The tribes in India, 2016).

Looking at India as a nation, almost every socio-economic indicator shows the pathetic position of Dalits from year in and year out. The status of owning land and fixed capital assets by the SC people was only half compared to the non- SC/ST households. Working as an agricultural laborer is the predominant occupation taken up by almost half of the Dalit community. This scenario even though seems to yield a decent income on a daily basis gets slumped in the total number of working days available. This acts as an instigation to take up odd jobs to provide for self and the dependents. However, the weekly and monthly wages of this community still fall 25% minimum short from the non-SC/ST community households leading them to poverty. In the year 2000, 35% of the SC population was below the poverty line in rural and 39% in urban areas. This is well above the other castes' household's proportion. Education and health among this down trodden caste again falls short when compared to the nation's literacy rate and health indicators (Census 2011). This vicious cycle needs a breakthrough from the point of derivation either in the form of rooting out untouchability, strengthening the laws against crimes or inter-caste marriages.

While Dalit women share common problems of gender discrimination with their high caste equivalents, they also endure from crises specific to them. Dalit women are the worst affected and suffer the three forms oppression - caste, class and gender. As some of the above figure's show, these relate to extremely low literacy and education levels, heavy reliance on wage labor,

discrimination both in employment and wages, heavy proportion employed in unskilled, low-paid and hazardous manual jobs, violence and sexual exploitation, being the victims of various forms of superstitions, etc.

3.3 Dalits and manual scavenging in Tamil Nadu:

In Tamil Nadu, Dalits account for about 18% of the population (*census 2011*). As of 2017, T. N. acts as the home for 76 different scheduled caste categories. Among them majority of manual scavengers belong to the following Scheduled Castes: Adi Andhra, Arunthathiyar, Chakkiliyan, Domban, Kuravan, MadariMadiga, Pagadai and Thoti. The Kattunayakan, hailing from the Scheduled Tribes, are also among the communities engaged in sanitary work and manual scavenging (IJRESS, 2017).

3.4 Dalit category in TN:

In Tamil Nadu, Paraiyar's, Pallars and Arunthathiyars are the major sub-castes among Dalits. Paraiyars are advanced in education compared with other sub-castes, Pallars have a little land in some places, and Arunthathiyars are engaged in leather working and scavenging (Chandran, 2012). Arunthathiyars are considered to be the most backward and wretched of the Dalits live in appalling repressive socio-economic conditions in Tamil Nadu. The population of Arunthathiyars is more than 30 lakhs. They are engaged as cobblers, gathering human excreta, removing obstructions in the underground drainage, removing carcass and dead human bodies, working in cremation grounds, engaging as agricultural laborers and other menial jobs (Sampath, 2008).

Sub Castes:

Arunthathiyars, along with Chakkiliyars and a few other sub-castes (Madharis, Adhi-Andhra, Pagadai, Madiga, Thotti), belong to the lowest strata of the caste-based social hierarchy and are the worst sufferers of untouchability. Arunthathiyars and Chakkiliyars have been included in the government official list of scheduled castes, who are entitled to 18 per cent reservation in education and employment and reservation in political positions. Together, the two communities account for about 15.5 lakh (13.1 per cent) of the Dalit population (1.18 crore) in Tamil Nadu. Dalits account for 19 per cent of the State's total population (6.2 crore), according to Census 2001. (Viswanathan, 2010) Among Dalits, the literacy rate of

Arunthathiyars is 53.7 per cent and that of Chakkiliyars is 50.9 per cent. The corresponding figures for others are Paraiyars 65.9, Adi Dravidars 65.3 and Pallars 65. The overall Dalit literacy rate is 63.2 per cent against the State's 73.5 per cent. The dropout rates among Arunthathiyar and Chakkiliyar children after the primary level are much higher than in Adi Dravidar, Pallar and Paraiyar communities. (Viswanathan, 2010.)

3.5 Manual scavenging - an isolated profession:

Why has manual scavenging been singled out? Looking at the history, 3000 years ago, the lack of medical and technical advancement supports the need for segregating the practitioner of manual scavenging. This was the period when a common cold or a throat infection led to death and epidemics. There existed very poor health facilities, coupled with lack of sanitation practices like a separate toilet or closed drainage system seconded the need for singling out the manual scavengers to reduce the chances of infection even though it sounds inhuman and illogical. However, looking at the present sanitation advancements like wet toilets and well-developed drainage system, the practice of manual scavenging is expected to reduce but still persists and doesn't have significance any longer.

“Few object to liberty in the sense of a right to free movement, in the sense of a right to life and limb. There is no objection to liberty in the sense of a right to property, tools, and materials, as being necessary for earning a living, to keep the body in a due state of health. Why not allow a person the liberty to benefit from an effective and competent use of a person's powers? The supporters of caste who would allow liberty in the sense of a right to life, limb, and property, would not readily consent to liberty in this sense, in as much as it involves liberty to choose one's profession.

But to object to this kind of liberty is to perpetuate slavery. For slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from others the purposes which control their conduct. This condition obtains even where there is no slavery in the legal sense. It is found where, as in the Caste System, some persons are compelled to carry on certain prescribed callings which are not of their choice.”

– **B.R. Ambedkar, Annihilation of Caste.**

3.6 Discrepancies seen in the numbers of Manual scavengers recorded across the country:

In spite of the law passed in 1993 making manual scavenging illegal for over 30 years approximately, the hefty number of manual scavengers still present in this developing country sets a distressing signal (Outlook, 2022). Looking at the other aspect, this large number of manual scavengers also directly indicate that septic tanks, sewers and drains still operate with maintenance and operation depending on manual scavenging. According to Census of India 2011, there are 7,40,078 households across the country where human excreta are removed manually from dry latrines. On top of this, there are also septic tanks, sewers, railway platforms from where human excreta are cleaned by people. Apart from this, around 21 lakh households dispose their wastes in dry latrines or drains, which are also doomed to be cleaned by manual scavengers. However, though we expect the rates to reduce overtime with the existing laws and schemes, as per the National Safai Karamchari Finance and Development Corporation's (NSKFDC) 20th Annual Report for the period 2016-2017, there were 26,00,000 insanitary latrines in the country, of which a surprising 13,29,000 were in urban areas and 12,71,000 in rural areas. The report further stated that as of 31st March 2017, the number of manual scavengers identified in 13 states had been 12,742, which is inconceivable and highly mismatched as 12,742 manual scavengers cannot excavate 26,00,000 insanitary latrines.

In addition, the Socio-Economic Caste Census 2011 said that there are 1,82,505 families in rural India engaged in manual scavenging which is a huge under representation since there are private companies who still employ manual scavengers where they get unnotified and unregistered (SECC, 2011).

An inter-ministerial task force which began in 2017 had released its first stage findings in June 2018 which covered 12 states and 121 districts with complete data (Table 5). Remaining 17 states are yet to release its actual number of manual scavengers existing. In this survey, a large number of 53,236 manual scavengers across the country have been identified and U.P takes this dishonorable first position for being the abode for 28,796, which is the mother state of 20% of the total Dalit population of the nation. Since these findings are based on data received from 121 out of 600 districts, the Ministry mentions that the actual number of manual scavengers existing will hike up once the rest of the states and districts data gets calculated. Earlier this decade, Maharashtra was the state with the largest number of manual scavengers at over 63,000 while it harbors a trivial 6.6% of the nation's Dalit population. A sneak peek into

this survey's other results shows Gujarat having 146, Madhya Pradesh with 8016 and Rajasthan with 6,643 registered manual scavengers.

Table: 6 – No. of Manual scavengers

No. of Manual scavengers		
State	Number registered	Number reported by state
<i>Andhra Pradesh</i>	903	734
<i>Assam</i>	876	542
<i>Gujarat</i>	146	146
<i>Haryana</i>	1040	0
<i>Kerala</i>	916	600
<i>Madhya Pradesh</i>	8016	0
<i>Maharashtra</i>	3608	429
<i>Punjab</i>	144	0
<i>Rajasthan</i>	6643	3143
<i>Tamil Nadu</i>	885	0
<i>Uttar Pradesh</i>	28796	1056
<i>Uttarakhand</i>	1263	0

This survey attracted award winning activists who affirmed that rehabilitations measures should be organized and focused towards the transition from this degrading to a dignified occupation. Mr. Wilson, activist mentioned *'New legislation which increases penalties and fines on those who employ manual scavengers is needed to address the issue on an emergency basis. The ongoing survey would be a good time for Prime Minister Narendra Modi to speak extensively about manual scavenging and promise to take steps to put an end to the practice. If people heeded to him and became conscious about safe sanitation, they may listen to him and stop employing manual scavengers.'*

On December 2018, the Hindu published the data provided by the Ministry of Social Justice and Empowerment entitled *'Scourge persists'*. 13,973 had been identified in 13 states across the nation. This data was contrast to the above data presented in June 2018. UP has the highest number of identified manual scavengers of 11,563 while MP and Chhattisgarh have the lowest.

Table: 7 - No of identified manual scavengers

No. of Manual scavengers	
State	No of identified manual scavengers
Andhra Pradesh	78
Assam	154
Odisha	237
Karnataka	732
Madhya Pradesh	36
Punjab	91
Rajasthan	338
Tamil Nadu	363
Uttar Pradesh	11563
Uttarakhand	137

**The Hindu, December 8, 2018*

The *Wire*, 'counting India's manual scavengers' conducted a survey to check the male and female proportion in this humiliating occupation in India. In this, 95% who clean the dry toilets were women and 98% were seen in the state of U.P. Sanjay Dumane of Jan Sahas rightly figured out that the ideology of seeing men cleaning the septic tanks and showing out drenched in excreta has been deceiving and it's the women who actually undertake this manual scavenger's job majorly. They get paid a mere amount of Rs.40 and Rs. 90 per month when they work in towns depending on the number of people using the latrine. A woman who is one among the 6 scavengers in a family stated that she gets paid two rotis and some grain once in every six months. She is also an agricultural laborer during the day which brings us to the conclusion that rehabilitation to an orthodox occupation per se isn't sufficient enough to sustain this transition but an increase in the daily wages is equally important. Bezwada Wilson, here again states that the reason why women end up more employed is the fact that the wages are much lower than men take up higher waged jobs like cleaning the railway lines and sewers. These women end up carrying the human waste into a basket and transport it with their bare hands to the disposal grounds. Not only does the waste spill on them leading to hair and skin diseases, this leads to active discrimination from the upper castes. It takes the form of lack of access to public services, threats of sexual violence, and segregation of their children in

schools. Looking at the law passed in 2013 to provide rehabilitation, the Indian government offers a small loan to help them find sustainable and dignified occupations. This law is no way different from the rest of the other laws where there is only paper work and no proper implementation ways. Women manual scavengers who are most eligible to avail this loan end up disappointed due to lack of sufficient funds allocated or paperwork leaving them with no choice than to remain in this slavery occupation. Other few promising activists have stated that unless the deeply rooted sexism and caste bias is changed, the poorest women (Dalits) will be forced to continue in this practice (The Quint, 2017).

Inclusion and rehabilitation are hampered by the absence of dependable data on the genuine number of manual scavengers in the country. Three main sources which are accessed for supplying such information are The House listing and Housing Census of 2011, The SECC and Manual Scavengers act. As inconsistencies were obvious between both the sources, Lok Sabha in 2016 recorded 1,67,487 and Rajya Sabha in the same year stated 1,82,505 manual scavenging households. According to the overviews directed under the SRMS command, just 13,465 manual scavengers were recognized till 26 December 2017. While SECC 2011 gives self-verified information, the SRMS studies are intended to check the source's data introduced under similar cases. SRMS had discovered just 8% of the manual scavengers' families recorded in SECC 2011 after observations as on 26th December 2017 across the nation. There are additionally critical state wise variations seen in the number of manual scavengers existing. SRMS survey distinguished more manual scavengers than recorded in SECC 2011 in Tamil Nadu. According to the SECC 2011, Tamil Nadu had only 334 manual scavengers. However, after the Manual Scavenging (MS) Act took effect in 2013, Tamil Nadu state conducted a census-like survey to recognize manual scavengers once again and the new number was 462 manual scavengers by the year of 2015. After this 2015 survey, the SKA surveyed eight districts in the state to reproduce Tamil Nadu's numerals. It identified a surprising 3,032 manual scavengers and put forward the same to the government. Conversely, on the excuse of verifying these names, incidents have been recorded where government officials supposedly harassed and terrorized them to sign on documents stating they were not manual scavengers.

According to an August 2019 survey by the National Safai Karamcharis Finance and Development Corporation (NSKFDC), in the 170 districts across 18 states surveyed, 87,913 people had registered themselves as manual scavengers. Of these, only 50% (42,303) people were 'acknowledged' by the state governments as manual scavengers.

According to the Union social justice and empowerment ministry, the government possessed caste-related data on 43,797 people engaged in manual scavenging, with over 42,500 belonging to the Scheduled Castes. Responding to a question in the Rajya Sabha, Union MoS for social justice and empowerment, Ramdas Athawale- an Indian politician and social activist from Maharashtra, said that 42,594 (97.25 per cent) of those engaging in manual scavenging were from the SCs, 421 from the STs, and 431 from OBCs.

3.7 Mortality among manual scavengers:

As on February 2, 2021, Ramdas Athawale, minister of state for social justice and empowerment, said that between 2016- 2020, about 340 sanitation workers have died while cleaning sewers and septic tanks across 19 states as a response to Lok Shaba. The highest number of such deaths – 52 – were reported in Uttar Pradesh, while 43 died in Tamil Nadu, 36 in Delhi, 34 in Maharashtra, 31 in Gujarat and 24 in Karnataka. From the inception of the 1993 act, according to Safai Karamchari Andolan over 2000 persons have died due to manual scavenging across the country, and nearly 1300 families are yet to receive the compensation. *“Even among those who received the compensation, many of them got partial compensation of Rs 1 lakh or something. Only around 400 families, which is not 25%, have gotten the full compensation of Rs 10 lakh,”* says Magsaysay awardee, Bezwada Wilson, the National Convenor of SKA (The news minute, 2022).

Sanitary workers as manual scavengers:

Figure 3- Key issues and challenges for sanitation workers

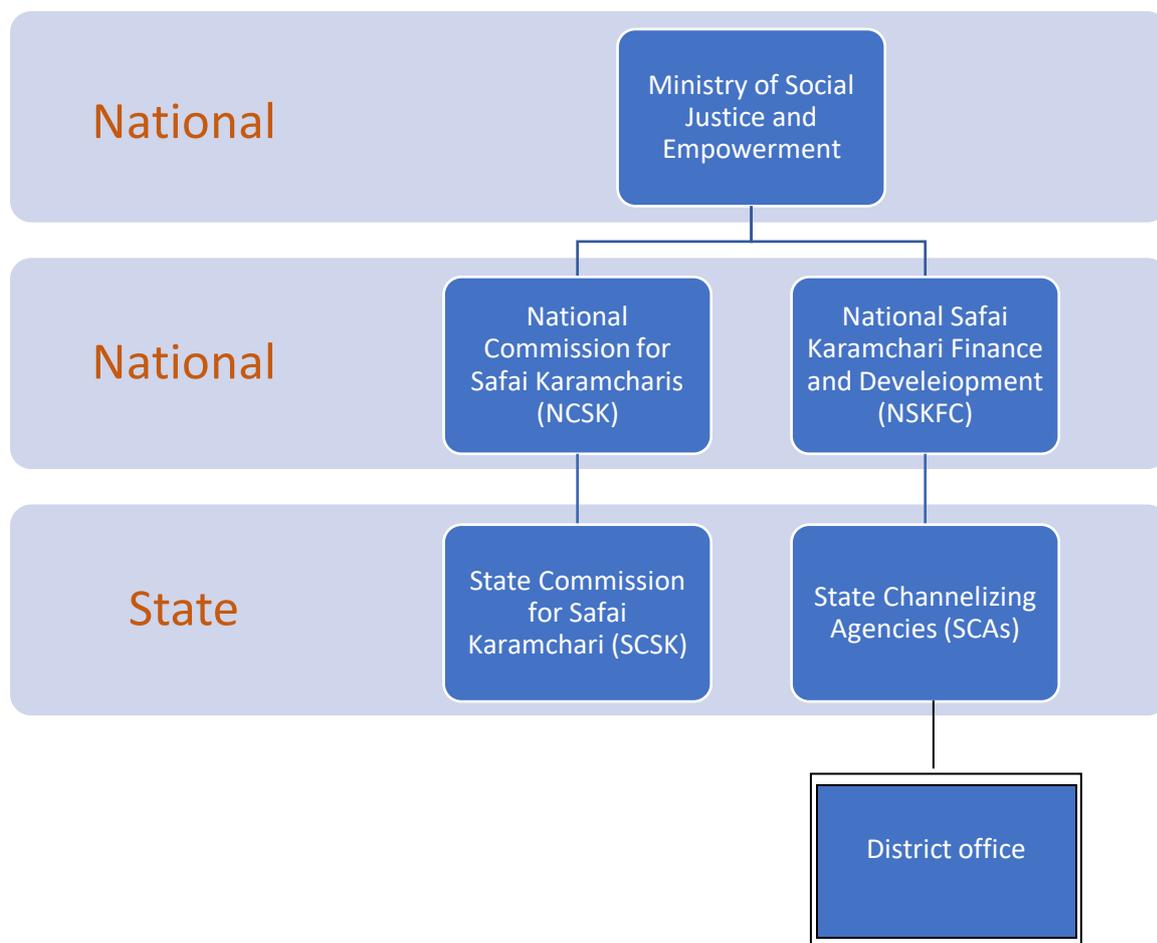


- ❖ Financial insecurities: Lack of financial and social safety coverages, Unfair and untimely payment of wage
- ❖ Occupational health and safety: Little or no protective equipment is provided to them, leading to regular accidents resulting in fatalities; Mismatch between high occupational hazards and low skill level of sanitation workforce.
- ❖ Weak legal protection: Lack of occupational and health standards; Weak agency to demand their rights
- ❖ Social security: Sanitation workers are viewed as unclean and stigmatized; scant value is given to the work they do; Lack of awareness and sensitivity for sanitation workers safety among service seekers.

3.8 Kinds of Grievances of Safai Karamcharis:

The grievances of safai karamcharis may be of three kinds. The grievances of safai karamcharis may be relating to service matters, which includes: (a) Denial of promotion/ related harassments, (b) Discrimination in selection/ appointments, (c) Non-payment of pensionary/ gratuity benefits etc., (d) Denial of compassionate appointment, (e) Non-payment of compensation to the family of deceased safai karamchari, (f) Delay in payment of salary to the safai karamcharis, (g) Non-payment of minimum wages, and (h) Other service-related Matters. The grievances of safai karamcharis may be in the nature of Atrocities, which includes; (a) Cases related to untouchability, (b) Social discrimination of safai karamcharis, (c) Torturing of safai karamcharis, (d) Encroachment of land of safai karamcharis, and (e) Harassment by Police and other authorities. The grievances of safai karamcharis may be Economic matters, which includes; (a) Denial of bank loans, and (b) Denial of caste certificates.

Governance structure for welfare of sanitation workers:



Manual scavengers paid one-time cash assistance for rehabilitation as per Ministry of Social Justice and Empowerment.

Table 8 - No of manual scavengers who received one-time cash assistance

Name of the state	No of manual scavengers who received one-time cash assistance
Uttarakhand	4988
Uttar Pradesh	32473
Assam	3921
Bihar	131
Punjab	231
Rajasthan	2673

Madhya Pradesh	510
Maharashtra	6325
Karnataka	2927
Kerala	518
Andhra Pradesh	1793
Tamil Nadu	398
West Bengal	680
Odisha	230

Details of NSKFDC Scheme for 2018-2019, 2019-2020 and 2020-2021:

The below table shows the details of amount distributed and beneficiaries covered for three years

Table 9		2020-2021		2019-2020		2018-2019	
No	Scheme	No of beneficiaries	Amount (Rs in lakhs)	No of beneficiaries	Amount (Rs in lakhs)	No of beneficiaries	Amount (Rs in lakhs)
1	General term loan	63	114.30	2938	6063.10	11826	14431.59
2	Mahila adhikarita yojana	8	6.75	707	635.76	1898	1529.90
3	Mahila samridhi yojana	366	299.79	17793	12800.09	3140	1514.29
4	Micro credit Finance	5	2.70	3379	1028.31	4237	2105.81
5	Sanitary marts scheme	0	0	0	0.00	0	0.00
6	Education loan	15	81.45	15	44.25	0	54.40
7	Swachhta udyami yojana	0	0	1416 247	4702.65 3195.53	0	0.00
8	Green business	0	0	0	0.00	200	252
Total		457	504.99	26674	28751.82	21301	19887.99

3.9 Reasons for failure of complete prohibition:

Extensively, two reasons can be credited to the disappointment of legal activism in stopping the practice of manual scavenging — (1) constraints of human rights talk in tending to fundamental basic liberties infringement when a conducive socio-cultural plan for standard adherence is deficient in society; (2) conditional restriction of manual scavenging under the 2013 Act went about as a fundamental impulse in keeping up with the norm — of discrimination, shame, bias, embarrassment — for Dalits working as a manual scavenger.

Regulation and laws for the purpose of starting a social change has been highly discussed and studied in socio-legitimate theory. This has been broadly criticized. As a crucial piece of the way of life of each and every general public, rights' intertwinement with other social establishments, for example, identity, race and standing are dilemmas of strain in the cooperation of regulation with these designs and which of these designs superposes itself over another (Bradshaw, 2007, p. 1337; Borges and Pedro, 2009; Dror, 1958; Schein gold, 1974). Deviation in genuine social way of behaving and the way of behaving attributed by law prompts tension among laws and social change. This pressure and tension develop into a 'slack' when the law isn't at standard with social changes in the public eye (Berger, 2008; Rosenberg, 2008; Sharma, 2012). On account of rank separation, practically speaking, social way of behaving is different from legitimately anticipated standards, and, consequently, the awareness of certain expectations in individuals isn't towards following the lawful standards, prompting non-adherence. Hence, 'equal changes' in regulation and society are irreplaceable. This has not been the situation in the bigger enemy of anti-discrimination regulation structure in India concerning Dalits, as fundamental savagery compared with social and cultural inequality limit the impacts of court-arranged social change because of standard non-adherence socially.

One more justification behind disappointment is that the 2013 Act makes a trap in the conceptualization of the meaning of manual scavengers, one that it expects to ban. Enacted to conquer deceptions of the 1993 Act, the 2013 Manual scavenging prohibition regulation contains a glaring legitimate shortcoming. The lacuna, as recognized above, in the meaning of 'Manual scrounger' is in the Explanation to segment 2(1)(g), where an individual is considered to not fall into the classification of a 'manual scavenger' if such an individual, so utilized to clean excreta and go into 'gas chambers' (drains), does as such with the assistance of protective stuff and gadgets. Regardless of the legitimate arrangements, the enormous number of passings of manual scavengers and subjective corruption of their life, wellbeing and levels of bleakness

talks about gross carelessness of the state legislatures in neglecting to give such defensive gears and protections specified under the law. It further orients us with the deficiency of such 'defensive gears' in defending the existences of manual scavengers. Supreme Court's new obiters are simply one more emphasis of the troubling circumstance on the society. No defensive gear is fit for relieving both present moment and long-haul wellbeing impacts and related ailments on manual scavengers.

The issue here in this manner is not just of their physical wellbeing, yet additionally the essential basic freedom of human dignity.

CHAPTER 4

REVIEW OF LITERATURE

A lot of studies had been conducted by different authors, agencies in India and abroad about manual scavenging. A review of certain important works holds relevant in the context of present study. The researcher was able to touch upon certain significant works that had considerable importance on the matter under surveillance here. The review of literature chapter begins with studies related to manual scavenging and it goes on to speak about socio-economic condition of manual scavengers, deplorable working condition, health repercussions due to manual scavenging practices, discrimination faced by children of manual scavengers, Open air defecation and Campaigns against open air defecation. The review used key words such as 'manual scavenger', 'manual scavenging' and 'sewer cleaner' in addition with the following words: 'railway cleaners', 'sanitation workers', 'Safai karamcharis', 'Dalits', 'health', 'diseases', 'ailments', 'bias', 'discrimination', 'social norms', 'social exclusion', 'laws', 'legislature', 'eradication' 'Tamil Nadu', 'Chennai', 'India', 'protective gears', 'respiratory illness', 'education', 'rehabilitation', 'MS law 1993', 'MS law 2013' 'open air defecation', 'campaigns', 'women', 'children', 'Socio economic status', 'death', 'fatalities', etc.

4.1 Studies related to persistence of Manual scavenging:

A study titled '**A study on hazardous life of a manual scavenger in urban areas at dindigul district, Tamil Nadu**' by K.kannadasan and S.Kalpana in 2021 dealt with the socio-economic standing of manual scavengers by enrolling 150 respondents. The study disclosed that 25% were employed as latrine cleaners, 2.6% as sewer cleaners and 2.6% as railway cleaners. The highest statuses of employments of the manual scavengers were the Municipal Corporation with 85% followed by Private with 15%. The study further disclosed that 61% of the respondents were literates but could not renounce their scavenging practices as they did not have access to alternative occupations. This could be attributed to the poor inertia of MS 2013 law and the lower levels of education attained by them.

Later in the same year 2021, Thangadurai and Gomathi examined the **Quality of Work Life among Manual Scavenger's** and also the existing situation of the applicability of the legal safeguards. This study further explored reasons such as low educational status, caste based discrimination, controlled occupation mobility and the lethargy of law which has pushed

them to remain in the manual scavenging practice (*Quality of Work Life of Manual Scavengers of Tamilnadu, n.d.*)

On December 2018, **The Hindu** published the data provided by the Ministry of Social Justice and Empowerment entitled '*Scourge persists*'. 13,973 had been identified in 13 states across the nation. This data was contrast to the data presented in June 2018. UP had the highest number of identified manual scavengers with 11,563 while MP and Chhattisgarh had the lowest.

An inter-ministerial task force began in 2017 had released its first stage findings in June 2018 which covered 12 states and 121 districts with complete data. In this survey, a large number of around 53,236 manual scavengers across the country had been identified and Uttar Pradesh took the dishonorable first position for being the abode for 28,796 which is the mother state of 20% of the total Dalit population of the nation. Since these findings are based on data received from 121 out of 600 districts, the Ministry mentioned that the actual number of manual scavengers existing would hike up once the rest of the states and districts data gets calculated. Earlier this decade, Maharashtra was the state with the largest number of manual scavengers at over 63,000 while it harbored a trivial 6.6% of the nation's Dalit population. A sneak peek into this survey's other results shows Gujarat having 146, Rajasthan with 6,643 and Madhya Pradesh with 8016 registered manual scavengers.

In 2017, when the rankings for **Swachh Survekshan** was released, the officials of greater Chennai corporation were taken back by a bad surprise as the city was announced to have secured 235th rank way below from 36th in 2016. The city was hit devastatingly by the problem of OAD and newly built public toilets over last 3 years lacked water and decent hygiene standards. A year from then, Swachh Survekshan 2018 released an astonishing result as Chennai's municipal body had declared all 200 wards in the city as ODF. The passing of this declaration was then overlooked by state mission director of SBA and central team and was confirmed. The below par performance in the year 2017 was attributed to extremely low citizens' feedback which further accelerated the revamping of 500 existing and constructing nearly 80 public toilets in the following year. Multiple local bodies denied this declaration and called it 'exaggeration'. They pointed out discrepancies between the municipal corporation's declaration and the continued presence of OAD (Banega Swachh India, 2018).

The **Wire**, ‘**Counting India’s manual scavengers**’ conducted a survey to check the male and female proportion in this humiliating occupation in India. In this, 95% who clean the dry toilets were women and 98% were seen in the state of U.P. Sanjay Dumane of Jan Sahashas rightly figured out that the ideology of seeing men cleaning the septic tanks and showing out drenched in excreta has been deceiving and it’s the women who actually undertake this manual scavenger’s job to the majority. They get paid a mere amount of Rs.40 and Rs. 90 per month when they work in towns depending on the number of people using the latrine. A woman who is one among the 6 scavengers in a family stated that she gets paid two rotis and some grain once in every six months. She is also an agricultural laborer during the day which brings us to the conclusion that rehabilitation to an orthodox occupation per se isn’t sufficient enough to sustain this transition but an increase in the daily wages is equally important. Bezwada Wilson, here again states that the reason why women end up more employed is the fact that the wages are much lower that men take up higher waged jobs like cleaning the railway lines and sewers. These women end up carrying the human waste into a basket and transport it with their bare hands to the disposal grounds. Not only does the waste spill on them leading to hair and skin diseases, this leads to active discrimination from the upper castes. It takes the form of lack of access to public services, threats of sexual violence, and segregation of their children in schools. Looking at the law passed in 2013 to provide rehabilitation, the Indian government offers a small loan to help them find sustainable and dignified occupations. This law is no way different from the rest of the other laws where there is only paper work and no proper implementation ways. Women manual scavengers who are most eligible to avail this loan end up disappointed due to lack of sufficient funds allocated or paperwork leaving them with no choice than to remain in this slavery occupation. Other few promising activists have stated that unless the deeply rooted sexism and caste bias is changed, the poorest women (Dalits) will be forced to continue in this practice (The Quint, 2017).

In Tamil Nadu, Dalits account for about 18% of the population (*census 2011*). As of 2017, T. N. acts as the home for 76 different scheduled caste categories. Among them majority of manual scavengers belong to the following Scheduled Castes: Adi Andhra, Arunthathiyar, Chakkiliyan, Domban, Kuravan, MadariMadiga, Pagadai and Thoti. The Kattunayakan, hailing from the Scheduled Tribes, are also among the communities engaged in sanitary work and manual scavenging (IJRESS, 2017).

The Indian Express report in 2012 revealed 7.4 lakh households still require humans to remove night soil. This report excluded those households where the night soil was disposed into open drain (which accounted for 12.33 lakh households) and was serviced by animals (which accounted for over 4.93 lakh) that were later necessitating to engage manual scavenging services. About 25 lakh households were still using non-flush toilets, utilizing the service of manual scavengers directly or indirectly. While the national average of households where the night soil was removed by human recorded only around 0.3%, many states have alarmingly high figures: Jammu & Kashmir (8.9%), Manipur (2%) and Uttar Pradesh (1%).

4.2 Studies related to Socio-economic condition of manual scavengers:

‘Socio-economic study of public toilet cleaners in thoothukudi district of Tamil Nadu state’ by Amutha.D studied the public toilet cleaner’s awareness of educational changes as well as their socio-economic profile and issues faced. This study showed that the majority of respondents (70.40%) were employed on a long-term and the link between educational change awareness and socioeconomic characteristics like gender, monthly income and kind of job was significant at the 5% level, with a P-value less than 0.05. with regards with the health issues, respondents placed respiratory disease first, followed by allergy disorders, in terms of concerns and priority. Back discomfort, asthma, and other health issues were placed third and fourth, respectively. Eye related diseases were ranked fourth and communicable disorders were placed fifth. Safety precautions, regular medical camps, eliminating manual scavenging and increasing public awareness of government programmes can all help to improve the quality of life of public toilet cleaners.

Kalaiyaran. M and Suresh. K (2014) studied on the scavenging activities in Ganeshapuram, Tiruchirappalli District, Tamil Nadu. The main objective of the study was to find out the economic status and life style of the scavengers with a sample size of 55 respondents out of 529 population through proportionate random sampling method. The study revealed that only 38.2% earned an income between Rs 4500 to Rs 6500 per month which was the highest recorded salary. 61.8% were not having nutritional food, 44.6% were facing stigma and discrimination from the society, 54.5% felt that the society perceived badly about their occupation and 72.73% were in debt from different finance agencies. The study found that manual scavenger had a low socio-economic status because of their job nature (contractual), getting paid very low salary from their work places and the societal views for occupation status that left them having very limited alternate job. Further, health-wise the manual scavengers

were deprived because they were consuming very limited nutritional food due to poor economic status.

Arunthaiyar Human Rights Forum and Every Child in 2010 identified that there was a high rate of indebtedness of all Arundhatiyar manual scavengers ranging INR RS. 10,000 to above RS.60,000. In the rural regions, large number of manual scavenging households had a debt of RS. 20,000; In municipalities RS. 30,000. Top 3 reasons stated were the following three categories: medical, construction of homes and education. Satire of the situation was that none of the Arunthaiyar families covered under the study in the villages had toilets at home. In municipality and corporations, less than half of them owned a toilet(Night, 2010)

Dak (2007) observed condition of manual scavengers in Ajmer and Udaipur districts in Rajasthan, the former is relatively far more urbanized and having less favorable sex ratio. The sampled scavengers concentrated more on scheduled caste *Basties* irrespective of their institutional affiliation and habitat, were majorly middle aged, illiterates, married and members of joint family with moderate family size, and pursued scavenging as main sources of family income.

Prasad in 2005 discovered in his study that most women sweepers were in the age group ranging between 10 to 35 years. The majority of the women sweepers' monthly income was in the range of Rs.501/- to RS. 1000/-. They had to spend about 6-7 hours in attending to their own household chores which included washing clothes, preparing meals, fetching wood for cooking meals etc., and about 5-6 hours of work outside home. Thus, altogether the total working hours for them ranged between 11-15 hours a day. It was found that only 49.33 per cent could send their children to school. 80 per cent of the sweepers stated they had no status in society because of the nature of work and their belonging to scheduled caste groups. Most of the sweeper's husband were alcoholic and under the influence of liquor. Only 22.36% of the sweepers did not want their daughters to take to sweeping jobs.

Bakshi D. Sinha et al (1994) in their study evaluated the existing social and economic status of the scavenger community after assessing the implementation strategy followed by the Government in 1993 (both Central and State) with regard to various development policies and programmes for their upliftment's. The study also sought ways to suggest appropriate strategy for upgradation of this community. The study was taken up in four states, viz., Andhra Pradesh, Maharashtra, Orissa and Rajasthan. From each state two towns were selected and from each

town, a sample of 100 households (50 scavenger and 50 non-scavenger SC families) was selected on the basis of proportionate probability sample. Case studies were the chosen method of data collection among different scavenger localities to assess the living conditions. The study stated no serious attempts to have been made to tackle the problem of scavengers in particular, though efforts seem to have been initiated to mitigate the hardship of the Scheduled Castes in general. The study further revealed a shocking fact that scavengers are placed better than the non-scavenger scheduled castes in terms of income, expenditure, saving and possession of movable assets.

4.3 Studies on Deplorable working condition:

A research survey by the **Indian Institute of Management, Ahmedabad (IIMA)**, unveiled that the city's sanitation laborers continued working without safety gear, spend one-fourth of their pay on treatments and admittance and aside from a small number the rest stated to be uninformed about the plans and schemes fitted for them or the fact that manually conveying human excreta or night soil and it is disallowed to enter sewer vents. The study by IIMA's Public Systems Group spoke with 50 laborers and their families – majorly from the Valmiki community - and discovered that 45 of them never wore safety gears and other four did not disclose regardless of whether they utilized them or not. Surprisingly, 18 were utilized as long-lasting specialists by the Ahmedabad Municipal Corporation (The Indian express, 2022).

Kumar et al. (2010) found in their study conducted in Gazipur District in Uttar Pradesh that all the Manual Scavengers belonged to Mahkar caste which is the lowest rank of the social hierarchy and belonged to the age group of 20-30, while most of them (nearly ninety per cent) were working as scavengers for more than 15 years. They have inherited their job from their forefather and new generation of the family (especially daughter in law and sons) are helping them in this task. The day for these women started at 5 AM and most of them continue it up to 11 AM without having a meal. The average age this worker is approximately 41.2 years.

Dorairaj (2006) in his book '**Out in the Open**' made a survey and pointed out that people using public roads as toilets was a common sight in several small towns and some cities of Tamil Nadu. Open air defecation was prevalent even in the corporation areas of Chennai and Madurai, making manual scavenging "indispensable". In terms of households having water closet facility, as many as 13 districts, including Dharmapuri, Dindigul,

Tiruvannamalai, Villupuram, Perambalur and Virudhunagar were behind the national average of 18.02% and the state average of 23.22%. The public and private sectors altogether account for almost one lakh manual scavengers in the state. As most of the rural areas did not have water closet, the scavengers, mostly women, had to carry head-loads of human excreta. The author further stated most of the manual scavengers to be working without proper tools. They cleared human excreta on to containers, which they carried on their heads or shoulders to the dumping grounds; the lucky few had wheelbarrows. In many places they did not have gloves or gumboots.

Shinoda (1995) studied on the Status of Sweepers in India. The study was based on a household survey on socio-economic conditions of the Bhangi households conducted in eight local bodies of Ahmadabad district. The study revealed that there has not been any visible improvement in the choosing alternative occupations of the Bhangis as a whole over the three generations. However, the study concluded that the improvement of the institutional climate, service and working conditions may surely provide them a material basis for the socio-economic development. The Bhangis lacked motivation as a community, which was necessary for undertaking internal reforms for social development.

4.4 Studies on Health repercussions due to manual scavenging practices:

Frontline (2013) stated that the death of two workers in the sewage tank in Chennai revives the call for the eradication of manual scavenging by R. Elangovan. That manual scavenging which continues to be a national shame became evident once again when two Dalits died of asphyxiation while cleaning a sewage tank in a private hotel in Chennai, Tamil Nadu on April 20, 2013. Sekar (45) and Robert (47) were the casualties of the abhorrent system of workers entering drains to clean blocks manually. Between the year February 2011 and December 2012, 19 people have lost their lives in this manner in the state of Tamil Nadu, 15 of them in the capital city alone. The report went on to state over the past 30 months at least 30 persons have died of asphyxiation while cleaning septic tanks and sewer manhole across the state a majority of such accident occurred in and around Chennai, said A. Narayanan, Convenor of Paadam, a non-governmental organization.

Dhangavel (2009) the state convener of vizhuthugal organization said that sanitary staff had been working in a very unhealthy environment for all these years. They were prone to various diseases. Almost all of them consume liquor before taking up cleaning of

underground drainage. The community people still manually clean the human excreta from septic tanks, be it in household or elsewhere. In case of sanitary workers, they are forced to clean night soil every day.

TISS (Tata Institute of Social Science) 2007 report revealed that ninety percent of all manual scavengers have not been provided proper equipment to protect themselves from feces borne illness. These include safety equipment's like gloves, masks, boots and brooms. The use of hand by women manual scavengers, certainly will have direct skin contact with human waste, is a very dangerous combination that is contributing to serious health conditions. Chronic skin diseases were commonly seen among women manual scavengers

Friedrich M, Cermek T and Heiller I in the year 2000, undertook a study to determine the prevalence of spinal troubles (i.e., neck, upper back and low back pain) in a population of sewage workers. The results shocked the audience as the 12-month prevalence rates of neck, upper back and low back pain (LBP) were 52.4%, 54.8%, and 72.8%, respectively. The prevalence of spinal troubles increased with age. Work disability during the preceding 12 months due to LBP was significantly positively associated with age. Moreover, when adjusted for age, the results showed that the individuals in the work disability group were more likely to report higher pain intensities, decreased participation in sports activities, higher levels of physical impairment, the belief that their LBP was related to the physical demands of their job and a lack of drive.

Chemicals harboring in the sewerage affect the Integumentary system- skin at various levels. Burns, redness, sores, eczema and irritation are caused depending on the level of acidity and alkalinity. Tasleem Bi, a former "scavenger" from a village near Ujjain, grieved with a feeling of hopelessness, "*I was afraid to leave. If I didn't do it there was no social acceptance, and no other means of livelihood*" reconfirming the social stigma and isolation among caste fanatics. She contracted skin disease and her hair fell later on. "*During monsoon season, the water would permeate my wicker basket and I would get drenched. I lost my hair*" she stated. In 2017, a total of 55 stars have come together against this 'abolished' practice of manual scavenging enlightening the truth that India has 'smart hairbrush' to check the health level of the hair, but we still outsource the scavenging laborious task to fellow humans who eventually bereave their hair to it.

As per the Maharashtra study titled ‘**Socioeconomic Status of Scavengers Engaged in the Practice of Manual Scavenging**’ 2860 households of scavengers were identified and 2753 were interviewed. Around 24% (657) were found to be suffering from some sort of health ailments. The commonest diseases that they mentioned to have suffered included a) Skin disorders, b) Communicable diseases, c) Respiratory disorders, d) Parasitic disorders, e) Diminishing vision, f) Diminishing hearing, g) Both diminishing vision and hearing, and h) Any other. Most of them reported to be suffering from skin disorder, respiratory diseases, communicable disorder, and diminishing vision (Beck and Darokar, 2005).

As per a study undertaken in Gujarat, 2006, the authors **Darokar and Beck** interviewed 2456 scavengers. Out of which, 22.5 percent i.e., 552 disclosed to be suffering from diseases of one type or the other. Most of them i.e., 251 were found to be suffering from respiratory diseases such as shortness of breath and constant cough, particularly amongst the toilet cleaners, manhole workers and septic tank cleaners (Ramaiah, 2007).

Watt et al. (1997) studied 26 sewage workers exposed to toxic odour and found that 53.8 per cent developed sub-acute symptoms including sore throat, cough, chest tightness, breathlessness, thirst, sweating, irritability and loss of libido.

4.5 Studies of Discrimination faced by manual scavengers and their children, and reality of Laws:

Alena Kahle in 2020 recorded in her Master Thesis about the NGO litigation in India to eradicate Manual scavenging from an interviewee: *The people who are handling the higher position, they are all coming from upper caste background, and therefore they want to indirectly maintain this caste-based system in the society and therefore they are least bothered about what these people are doing, why these people are doing or what are the strategies can be useful to take them out from this profession.* The writer thus suggested that government officials, given their dormant yet ingrown caste biases, simply do not care about manual scavengers and Dalits, and do not consider them in their decision-making.

Few authors like **Bhowmick and Purakayastha, 2016; Gupta, 2016; Louis, 2018; Mukhopadhyay, 2020; Shankar and Swaroop, 2020; Wankhede, 2021** mentioned in their writing that though NGO-led cases on manual scavenging have almost consistently resulted in wins for the petitioners, judgments have resulted in little tangible long-term change, and the executive has consistently ignored court orders, rather than dismissing the legal system as

ineffective or even questioning its role and power, Dalit writers, caste scholars and manual scavenging NGOs have continued to affirm that holding the government accountable through litigation is key, and also demanded in their writing that existing laws be strengthened and loopholes closed.

On the other end, writers **Narula (2008) and Mandal (2008)** have criticized reliance on courts and formal law, arguing that “India’s social transformation project is stunted by its increasing dependency on courts as a source of redress”. Arguing that the “rule of caste” trumps the “rule of law”, both question whether even sound and loophole-free laws will be of much use.

Ziyauddin & Sanghmitra (2009) dealt with the predicament of manual scavengers as a form of caste and occupation-based social exclusion in the study ‘Dimensions of social exclusion’. The study attempted to explore the causes and reasons for the continuance of this social evil in India alongside a case study in the Ghazipur district in eastern Uttar Pradesh. The practice of caste-based exclusion and discrimination was revolving around the failure to access their benefits of economic rights, but also to civil, cultural and political rights. It involved what has been described as “living mode exclusion”, exclusion from political participation, exclusion reflected the inability of individuals and groups like that of scavengers to interact freely and productively with others and to take part in full economic, social and political life of the community.

‘Cleaning Human Waste “Manual Scavenging” Caste, and Discrimination in India’ published by the Human Rights Watch by SS Bhattacharjee in 2014 is a report that documents the demeaning nature of manual scavenging. The book document that across India, castes that work as ‘manual scavengers’ collect human excrement on a daily basis, and carry it away in cane baskets for disposal. Women from that caste usually cleaned dry toilets in households, while men were employed in more physically demanding cleaning such as sewers and septic tanks. The report described the obstacles people faced in leaving manual scavenging, including threats of violence and eviction from local residents but also threats, harassment, and unlawful withholding of wages by local officials (Bhattacharjee, 2014).

R Talwar in 2014 talks about this harsh aspect of reality - manual scavenging in the book titled **‘Unseen: The Truth about India's Manual Scavengers by Bhasha Singh’**. The book describes the fate of those manual scavengers. The book is an outcome of

the travel that the author has made to different places purposely to meet people employed as manual scavengers. This has made the author realize that in spite of various laws being passed against this inhuman act, nothing really has been done against it and it is still widely prevalent in India. The book covers important states in India where the occupation is in much prevalence. In fact the work done by the author is a fearless and heart-wrenching story, about this neglected section of the society (Talwar, 2014).

Arunthathiyar Human Rights Forum (2010) study reflected that discrimination of the manual scavengers' children at public places particularly in schools. Though not obviously seen it was mostly expressed in a disguised manner. The AHRF reported that 24% children dropped out from school out of which 14% of them are working in various places like agricultural farms, shops and domestic work and 10% of them are neither working nor continuing their skill developing activities. The report further stated that the children attended schools for the development of their future but were shunned because of the discriminatory practices towards them.

Arunthathiyar Human Rights Forum and Every Child identified Arunthathiyar children without parental care in Tamil Nadu. Twenty-four per cent of the children dropped out from school out of which 3/4th were boys and 1/4th were girls. Twenty-eight children (up to 18 years of age) from 200 Arundhatiyar families were working. 7 worked in agricultural farms, 12 worked in construction sites, factories and sales jobs (Every Child, 2010).

'Endless Filth: The Saga of the Bhangis' by Mari Marcel Thekaekara in 2003 is a book which speaks about the denunciation of India's lack of resolving the manual scavenging and transportation of human excrement over the past 100 years. The author makes a mention of Mahatma Gandhi who raised the question of untouchability and there have been reports, recommendations and funding, but so far little has changed and almost every state government denies the existence of the evil practice. The author suggests that there is a silent and discreditable opposition in India to the eradication of untouchability. In this book he mentions about the *Bhangis* who were trapped in a caste-ordained system which impedes rehabilitation and progression into alternative work (**Thekaekara, 2003**).

'**Eradication of Inhuman Practice of Manual Scavenging and Comprehensive Rehabilitation of Manual Scavengers in India**'- a report by Rashtriya Garima Abhiyan provided recommendation for the eradication and comprehensive rehabilitation of manual scavengers in India. The report provided various estimates of total population of manual

scavengers and a summary of social activism and public policy measures against manual scavenging. It gives valuable recommendations in connection with the emancipation of manual scavengers (Abhiyan, 2011).

Jafrin and Samuels (2006) stated that not only the past but also the present has been full of innumerable instances of violence against Dalits. In spite of passing and coming into force of the various acts and rules, the atrocities are still being committed on Dalits, though there is some improvement in educational level and enjoyment of civil rights during the post-Independence period. Various serious crimes are committed against Dalits by dominant castes for various historical, social and economic reasons. They also stated that only giving reservation in jobs on papers had not been effective because the implementing authorities are from forward castes. Unless the scheduled castes have been fully empowered in decision making, implementation and to share the equal opportunities, the situation might not change. Poverty plays a greater role in high birth and death rate, which scheduled castes are continuously facing. Extremely low proportion of employment in government or lucrative jobs, maximum number of Dalits engaged as scavengers and in petty jobs. They are persistently falling in the low strata of the society. Overall, the very poor and unhygienic housing condition has further deteriorated the social status of Dalits.

‘Manual Scavenging in India: A Disgrace to the Country’ by B. N. Srivastava in 1997 is a book where the author strongly believes that India is the only country in the world where a particular section of the society is traditionally responsible for keeping the habitation spotless by taking out the waste products of the society as well as the human excreta. The author was keen in answering the following questions- Who were those individuals? Why they are constrained to do such sort of barbaric and grimy work and how longer these disregarded segments of society would stay under such subjugation? Was there an answer for freeing them before we entered the 21st 100 years? The writer has in view of his 35 years of involvement about the different districts of the nation, has attempted to respond to the above inquiries in the book. An endeavor had been made to follow out the beginning of scavengers in India, their social and financial status, position associations, social legacy and regional dissemination. The book is a comprehensive way to deal with the issue of manual scavenging in India by exposing the root cause, myths, traditions and caste based discrimination (Srivastava, 1997).

4.6 Studies on Practice of Open-air defecation:

Quantifiable and successful advancement has been made in WASH, with considerable decreases in OAD all through the South Asian region. Against the objective of accomplishing 120 million less open defecators for the time frame 2014-2017, there were 132 million less open defecators in the region with 50 million of them straightforwardly upheld by UNICEF, before the dusk of 2017. The previous decade (especially the last five years) has seen the highest expansion in the utilization of toilets in south Asia than in some other time in history with more than 240 million additional individuals presently adopting to usage of toilets for defecation and have abandoned OAD. The report also said that as sanitation is high on the political plan all through the region, the sanitation transformation is measurable across the entire continent of Asia (UNICEF: Stop Open Defecation, 2021).

Dharmapuri district of Tamilnadu due to poor utilization was reported in an earlier evaluation despite having toilets to have high numbers of open defecators. Out of 493 respondents interviewed, 270 practiced open defecation despite having a household toilet. Inadequate design and incompletely constructed toilets, poor accessibility and availability of water, preference for open defecation, personal beliefs, socio cultural behaviors, family dynamics and lack of recognizing the health benefits of toilet use were significantly associated with open defecation. Exposure to government propaganda promoting safe sanitation practices was associated with toilet use, thus emphasizing the need to shift from construction of toilets to sustainable functioning and use of toilets (Yoganathan N, 2018).

Prior to this study in June 2018, a study was conducted in West Bengal, with an **effort to explore the causes and consequences of open defecation and improper sanitation** in Polempur village of Khandaghosh block, Bardhaman. A large portion of the villagers suffered due to various diseases like- Diarrhea, Cholera, Dysentery, Anemia, Typhoid, Urinary Tract Infection, etc., Of them dysentery was most common among the villagers. About 50% of people of the village suffer from it. Some people also suffered from diarrhea (20%) as well as cholera (3%) and typhoid (2.6%). Hookworm infection was also found among some children in this village. Urinary tract infection was found in many villagers of this village, women being more in number due to defecating in poor conditions especially during their menstrual days (Dey.S 2018).

Prem S. Panda, Aditi Chandrakar and Gopal P. Soni from J.N.M Medical college, Raipur, India in 2017 undertook a study with an objective to find sanitary latrine usage, prevalence of open-air defecation and awareness related to diseases caused by open air defecation in the rural population of Khorpa village in Raipur district. A total of 155 households were selected and one member from each household, preferably the head of the family was interviewed personally. 143 (92.3%) were males and 12 (7.7%) were females. The prevalence of open-air defecation in the study area was found to be 23.2%. Around 2/3rd (65.2%) of study subjects were not aware about spread of disease due to open air defecation. A significant association (Chi square) was found between socioeconomic status and OAD. Similarly, significant association was found between open air defecation and sex, educational status, occupational status & socio-economic status (Panda, P, 2017).

Vimal Kumar (2014) undertook a study titled '*Scavenger community at the crossroads- a reflection on*' and analyzed various intervention programs and strategies pertaining to the lives of scavenging community. It identified constitutional and legislative measures and threw light on their implications on lives of beneficiaries. While relating the life-realities perspective, the study shed new light into the plight and impediments faced by the scavengers' community in India. It concluded that, the issue of the scavenger community was sidelined within current policy makers, international development agencies, political parties and NGOs. The author further said till date the exact number of manual scavengers was not known and the new survey of manual scavengers was still in the process of being conducted which was prone to corruption. These unfortunately were clear indications of a lack of seriousness of purpose from those concerned in ameliorating the situation of scavengers and the parallel brutalities faced by the scavengers which directly fosters the continuation of the inhuman occupation.

4.7 Studies on Campaigns against open air defecation in SBA:

Deliberate endeavors to address the issue of poor sanitation were started by Government of India in 1986, with the introduction of the first sanitation focused program, Central Rural Sanitation Program (CRSP). The next three decades since then have seen such endeavors extend in scope, first under the name of Total Sanitation Campaign (TSC), then Nirmal Bharat Abhiyan (NBA), and since 2014, the Swachh Bharat Mission (SBM).

Campaign against open defecation on tracks by the southern railway officials took place on October 2016. Awareness directly reached the residents whom reside in areas located close to the railway tracks and also at the coach maintenance yard in Gopalsamy nagar, Chennai. The officials reached out to the families in Chetpet, Korukkupettai and Vyasarpadi and appealed not to defecate in open spots near the railway tracks, on the tracks and inside parked compartments. (The Hindu, 2016)

Swachhata Hi Seva campaign was carried out on September 13, 2019 in Chennai port with a vision to encourage reduced or completely do away with usage of single-use plastic along with cleaning activities where students took pledge. P. Raveendran, chairman of the Chennai port inaugurated and administered the Swachh Bharat Abhiyan pledge.

4.8 Summary

Manual scavenging involves handling human faeces in any form, at any stage of the sanitation chain. Nearly all manual scavengers are Dalits, who have been historically assigned ritually polluting work, and who continue to be exploited and discriminated against in new forms under contemporary neoliberal capitalism. Manual scavenging has been repeatedly outlawed, and the most recent 2013 Act additionally puts in place clauses meant to help manual scavengers find safe and alternative livelihoods. However, given increasing urbanization, this work has become extremely lethal especially for sewer workers, and families are denied the compensation payment to which they are entitled following a sewer death. Bearing in mind that most sanitation work is outsourced to contractors, local governments do not fulfill the most basic requirement for the implementation of the 2013 Act, which is the identification of people working as manual scavengers.

CHAPTER 5

INTERNATIONAL CONVENTIONS BANNING MANUAL SCAVENGING, ROLE OF NATIONAL COMMISSION FOR SAFAI KARAMCHARIS,

&

TAMIL NADU PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION RULES, 2022

5.1 International Conventions Banning Manual Scavenging

Apart from the facilities and mentions in the Constitution, there are various international conventions and legal frameworks to which India is a party, which ban the practice of manual scavenging. They are:

- a) The Universal Declaration of Human Rights (UDHR).
- b) Convention on Elimination of Racial Discrimination (CERD).
- c) The Convention for Elimination of all Forms of Discrimination Against Women (CEDAW).
- d) International Labor Organization (ILO).

The relevant provisions and statements of the UDHR, CERD, CEDAW, ILO, Special Rapporteur Statements, and statement of UN High Commissioner for Human Rights are mentioned as follows:

- **Article 1 of UDHR** *All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in spirit of brotherhood.*
- **Article 2(1) of UDHR** *Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*
- **Article 23(3) of UDHR** *Everyone who works has a right to just and favorable remuneration enduring for himself and his family an existence worthy of human dignity and supplemented, if necessary, by other means of social protection.*

- **Article 5(a) of CEDAW** *States Parties shall take all appropriate measures to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.*
- **Article 2 of CERD**

Article 2(1)(c) *States parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and to this end:*

(c) each State party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists;

(d) each State party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization”
- **The International Labor Organization** (2012) observed that the practice of manual scavenging prohibited under the legislation, but still, it continues across the country. The continuance of such discriminatory practice is a violation of the ILO's convention on discrimination in employment and occupation. The continuance of such discriminatory practice is violation of **ILO's Convention 111** (Discrimination in Employment and Occupation). The United Nations human rights chief welcomed in 2013 the movement in India to eradicate manual scavenging.
- **Statement of the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation - Mr. Pedro Arrojo-Agudo**

“Dignity, safety, and human rights for sanitation workers” – November 2019

The human rights of millions of sanitation workers, in particular informal workers, have been violated for a long time, despite the critical importance of their role. Amid stigma, low pay, informality, and hazardous working conditions, many of them lose their lives while they are at work as a result of

asphyxiation and “sewer deaths”. Very often, it is the omission of governments to comply with their human rights obligations that gives room for those unacceptable situations. I am confident that this year’s World Toilet Day will contribute to raise awareness on the difficulties faced by sanitation workers and on the importance of their job, hopefully helping to bring them dignity, safer jobs and respect for their human rights.

- **GENEVA (31 January 2013) The UN High Commissioner for Human Rights Navi Pillay** on Thursday welcomed the strong movement that has been developing over the past few months in India to eradicate the practice known as ‘manual scavenging’ which, because of the stigma attached to it, has traditionally been carried out by Dalit women in a clear manifestation of discrimination based on caste and gender. Manual scavenging is not a career chosen voluntarily by workers, but is instead a deeply unhealthy, unsavory and undignified job forced upon these people because of the stigma attached to their caste. The nature of the work itself then reinforces that stigma. **Navi Pillay, UN High Commissioner for Human Rights *in 2013*** (ohchr.org, 2013)

- **Caste systems violate human rights of millions worldwide – UN Special Rapporteur Rita Izsak-Ndiaye report**

The term 'caste' refers to a strict hierarchical social system often based on notions of purity and contamination. The expert report describes how people from 'lower castes' are often limited to certain occupations which are often deemed 'polluting' or menial by others, including **manual scavenging**, sweeping and disposal of dead animals.

(UN News, 2016)

5.2 National Commission for Safai Karamcharis

Genesis of the act:

India has made magnificent progress almost in all areas of life over the decades since Independence. However, still large section of our person has not got their share of development in their life. Atrocities, untouchability, involvement in obnoxious and inhuman practice of manual scavenging of night soil are still prevalent in the country as expressed in previous chapters. They are mainly the Scheduled Castes which includes ‘safai karamcharis’ and ‘manual scavengers’. According to the 2011 Census, the Scheduled Castes population of our

country is 16.6% of the total population. Out of these, according to parliament response, the number of manual scavengers is estimated to be around 58,098 as per the criteria laid down in the 2013 act. Even after 74 years of Independence, the socioeconomic condition of this group is still far below the satisfactory level, and the scavengers are still seen handling night soil manually. This is an undeniable mark of inequality on our country.

A number of efforts have been made to abolish the system of manual scavenging and to ameliorate the living and working conditions of manual scavengers as well as safai karamcharis. A Legislation was passed in 1993 namely, The Employment of Manual Scavengers and Construction of Dry Latrines Prohibition Act, 1993 which inter-alia prohibits use of dry latrines and provides for imprisonment for one year and /or a fine up to Rs.2000/- on those who employ manual scavengers for cleaning dry latrines. To solve the problem of manual scavenging two specific schemes are under implementation. They are (i) Integrated Low-Cost Sanitation Scheme (ILCS) and (ii) National Scheme for Liberation and Rehabilitation of Scavengers (NSLRS). The first scheme provides for conversion of existing dry latrines into low-cost water borne latrines and construction of new sanitary latrines. The basic aim of the scheme is to liberate the manual scavengers from the obnoxious practice of carrying night soil manually. The NSLRS Scheme aims at rehabilitation of liberated manual scavengers in alternative and dignified occupations after giving them necessary training and financial assistance in the form of subsidy, margin money loan and bank loans. Despite all these efforts the end result is not very encouraging. In view of this, Government of India has decided to totally eradicate the obnoxious and inhuman practice of manual scavenging. In order to achieve this target, the Planning Commission has formulated a National Action Plan for Total Eradication of Manual Scavenging by 2007. The Ministry of Urban Employment and Poverty Alleviation has been entrusted to implement the National Action Plan.

Scheme and Programmes of the Welfare: The government has framed various programmes and schemes relating to the social and economic rehabilitation of safai karamcharis. They are (a) Integrated Low-Cost Sanitation Scheme (ILCS), (b) National Scheme for Liberation and Rehabilitation of Scavengers (NSLRS), (c) Centrally Sponsored Scheme of Pre-Matric Scholarship for Children of those engaged in unclean Occupation, and (d) Valmiki Ambedkar Malin Basti Awas Yojana (VAMBAY);

A) Integrated Low-Cost Sanitation Scheme: The Government of India, Ministry of Urban Employment and Poverty Alleviation along with The Housing and Urban Development

Corporation Limited (HUDCO) have joined hands in taking up a very major programme for Integrated Low-Cost Sanitation for conversion of dry latrine system into water borne low-cost sanitation system and at the same time liberating the manual scavengers. In addition, HUDCO has also been extending assistance to basic sanitation schemes.

(b) National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents: The main objective of the National Scheme of Liberation and Rehabilitation of Scavengers and their dependents is to liberate them from their existing hereditary, obnoxious and inhuman occupation of manually removing night soil and filth, and to provide for and engage them in alternative and dignified occupations. The main components of the scheme are identification of scavengers and their dependents and their aptitude for alternative trade through a survey. Training in identified trades for scavengers and their dependents at the nearest local training institutions / centers of various departments of State Governments, Central Government and other semi-government and non-government organizations. Rehabilitation of scavengers occurs in various trades and occupations by providing subsidy, margin money loan and bank loan.

(c) Centrally Sponsored Scheme of Pre-Matric Scholarship for Children of those engaged in unclean Occupation: The Government is also concerned about the spread of education amongst the children of those engaged in unclean occupation, as it is only through education, proper assimilation of this section of society with the main stream of society would be possible. In order to meet the increasing and challenging needs of this special group - a Centrally Sponsored Scheme known as "Pre-Matric Scholarship for the children of those engaged in unclean occupation" was launched by the Government of India to assist the children of scavengers, sweepers having traditional links with scavenging, flayers and tanners, irrespective of religion to pursue school education.

(d) Valmiki Ambedkar Malin Basti Awas Yojana (VAMBAY): Valmiki Ambedkar Malin Awas Yojana (VAMBAY) was launched by Government of India during 2001 with the aim to provide shelter and upgrade the existing shelter for people living below poverty line in urban slums which helps in making cities slum free. The scheme is shared on 50:50 bases with states. Preference is given to women headed households. The government releases subsidy on a 1:1 basis with loan.

NCSK: The National Commission for Safai Karamcharis is currently a non-statutory body of the Ministry of Social Justice and Empowerment. Earlier, it was a statutory body

established by ‘National Commission for Safai Karamcharis Act 1993’ on the 12th of August in 1994. Originally, established for three years, i.e., from 1994 to 1997, the commission continued as a statutory body till 2004. The act lapsed in 2004, following which the commission is enduring currently as a non-statutory body. The commission defines Safai Karamchari–
“Safai Karamchari means a person engaged in, or employed for any sanitation work and includes his/her dependents.”

The tenure of the National Commission for Safai Karamcharis (NCSK), which was set to expire on March 31, 2022, has been extended for three more years. The decision, the total financial implication of which would be nearly Rs 43.68 crore, was made at the Union Cabinet chaired by Prime Minister Narendra Modi on Wednesday, 19th January 2022. This further adds to the fact that the profession of manual scavenging continues in the country as released by the Manual Scavenging Act Survey that 58,098 manual scavengers have been identified as of December 2021. This Commission comprises one Chairman (in the rank and status of the Union Minister for States) and four members, including a lady member (in the rank and status of the Secretary to the Government of India) and the Secretary (in the rank of Joint Secretary to the Govt. of India) along with other supporting staff.

Roles of National Commission for Safai Karamcharis:

The National Commission for Safai Karamcharis has an ability to call for any concerned data w.r.t its duties from central government or any authorization. The NCSK carries out the accompanying roles:

- It prescribes explicit plans of activities to the central government that focuses to wipe out inequalities encountered by the safai karamcharis w.r.t social status, amenities and prospects.
- It studies and assesses the execution of such projects and plans that are introduced for the social and monetary restoration of safai karamcharis particularly scavengers.
- It takes up issues to the concerned specialists or potentially state legislatures and central government for:
- non-execution of projects and plans for any group of safai karamcharis.
- non-execution of any decisions laid out that mean to reduce the difficulties of safaikaramcharis.

- non-executions of those actions which plan to socially and financially fortify the safaikaramcharis.
- non-execution of any arrangement in regards to a law applied to safai karamcharis.
- It studies and screens the working states of the safai karamcharis utilized under different employers including:
 - Government
 - Municipalities
 - Panchayats, and so forth.
- It plans reports with respect to the issues concerning safaikaramcharis and stage it to state and central legislatures.
- It screens the working of 'The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013.'
- Under the Manual Scavengers Act 2013- it additionally enquires into grievances received for the repudiation of any arrangement connected with the act and carries it to the concerned party of authority.
- It takes Suo-moto notice of all such matters that are comparable to the non-execution of the arrangements available under Manual Scavengers Act 2013.

Status report by NCSK:

- As per the 2020 NCSK data, a total of 631 people have died in the country while cleaning sewers and septic tanks in the last 10 years i.e., 2010 to 2020.
- The data also revealed that the year 2019 saw the maximum number of manual scavenging deaths in the past five years. 110 workers were killed while cleaning sewers and septic tanks. This data was almost double as compared to the previous year 2018, which recorded 68 cases of such likely deaths.
- As per data collected in 2018, 29,923 people were engaged in manual scavenging in Uttar Pradesh, making it the highest in any State in India, followed by Tamil Nadu as second state.

5.3 National Safai Karamcharis Finance & Development Corporation (NSKFDC):

- Set up on January 24, 1997, The National Safai Karamcharis Finance & Development Corporation (NSKFDC) runs under the Ministry of Social Justice & Empowerment.

- NSKFDC has been in operation ever since and as an apex corporation for the all-round socio-economic upliftment's of the Safai Karamcharis (including waste pickers), manual scavengers and their dependents.
- With an intention to rehabilitate Safai Karamcharis, manual scavengers and their dependents by providing the monetary assistance at low rates of interest for any viable income generating activities, education loan and imparting skill development training programme in a fixed duration bound manner.
- Apart from rehabilitation measures, NSKFDC plays a crucial role in elimination of manual scavenging.
- NSKFDC has been designated as the Nodal Agency for implementation of the Central Sector **Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)**.

5.4 Tamil Nadu Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2022

Came into force on 12th August, 2022 and notified in the gazette, the rule defines a manual scavenger as *'a person engaged or employed on or after the date of the commencement of the Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.'*

- The rule goes on to state that a prelisted 44 items of protective gears and safety measures must be provided to the workers by their employer. The list is as follows and not limited to:
 - (i) Air compressor for blower (ii) Airline breathing apparatus (iii) Airline respirator with manually operated air blower (iv) Air purifier gas mask/chin corcege (v) Artificial respiration/Reticulate (vi) Barrier caution tape (vii) Barrier cream (viii) Barrier cone (ix) Blower (x) Breath mask (xi) Breathing apparatus (xii) Caution board (xiii) Chlorine mask (xiv) Emergency medical oxygen resuscitator Kit (xv) First aid box (xvi) Face mask (xvii) Gas monitor (4 gases) (xviii) Guide pipe set (xix) Full body wader suit (xx) Fishing wader suit attached

with boots (xxi) Hand gloves (xxii) Head lamp (xxiii) Helmet (xxiv) Helmet demolishing (xxv) Lead acetate paper (xxvi) Life guard pad (xxvii) Modular airlines supply trolley system (xxviii) Normal face mask (xxix) Nylon rope ladder 5 meters (xxx) Nylon safety belt (xxxi) Pocket book (xxxii) Port oxy (xxxiii) Raincoat (xxxiv) Reflecting jacket (xxxv) Safety belt (xxxvi) Safety body clothing (xxxvii) Safety body harness (xxxviii) Safety goggles (xxxix) Safety gumboots (xl) Safety helmet (xli) Safety showers (xlii) Safety torch (xliii) Safety tripod set (xliv) Search light

- Likewise, to clean sewers and septic tanks, 14 devices must be made available for the employer:

(i) Sewer Line Cleaning Bucketing Machine (ii) Jetting Machine (iii) Suction Machine (Gulley Emptier) (iv) Combined Machine (Jetting cum Suction) (v) Deep Suction Combined Machine (Jetting cum Suction Machine) (vi) Manual Hand Operated Grab Bucket (vii) Hydraulic Operated Trolley Mounted Grab Bucket (viii) Truck Mounted Motor & Winch Operated Grab Bucket Machine (ix) Fixed Structure Mounted Motor & Winch Operated Grab Bucket Machine (x) Rickshaw Mounted Winch & Motor Operated Desilting Machine for Wet well (xi) Rickshaw Mounted Winch & Auxiliary Engine Operated Desilting Machine for Machine hole (xii) Escort Hydra Crane Mounted Hydraulic Winch Operated Grab Bucket Desilting Machine (xiii) Manual rods, shovels, spades, drainage cleaning machines and steel scrapers with handles (xiv) Hoses and washing instruments.

- These gears and machines must be checked every six months and ensure best maintenance by the employer.
- The rule also states that at least three workers should be present at all times and one must be the supervisor.
- The working environment should be well checked for oxygen sufficiency and absence of combustible and poisonous gases.
- The workers must be regularly vaccinated against respiratory and skin diseases.
- The maximum working hours in a stretch must be 90 minutes with a 30mins break between the two stretches.
- The entry site of confined spaces must have rescue and operating procedures present.

- At least one among the three workers at a time must be trained in Cardio Pulmonary Resuscitation and first aid when working in confined spaces.
- A State level and district level survey committees should be constituted.
- The local government authority must constitute a committee under its executive authority with at least two members from the community of sanitary workers, one of whom should be a woman, and at least one member from the civil society groups.

CHAPTER 6

METHODOLOGY, DATA COLLECTION, ANALYSIS AND RESULTS

6.1 Manual scavenging undertaken by Sanitary workers

Workers in the sanitation chain are referred to as sanitation workers and like manual scavenging, they are also carried out by people of lower castes and is closely linked to the practice of untouchability. Without protective clothing or other means of protection, sanitation workers typically perform their duties in hazardous environments. Working without equipment or protection, these employees also frequently come into touch with human excrement. It is not uncommon for sanitation workers to be killed or seriously injured while cleaning the sewer without adequate or inadequate safeguards. They come into contact with dangerous, harmful, and toxic substances. Despite its seriousness, the legal framework does not adequately address this issue and they go unnoticed and unrecognized. The stigmatized caste system in India continues to be the fundamental factor in determining how these laborers would excel in life. There is a pressing need to investigate their issues, and this cannot be done without first having a thorough awareness of the breadth and depth it.

This gets confirmed in statements such as *“We must understand that the challenges of sanitation workers are not just occupational. The scheduled castes engaged in sanitation work today are the same communities that have been exploited and forced to do manual scavenging since ages”*- said Dubey. *“In majority of the cases, the government is not taking responsibility,”* Bezwada Wilson, national convener of Safai Karamchari Andolan stated. *“they say that they are not employing the workers directly. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 says that employing workers for clearing, carrying, disposing human excreta in any manner by a contractor or anyone is a punishable crime.”* In a span of 3 years (2016-2019), India recorded 282 sewer deaths and noted a March 12 government reply in parliament. Tamil Nadu had reported the most with 40 deaths, followed by Haryana (31), Delhi and Gujarat (both with 30 each).

In this study we carried out a multi centric study in Tamil Nadu, India to elicit the awareness, perception, experience and difficulties that sanitary workers who carry out the work as manual scavengers and thereby to draw self-proclaiming suggestions for better implementation of the scheme to reach its goals and broaden the objectives. From four districts in Tamil Nadu- Erode, Coimbatore, Madurai and Tirupur, 6 FGDs and 3 Interviews in total

were conducted and included both men and women. All the respondents carried out sanitation work as a hereditary occupation and were indulged in cleaning drains, roads and septic tanks. They were also very well indulged in cleaning human and animal feces, and removing corpse.

6.2 Objectives:

- To understand the perception of sanitation workers about their occupation
- To access their reason behind undertaking this occupation
- To elicit the types of duties they undertake

6.3 Methodology:

6.3.1 Participants

A qualitative research design employing Focus Group Discussions (FGD) and In-depth interviews (IDIs) based on the objectives of the study and feasibility on the study population was adapted for data collection among 48 employees working on both contractual and permanent basis. Twenty-two of them were male employees and the remaining were female employees. The age ranged was from 34 to 65 years.

6.3.2 Sampling method

A maximum variation sampling method was incorporated to yield maximum variations in perspectives and experiences. In qualitative research, it has been suggested that there should be 30 participants approximately by Fridlund & Hildingh, 2000. However, the sample size should be accepted based on the depth, richness of information obtained and attaining data saturation (Patton, 2002). The Field Investigators were instructed to collect data until saturation was achieved i.e., until we reached a point where the responses did not yield any new information.

6.3.3 Interview guide

An initial guide was prepared by a rapport developing session and brainstorming headed by the field investigators and project assistant in the organization. This was further under scrutiny and a well formulated, yet flexible guide more appropriate to the study was developed bearing in mind the cultural differences and the objectives of the study. The guide was also translated into the local language- Tamil for better implementation and involvement.

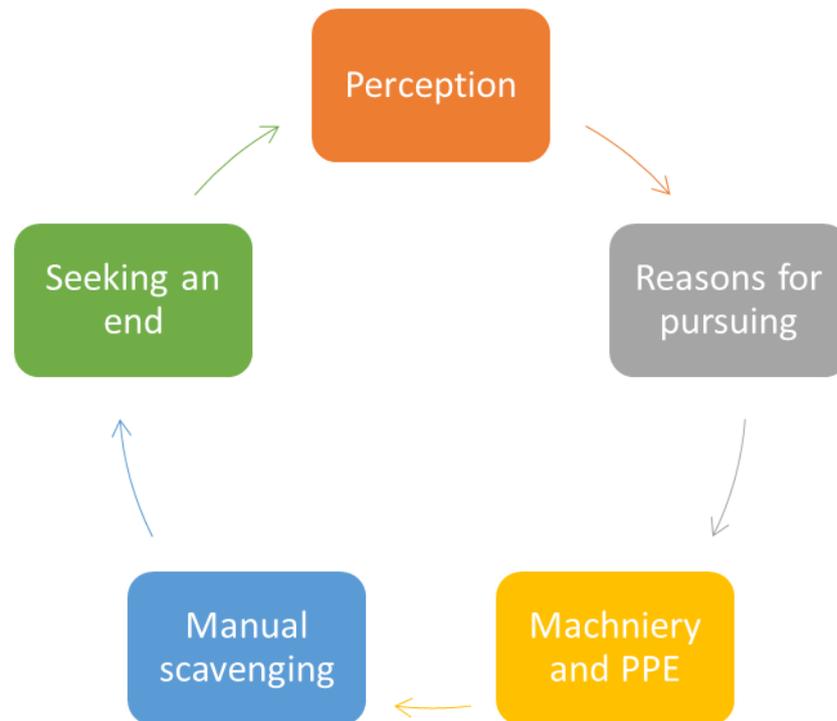
6.3.4 Procedure

- The six FGDs were conducted with those who were relatively in the same age group and educational status to maintain the homogeneity and thereby to provide a non-threatening, non-judgmental and dispute-free setting for open discussion by the participants. It took place in common spot within the village in a pre-set time which was feasible to the selected voluntary participant on the previous day. An oral consent was gained from each participant after providing necessary details for participation and video recording. The FGD was led by a moderator and was recorded in a video recorder by the facilitator along with jotting down their apparent emotional status and behaviors during each question. It lasted 30-40 minutes each.
- The three IDI'S were executed to gather a wide range of responses until data saturation was reached. Like the FGD, prior to each IDI, respondents were detailed with significant information about the survey and consent was obtained for their participation and for recording. The interviews took place in a quiet and disturbance free space. Likewise, each interview was also recorded and notes were taken down simultaneously for better understanding of the content during each response and thereby aid in theme development during analysis. The interviews lasted 20-25 minutes on an average.

6.4 Data analysis

To ensure the consistency and authenticity of the data received, the process of analysis was done with two researchers. Initially, the demographic details were analyzed and presented in a tabular column for better understanding of the data and to make easy the further cross verification. A framework method of analysis was employed where the videos were all analyzed in textbook order. The steps included transcription of the videos in Tamil and English, reading through each transcript and familiarizing with the flow of data, coding, sub theme development, theme development, interpretation of data and report writing. The audios were each transcribed word by word to the local language Tamil and then English before performing analysis. Codes were entered for each significant sentence stated in the transcript. These were later grouped into accommodative larger codes. The larger codes went on to be grouped into sub themes and themes which reflected the objective of the survey. The excel sheet with the finalized themes were presented and approved by all the members in the project for interpretation.

Figure 4-Themes developed



6.4.1 Perception towards their occupation: The respondents were asked their perception about their occupation as a sanitation worker. To this they stated the following terms describing this livelihood option: Insulting, downgrading to our social status, discriminating whole family, Illiteracy jobs, and a compelled occupation due to caste wise discrimination by society and government. Multiple respondents stated to have faced stigma and discrimination since they carry out this demeaning job.

1. Mr. K. Sunder Rajan, 65 years, working as a sanitary worker for 23 years at Sathya Mangalam, erode stated *'It is a caste-based discrimination. Those who have a secondary school level education but are born of other castes get offered jobs as securities or watchmen in offices. But in my community (ST), We get offered these jobs even if we are a degree holder'* highlighting the bias
2. There are many among my colleagues who carry out this job who are educated and hold a degree as they are Scheduled Tribes? - Male employee from Tirupur.

Regarding the quantity and nature of the job they performed, all of the participants who were interviewed believed their pay was considerably inadequate

3. *'I am a third generation sanitary worker. I came into this occupation wholeheartedly but have come to realize the difficulties of being exploited by the employers'* said a 50 years old male from Tirupur who shares voluntary joining yet sustaining in the occupation with much exploitation workwise.

However, to our surprise there were also responses where the job is considered to be holy and their only chance for survival. They believed to have little choice because there weren't many alternative professions out there for them to choose from due to the reasons cited below in the second theme. As a result, they had learned to embrace the inherent health and social hazards.

4. *'It is a holy job but the employers are exploiting us in the form of excessive work and low pay. They are cruel to us. I do not get even 20% of the benefits the government provides but this is my only chance of livelihood'*- 35-year-old male who earns Rs.350/day

6.4.2 Reasons for taking up this occupation:

The factors that were elicited for continuation of scavenging work was assured income, lack of alternative jobs, job security when made permanent, sustenance and illiteracy.

1. *'Demeaning job but we took it up since we were able to join here without a degree'* mentioned Mr.Padupathi who earns RS. 501/-day and has 10 years of working experience.
2. Likewise, Mr. Arumugam, 38 years from Madurai said *'I am illiterate and so I do not get any other job offers'*
3. Ms. S.Vijaya, Ms. Sangeetha, Ms. Selvi and Ms. Muniyammal from Vadavalli, Coimbatore mentioned *'we agree that this is an inhumane job. However, since we are illiterate and we do not get offers for other jobs, we are forced to undertake this since we have a family to provide for. We get motivated that soon we would get a permanent position and receive PF and other benefits.'*

4. *'By taking up this job in family succession, we get permanent role in it. I can receive PF /ESI benefits in future. Also, there is no other alternative for me and I have to risk it'* said Mr. Aarumugam- 38 years, Madurai
5. *'If this job gets permanent, our children will get well educated and we will improve economically'*- 34-year-old woman from Madurai.

Caste bias and unhygienic view others have on them cause a frustrating and humiliating situation and further drives them to take up as a sanitary worker.

6. Similarly, Ms. Sangeetha, Ms. Theenmolzi, Ms. Amala and Ms. Raadhamani from Rajiv Gandhi nagar, Coimbatore stated *'This job does not require education and even though it is unpleasant we take it up since it is necessary for our family's sustenance. We tried taking up domestic works in households but as soon as they came to know that we belong to Madari/Shakili caste (ST) they terminated us'*

Certain addictions among the head of the house stops them from working and thus the responsibility of earning falls on the woman. This can be even more difficult if the woman is illiterate and comes from a lower caste that is often discriminated.

7. An elderly woman stated *'Men are addicted to alcohol and so women are taking up this job to sustain the family'* revealing her dependency on this job for their due to husband's addictions.

6.4.3 Usage of machinery and personal protective equipment:

The majority of respondents mentioned that they had to spend a lot of time handling trash while it was hot during the day. While some complained about the lack of supply of overalls or PPE suits, some perceived to be uncomfortable and ineffective to wear it. There was also the ongoing worry about the associated costs. Some female employees claimed to be frustrated that they might have to bare it. They believed that there should be some sort of responsibility and regulations in place especially because the COVID 19 pandemic was a national emergency. The disregard for sanitation personnel was extremely degrading to them especially since they saw themselves as performing a very vital duty at the time of a crisis. The only common machinery reported was pushcart.

1. Ms. Kalaivani, Ms. Susha and Ms. Meenakshi, Coimbatore said *'Previously we never received any protective measures like hand gloves and boots. During the corona period we received it as a PPE measure and now they have stopped.'*
2. *'We call TN as a developed state but still humans are made to handle other human's feces. Also, the people here are never reluctant to relieve themselves along the roadside. we are made to dispose it as there are no other occupation who will. We are yet to use machinery in TN.'* - Mr. Sunder Rajan, Erode
3. *'Sometimes men receive PPE. Most of the times our higher authorities do not give us machinery. For ladies there are no PPE that get supplied. Very rarely we get only gloves'* - Ms. Parimala, 25 years old
4. Ms. Tirumalai devi and Ms. Sangeetha, middle aged women employees from Coimbatore agreed when they said *'At least during corona days, they gave us face shields and masks to cover mouth and nose. Now things have changed for the worse and we get only masks. But we suffered a lot during corona lockdown days since there was no transport and even petrol bunks inorder for us to use own vehicles were closed. We walked to our work areas and cleaned the roads as a way of social work and also since we had no other option'*

While we recorded a priority imbalance based on gender for PPE supply, we also recorded it based on type of job (Permanent or contractual)

8. *'They are providing gloves and boots only for the permanent workers'* - Mr. Nachiyar, 38-year-old male from Madurai.

6.4.4 Manual scavengers under the name of sanitation workers:

One of the most humiliating, hazardous and undignified forms of sanitation work prevalent in our country is manual scavenging, wherein persons clean insanitary dry latrines, clean or repair sewer lines and empty septic tanks, clean railway tracks, etc., and come in direct contact with human and animal feces, without any protective gears. Sanitation workers carry out manual scavenging chores along their way and are expected to do so since they are told its part of the

occupation. The sanitary workers are unaware that manual scavenging is illegal and even if aware, are forced to do the work as they need the earnings.

9. *'We are not just sanitary workers but also work as unaccounted manual scavengers'* said Mr. Sakthivel from Kaminayakanpatti, Erode and revealed the reality of his occupation which the report emphasizes on.
10. Mr. Kamaraj, 65 years, working for 22 years on permanent basis in the district of Erode stated *'I clean the dead bodies of animals and also handle human waste.'*
11. A 45-year-old Male said *'I handle human waste and even human bodies if thrown on the roadside. I feel very downcast and dejected. Government has taken all the cash benefits that we deserve for themselves.'*
12. *'As a sanitary worker, I handle all sort of waste collection. I also have to segregate the dust collected. During the process there are incidences where I have come across the need to handle human waste. When I clean the drainages with my bare hands and they are mainly filled with sanitary napkins. When we escalated the issue to the contractor, they have asked me to carry out the job and not to complain. There are no manual scavengers who get employed for this chore separately as we are made to do it'* said Mr. Aarumugam Palani, 52 years and is working as a sanitary worker for 23 years on permanent basis.
13. *'In public places when people sometimes openly defecate, we pick up the soil to cover it and use two tins to scarp it into the garbage bins. Men will clean the public toilets, places surrounding the toilets where people have openly defecated, clear drain clogs and septic tanks. They do not get any special PPE'* said a female respondent from Coimbatore, Rajiv Gandhi nagar bringing out devastating situation on using ineffective tools to handle human waste.
14. *'When I wanted to start working, the higher officials here asked me whether I know to sweep properly. They never informed me about handling human feces and also have not intimated me on proper ways of handling it. If I had known earlier, I might not have come for this job. Now I am entangled in this occupation and have to carry out the work*

of handling human feces also’ mentioned a worker from Erode, who got absorbed into this occupation without the right job description and is exploited.

6.4.5 ‘Let it end with us’

The respondents were sure of not applauding their children to pursue this occupation. They strive to educate their children and wish for a better livelihood.

1. *‘This is the end of this job with me. I will not allow my children to take it up since we lose our respect in the society. Even if I wear this kakki uniform I have not gained any respect. There is caste discrimination and I often get secluded’*- Mr. Rangasami, Primary school education, 25 years of working experience on a permanent basis and has 2 children. He stated that though he wears a good uniform like the police inspectors he gets discriminated and viewed to be unhygienic due to his caste and the work he carries out.
2. *‘No. I am educating all my 3 children and they will not have to carry out this humiliating job. I wish for them to be settled in an esteemed and safe job’*- Mr. Kamaraj, 65 years old and working for 22 years as a sanitary worker on permanent role.
3. *‘We had taken up this occupation since we do not have any other choice (due to caste and illiteracy). We will not applaud our children to follow our footsteps’*- Ms. Meenatchi- 44 years of age, Coimbatore.
4. *‘We will never accept this. We want them to get educated and lead a decent life’*- Ms. Raamayi- 60 years, Erode district

Though we see complains and dissatisfaction among the workers, they are few who remained fine if their child takes up this job. The reasons are again the provision of PF, job security and illiteracy that limit their job opportunities.

5. *‘Because this is unhygienic, I will advise them to take up another job. If they get offered a permanent role in this occupation, I will encourage them to take it up’*- Ms. Panchavanam-62 years, Madurai

There were no recorded answers for availing Swachhta Scholarship for their children, one-time- cash assistance, Sanitation Workers Rehabilitation Scheme (SWRS), housing benefits or self -employment loans.

Role of welfare board for sanitary workers: Sanitation Workers Rehabilitation Scheme (SWRS)

State Channelizing Agencies (SCAs), Regional Rural Banks (RRBs), and Nationalized Banks offer the target group Term Loans under the Sanitation Workers Rehabilitation Scheme (SWRS). In order to purchase a variety of sanitation-based equipment, such as a vacuum loader, garbage disposal vehicles, suction machines, and pay-and-use toilets, for the purpose of performing sewerage and cleaning work nonmanually as well as other sanitation-related livelihood activities, etc., loans are sanctioned to the target group who are currently performing sewerage and drain work in unsanitary working conditions as a sanitary worker. The loan component from the NSKFDC can cover a huge chunk of up to 90% of the unit cost and the remaining 10% must come from the State Channelizing Agencies in the form of a loan, a subsidy, or from any other funds that are readily available. The maximum limit is RS.15L with SCA interest of 3% P.A and beneficiary of 6% P.A

6.5 Fact Finding Case Studies related to Manual Scavenging & Sanitary Workers rights undertook by Social Awareness Society for Youth – SASY in the year 2021 – 2022:

Social Awareness Society for Youth - SASY, a Dalit Human Rights Organization undertook fact-finding in 21 cases related to Manual Scavenging, Sewer Tank deaths, Incidents of Caste Based Discrimination against Sanitary Workers, and related incidents took place under Government Schools around Tamil Nadu in the year 2021 – 2022. Manual Scavenging gets evolved day by day in different forms and patterns, Majority of the cases are not recorded properly and don't come to light. But through social media, these kinds of human rights violations spread virally and make it the most serious issue for the state. Due to this, in many cases, the victim's families are provided with either initial compensation or full compensation by government, in this suppose when the incident happens at a private company, they immediately give some amount of money to compromise the victims to prevent them from filing a case against them. Most of these cases came out only when a person dies while made to involve in cleaning septic tanks, but regularly many individuals from Oppressed

communities are into this occupation due to their poverty situation and notably sanitary workers of corporations, municipalities were made involved in handling human and animal waste on roadsides and in their day-to-day work lives they face a lot of caste-based discrimination. Those things are not yet spoken seriously about in the mainstream properly. Their lives are not recognized by the society and depriving someone of their dignity and right to life by forcing them to do scavenger work due to caste and economic hardship is very cruel.

21 cases in which SASY undertook Fact-Finding and legal intervention, found there are different forms and patterns of Sewer tank deaths and related human rights violations are been classified as

- I. Deaths under private ownership (Flats, Industries/Factories/Companies, Contractor Agencies)
- II. Sewer Tank deaths under Chennai & Madurai Corporations
- III. Incidents of Caste Based Discrimination against Sanitary Workers in Coimbatore Corporation, Ulundurpet Municipality, and Avinashi Town Panchayat.
- IV. Incidents of Dalit Children forced to clean toilet in Government Schools.

6.5.1 Deaths under private ownership:

Out of 21, in 10 Cases, where Persons were made to involve in cleaning the septic tank, sewage treatment plant, and drinking water purification tank under private ownership are brought out here. And one case where the house owner itself gets into rain water harvesting tank for cleaning and died due to poisonous gas attack.

Among those 10 cases, the 04 cases especially in cities like Chennai, and Pondicherry people who are appointed for cleaning septic tanks at Apartments/individual houses are where most of the deaths are happening, since no workers are provided with any safety equipment's. These workers are been identified and brought to work by the private agencies' contractors/brokers. And other 03 cases occurred at the industries/companies/hotels where workers employed through agents and made to clean sewer tanks without following any protective measures. Those cases are,

Cases of Persons died while cleaning Sewer Tanks in Apartments:

- **Case No. 01:** In Optima grade apartment, Niranjan Nagar. Avadi, Chennai through Sri Paranjothi Utility services, Muthu Kumar (28) belonging to the **BC Vanniyar** and Gunasekaran (39) belonging to the **BC Seer Karuneer community** to look after maintenance in the apartments. On 05.05.2022 Muthukumar who saw that the ground-level electric motor of the Sewage Treatment Plant of the Septic Tank releasing water, without cleaning it properly informed Gunasekaran about this, and he himself opened the Iron lid of the septic tank when he looked into it, the poisonous gas from septic tank attacked the Gunasekaran and he fainted and fell into the tank. After this, Gunasekaran came to the spot and informed the Optima Apartment Association president and he get into the tank to save Muthu Kumar but he also got attacked by the poisonous gas and both died on the spot.

In this case, two staff of Sri paranjothi utility services got filed under FIR No: 403/2022 U/s 337, 304 (a), IPC Act r/w section **7, 9 PEMSR** Amendment Act 2013 and **were arrested**. A **compensation of 5 lakh** was provided to the victim's families.

- **Case No. 02:** In the district of **Kancheepuram**, TN, on 29th of July, 2022, Mr. Kaalidas, 69 years old of **vanniyar community who cleans septic tanks from the age of 18**, went to a customer's house to clean his septic tank after they called him. Mr. Kaalidas went into the septic tank without wearing any safety gear and in few minutes passed away due to inhalation of poisonous gas. When the house owner found no response, he further called out his name. Later it is reported that the house owner also entered to check what had happened since he began to panic. Then, he also attacked by the poisonous gas and died. FIR was filed on 29.07.2022; 247/2022, Under Sec 304 (A) r/w 174 Crpc; PEMSR Act & PoA Sections not included and no further actions have been taken.
- **Case No. 03:** Ramesh (45) who belongs to the **Hindu Goundar community** lives in **Thirubuvanai, Puducherry** do Electrical & Plumbing works, he also does septic tank cleaning work in Flats. On 18.05.2022, at 6.30am Senthil

Kumar from **Rajalakshmi Flats** called Ramesh to **unclog and clean the Sewer Tank** in the Flat. He made to clean without any safety gears, while cleaning the sewer tank Ramesh was attacked by the poisonous gas and lost his life.

In this case, Thirubuvanai Police filed Cr. No: 0071/2022 Sec 304 A IPC 1860 only. PEMSR Act was excluded and doesn't take any further investigations. The **Owner of the flat compromised the victim's family by giving a certain amount.**

- **Case No. 04:** On 19.01.2022, At **Kancheepuram District, Sriperumbudur - Manimangalam** Mr. Rajesh (35) belonging to the Dalit community and Elumalai (35) from Manivaakkam along with five others were involved in cleaning Septic Tank in the **Flat of Jeyakumar near PTC Varadharajapuram.** While cleaning the tank, they seen enormous waste at the bottom of the tank, and so Rajesh and Elumalai went inside the tank to clean, during that time they both inhaled toxic fumes and passed away inside the tank itself. The **septic tank was not cleaned for more than 12 years**

In this case, Manimangalam police filed a case under Cr. No. 34/2022 Sections: 304 (2), IPC, **PEMSR Act 2013, Sec 7, 9 & later sections altered into SC/ST Act.** The **Compensation** provided to the Victim Elumalai Family is **10 lakhs**, and yet to give to the Rajesh family.

The cases happened under the premises of **Industry/Factory/hotels through contract agencies.** Those cases are,

- **Case No. 05:** Mr. Vadivel, 31years old, who is a daily wage laborer, went to pendey tyres to clean the dye waste that been stored inside the **pendey tyres dye factory** septic tank as called by the owner Ms. Dhanalakshmi on 14.11.2021. The factory is in the kothukaadu Farm, nearby Vidyalaya bus stand, **Tirupur palladam.** Along with him, Mr. Ramakrishnan, Mr. Nagaraj, Mr. Ramuthhai, and Mr. Vadivel wife Ms. Manimegalai went to remove dangerous dye waste for **650RS per day.** Through a rope tied up on Mr.Vadivel he was

sent inside the dye waste tank at the 3rd ground level without any safety gears. When Mr. Vadivel tried to remove the waste, he was attacked by the poisonous gas and fell into an unconscious state. Then Mr. Rajendran entered inside but he was also attacked by the poisonous gas and fell down in the ground level of the tank. Ms. Manimegalai and Ramuthai who were standing outside shouted for help. Then the manager of the factory Mr. Dinesh Pandiyan came and Mr. Ramakrishnan, Mr. Nagaraj, Mr. Ramuthhai and Ms. Manimegalai tried to lift them out. While doing this, the four workers were also hit by the poisonous fumes. Mr. Dinesh Pandiyan fainted and fell into the tank while Mr. Ramuthhai fainted outside the tank. After this happened the fire service was called and rescued all of them through rope.

In this case, Veerapandi Police Officials filed the case under FIR No: 1435/2021 U/s 284,337,304(2) IPC and **3(i)(r),3(i)(s),3(2) (Va) SC/ST PoA Amendment Act 2015, r/w Section 7 and 9. PEMSAR Act 2013 and arrested Pendey Tyres owner Dhanalakshmi on 14.11.2021. The Compensation amount of 8,12,500 to the Dinesh Pandiyan family and 8,12,500 to the Manimegalai family was provided by the government.**

In Rehabilitation Process, Manimegalai Vadivel's wife attended a Government Job interview.

- **Case No. 06:** On the evening of 16-06-2022, there was a blockage in the treatment pipe at the **sewage common treatment plant at the Vanitech Leather Factory (Vaniyambadi Tirupathur)** and to fix it, the factory motor mechanic Naveen Kumar (31) belonging to the SC Paraiyar community and co-worker Manikandan, (32), of Madanancheri and Sudhakar (31), of Puthussalur, who were working with him, got down at a depth of about 60 feet to repair the blockage in the septic tank pipeline. Naveen, the mechanic, first fainted after being hit by poisonous gas as they were engaged in repairing the blockage without any safety equipment. Manikandan and Sudhakar, who were nearby, fainted and vomited after being hit by poisonous gas. Then they all got admitted to the hospital and since the **factory management itself taken care of the**

medical expenses, the victims didn't show any interest in giving complaints to the company.

- **Case No. 07:** On 21.10.2022, Three persons namely Ranganathan (50), Naveen Kumar (28), and Thirumalai (18) from Katchipattu village in Sriperumbudur were made to clean septic tank of **Hotel Sathyam Grand Resort** Sriperumbudur, Chennai to Bangalore Highway without following any safety measures. While in the cleaning process, three of them inhaled poisonous gases and fell into the 30 feet depth Septic Tank and tragically died. Then after this came to know that **the hotel doesn't clean the septic tank for more than 12 years**, which is considered as the major reason for their deaths and this information was not given to these three workers who died before calling them for work. Then, Fire Service and the Police officials came to the spot and retrieved all three of their bodies.

In this case, Sriperumbudur police officials, filed the case under Cr. No: 642/2022; U/s:304 – IPC, r/w:7,9 of the **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act – 2013 and 3(1) (j) – SC/ST ACT for disposing the septic tank waste in unsafe mode without the permission of District Administration. Also, Police arrested the Hotel Manager Arun and the Contractor Mr. Rajini. but they yet to arrest the Hotel Owner Mr. Sathya Murthy. And he also gave immediately 5 lakhs to each victim's family.**

The people in Katchipattu village stated *“In our locality most of us are practicing this job. Here, in Katchipattu colony we will be called only for the chores of cleaning septic tanks (Manual scavengers) or as a sanitary worker. This is not exceptional of the youths who are degree holders and get denied jobs in the industries/companies in the surrounding areas. This has led them to be addicted to alcohol and involved in derisory jobs like tying banners and cleaning septic tanks”.*

Persons died during the construction work of Underground Sewage Tank:

There were two cases where through contractors/agents, daily wage workers from various areas were brought to work **to construct an underground sewage tank** without providing any safety equipment and not following any safety measures, due to this many deaths happened in soil collapse. Those cases are,

- **Case No. 08:** In Vilangudi Madurai, on 03.05.2022 a person called Veeran @ Sathish (39) from Erode came to Madurai as called **by a contractor for construction work of Underground Sewage tank** While working unfortunately the **soil collapsed** and covered Veeran fully into the pit when others tried to rescue him through JCB only his head came up.

In this case, complaints were not given and neither was a FIR Filed. Later the Victim's family also didn't show any interest to do any further legal interventions.

- **Case No. 09:** Mr. Sakthivel, 40 years of age and Mr. Krishnan, 59 years of age along with 35 members who all belong to sathur selliyaaramman kovil street, Virudhunagar district undertook a daily wage job given by Telangana State Sanitation Infratech Company to construct underground sewage system. On 16.07.2022, at around 10 pm, Mr. Sakthivel, Mr. Krishnan and their five colleagues Mr. Ramasamy, Mr. Kannan, Mr. Thavamani, Mr. Sakkara Paani and Miramar were digging the ground to begin the construction of the underground sewage. The next day around 1.50 AM while they were involved with fitting the pipe, the soil suddenly collapsed and Mr. Sakthivel and Mr. Krishnan fell inside the pit. The soil soon covered them alive.

In this case, Sathur Police filed Cr. No. 282/2022 U/s: 174 – Crpc and since victim's family didn't show much interest couldn't do further legal interventions in this case.

Persons died while cleaning Drinking Water Treatment Plant in private apartment:

- **Case No. 10:** Over a span of 10 years, Mr. Dakshanamurthy, 34 years old and Mr. Periasamy, 42 years old were working in the sewage treatment plant in Chennai - Perungudi, Kamaraj Nagar Apartments. On 29.06.2022 night, Mr. Dakshnamurthy, Mr.

Periasamy and two of their colleagues Mr.Dinesh Kumar and Mr. Saravanan were on duty. To clean the purification tank, Mr.Periasamy and Mr. Dineshkumar got into the tank. At that time, poisonous gases were inhaled as they did not wear safety measures like masks and they developed breathing problem. Mr. Periasamy and Mr. Dineshkumar tried getting out of the tank but failed and fell inside. On seeing this, Mr. Dakshnamurthy immediately jumped into the tank to save them, but fainted and fell into the tank as well. Then, the Residential Association people informed Fire Service Department. When Fire Service Department reached and rescued both from the tank, Mr.Periasamy was found died and Mr. Dakshnamurthy was in unconscious state. He was taken to the hospital but was declared dead by the doctor. In this case, the Apartment site manager and the contractor both filed under Cr.No: 206/2022, Sec 363,304 (A) IPC 7,9 - EMP 3(1)(i),3(2)(v) - SC/ST ACT and arrested by the Thoraipakkam Police Officials. Compensation of Rs.15 Lakhs given to both the deceased families.

Person who the House Owner he himself get into Rain Water Harvesting Tank in his house and died while cleaning due to Poisonous Gas Attack:

- **Case No. 11:** There was a different case from all these, in Avadi, a person called **Premkumar (52) a businessman**, lives along with his family in Sivasakthi Nagar, Thirumullaivayol, Avadi. On 17.04.2022, **he himself get into the rainwater harvesting tank to clean it since he couldn't get any other worker for it** and expelled the water in the tank and put bleaching powder in it. Then the next day he again entered the tank to pour water and expel the bleaching powder. Within a few minutes he entered, premkumar was attacked by the poisonous gas and fainted inside. To save him, his son Pradeep Kumar entered the tank, unfortunately he also fainted after a poisonous gas attack. The family was terribly shocked and sought help from the neighbour. Premmath and Saranath the neighbours tried to help both father and son, but unfortunately, they both also fainted. After this, Fire service officers and a Rescue team came and rescued all of them. **Premkumar and his son Pradeepkumar, and the neighbour Prem Nath** also died on the spot itself.

In this case, Thirumullavoyal police filed the case **under Cr. No. 325/2022 u/s 174 Crpc**, and **compensation also 10 lakhs given to each deceased family.**

6.5.2 Sewer Tank Deaths under Government Institutions (Chennai and Madurai Corporations):

Most corporations and municipal officials are so negligent about Manual Scavenging especially regarding Sanitary Workers' rights since there is no proper action taken on officials as per the laws. Here SASY organization took Fact Findings in two cases related to Septic tank Cleaning Deaths under Government Institutions. Those are,

- **Case No. 12:** Nelson (28) for around 8 months and Ravi Kumar (40) for around 20 years were in job of **cleaning Sewer Tanks**. On 28.06.2022, in **Chennai Corporation ward no. 3**, Nelson and Ravikumar along with Contractor Prakash, and Supervisor Vinnis in Madhavaram Mariyamman Koil Street, went to clean the underground sewer canal, when they enter the tank, they both were attacked by the Poisonous gas and Nelson died at the spot itself, Ravikumar fainted, he was taken to the Stanley Hospital and went under treatment, but unfortunately despite treatment, Ravikumar also died on 30.06.2022 at 2 pm.

In this case, Madhavaram police filed under **Cr.No: 527/2022, Sec 304 A, 338 IPC r/w & of PEMSAR Act 2013** and **arrested Contractor Prakash and Supervisor Vinnees** also **compensation of 10 lakhs provided to both the victim family.**

- **Case No. 13:** When contract workers were **engaged in a sewage treatment tank to repair a motor failure at the ground level in the tank which is owned by the Madurai Corporation** in Madurai City- Thirumangalam Nehru Nagar Kandasamy Street, accidentally they felt unconscious due to a poisonous gas attack and fell into the sewage tank. The deceased have been identified as Saravanakumar (30) belong to **Piraimalai Kallar**, Sivakumar (44) of Madakulam in Madurai belonging to **SC Devendra Kula Vellalar** and Lakshmanan (34) of Alanganallur Kottaimedu belong to **ST Malaivedan** community in Madurai.

The Madurai S.S. Colony police station has registered the case **Cr. No: 760/2022 IPC - 304 B**; against three persons belonging to a private contractor in Madurai Corporation and arrested two persons, Loganathan and Ramesh, managers of the private contractor company. Here, **the police did not bring PEMSAR Act into the case. But compensations were given to the victim families** respectively Sivakumar's wife - Jagadha received 5 Lakhs and his mother also received 5Lakh, Saravana kumar wife kaleeswari received 5 Lakh & his Mother Pandiyammal also received 5 Lakh, and Lakshmanan's wife received 5 lakh and his mother received 5 Lakh.

6.5.3 Incidents of Caste Based Discrimination against Sanitary Workers in Coimbatore Corporation, Ulundurpet Municipality, and Avinashi Town Panchayat:

The day-to-day work life of Sanitary workers faces a lot of discrimination which is invisible, even though through social media many incidents are exposed and spread virally, their right to dignity is in a pathetic condition in Indian Society. Most of the People are not aware or unconsciously they treat the sanitary workers very badly. In the below cases, we can see how much the rights of sanitary workers are upheld by the society and government. Also, under the name of sanitary workers, many are made to handle or clean the waste of humans and animals.

- **Case No. 14:** Mr.Suresh (34 years) S/O Mr.Palanisamy lived along with his wife Ms.Bhuvanewari (21 years) in Pudhur Arivoli Nagar. He works as a temporary daily wage **Sanitary Worker in Coimbatore Corporation Race Course 73rd Division** for the last 16 years. On 01.12.2022, Sanitary Inspector Mr.Rangarajan who belongs to Goundar Community asked five of the sanitary workers including Mr.Suresh to start for a work in Coimbatore Medical College and Hospital. Ukkadam Zone Permanent Sanitary Worker Mr.Malaria Ravi (Arundhatiyar), Mr.Suriyaprakash, Mr.Suresh and few others went to the spot and witnessed that on the main road near the Hospital, Human waste mixed with the drainage water was leaking out from a plastic pipe which originated from the hospital. All the passers-bys could not bear the bad odour that was emitted. Mr.Suresh and others were asked to close the pipe in order to stop the leakage of faeces by the sanitary inspector. **Then Mr.Ravi took the gunny bags and**

asked Mr.Suresh to cover the pipe up out without any safety gears. Initially Mr.Suresh hesitated to do so but then due to no other option with gunny bags he covered the pipe. This was witnessed by the passersby who were surprised to see Mr.Suresh fully covered with human feces. He felt very ashamed of doing this and his coworker Mr.Suriya prakash took a photo. When Mr.Suresh returned to his village, he was shocked to see the photo of him in Facebook and WhatsApp. As the photo went viral in social media, the Coimbatore corporation officials called Mr.Suresh and asked to give a written letter that he did not wear any safety gear inspite of not provided any safety gear to him. He denied giving that and questioned them back. Then, the sanitary inspector Mr.Rangarajan called and threatened him that if he didn't give a letter he will be removed from the job. Mr.Suresh however moved to Kerala as he couldn't bear the threats. After one week when he joined the job back, Sanitary Inspector Mr.Rangarajan again threatened him. Now Mr.Suresh has moved to another sector and is not cooperating with SASY in order to execute other interventions. Fear has crippled him.

- **Case No. 15:** Ms.Jothiammal aged 58, a sanitary worker was segregating bio and non-biodegradable waste. A Person who belonged to North India named Mr. Vinoth Jain threw his Non Bio Degradable waste into Bio Degradable Garbage. Because of this, an argument raised between the two of them. During the argument, **Mr. Vinoth Jain verbally abused her by stating her caste and he brutally attacked her with his steal mug.** Ms.Jothiammal started bleeding on her left eyebrow. Immediately the nearby neighbor women came and helped her out. Other Co Sanitary workers came and argued with Mr. Vinoth Jain and when they questioned him, he tried to act violently. While, Ms. Jothiammal had heavy blood loss and fainted, an auto man took her to a hospital. The Sanitary Workers then went to police station and protested to file case and arrest the perpetrator immediately. Variety Hall Road Police Station took statement from Ms.Jothiammal and filed Mr. Vinoth Jain under SC/ST Act 2015 and arrested him. He also filed a counter case on all the sanitary workers who came to question him when the incident happened stating that a group of 15 members came to attack him. The FIR No is: **575/2021 U/s 294 (b), 324, 353 IPC r/w**

3(2)(Va) Sc/St PoA Act 2015. No charge sheet has been filed yet and neither compensation given.

- **Case No. 16:** Ms.Parimala, a 30-year-old **sanitary worker** who belonged to Hindu Arundhatiyar community lived in Rayampalayam, avinashi taluk, Tirupur district and took a loan of Rs.27000/- from Mr.Dhanasekaran. After 4 months, Ms.Parimala gave back Rs.10,000/-. On 23.05.2022, at 7.30am Mr.Dhanasekaran came to Ms.Parimala's house and threatened her to give back the full amount with interest immediately. Then again, the same evening he came back with his mother and **verbally abused her in derogatory word. He also told her to commit suicide instead of living such a shameful life.** After they both left her home, Ms.Parimala went into her house and **hanged herself and committed suicide.** Police filed a case on Mr.Dhanasekaran and Cr.No: **267/2020 IPC: 306 SC/ST Act 3(1)r,3(1)s,3(2) has been filed. Rs.6L given as a compensation to the deceased husband.**
- **Case No. 17:** Viji @ Vijay (25), S/O Arumugam who belongs to **SC Adidravidar community** lives in ulundurpet, Kallakurichi, Villupuram District. He works in **Ulundurpet Municipality** as a Temporary Sanitary Worker for around one year and his mother Sinthamani (55) also who works as a Permanent Sanitary Worker in Uludurpet Municipality. 3 months ago, Saravanan who belongs to the **Mudaliar Community** and works in the same uludurpet municipality as a Sanitary Worker threatened Viji @ Vijay that, he is going to get a Supervisor Role soon so, ***“You need to take out the tattoo portrait of Dr. Thol Thirumavalavan which is on your chest, otherwise I will dismiss you* “.** Since he was to go on a permanent basis On 15.09.2022, at 10.30am, while Vijay working in Municipality, Saravanan came and said to vijay not to come to job here after as he denied removing tatoo. When vijay asked back and questioned "why I should not come", Saravanan replied that, ***“You should not come to job by tattoing the portrait of Paraiyan”*** and verbally abused Vijay with reference to his caste names.

In this case, Ulundhurpet Police filed the case under **Cr.No: 428/2022 u/s: 504 - IPC, r/w: 3(1)(r), 3(1)(s) - SC/ST Act 2015** and the **accused was suspended but not arrested since he absconded**, the sections also were not properly filed in SC/ST, 3(1)(t) should be included.

6.5.4 Incidents of Dalit Children forced to clean toilet in Government Schools:

In recent days, in government schools, there are many caste-based discriminations occurring and also activities like making the children to clean the toilets that too most of the children from the arundhatiyar community are majorly affected. But in all these cases, teachers were not been punished as per the law, even there is none was filed under the SC/ST or PEMSAR Act, they are just suspended for some months. This actually encourages more teachers whose minds are filled with casteism to continue to practise caste base discrimination in educational settings.

- **Case No. 18:** In Erode, **Mullampatti Village panchayat middle school eight students who belongs to Arundhatiyar community were forced to clean the toilet and also to sweep the school.** The student statements are, *"We are studying in this school, we belong to Arundhatiyar Community. One Brother took a video of us while cleaning. He asked us who told to clean the toilet. For that we said, Sudha teacher (who belongs to Vannaan community) and Mythili (who belong to Goundar community) teacher. Then he asked that only you all will clean the toilet? We said that, who and all comes to school first, they have to clean the toilet. Then he asked where we coming from? We replied him that we are coming from thoppukaadu and daily we only cleaning the toilet. Teachers particularly telling and compelling only us to clean the toilet".* A video of it, went virally in social medias, and so the teachers along with some dominant persons threatened the children and their parents and took a video of children saying like they didn't force any children to do like that. Also, a teacher known as Sudha said to one of the parents that, *"Only 15 days suspension I will get, I can face that, if you want your children to study in this school then, tell like what i say."* Because of this incident, we all are very much affected mentally, Parents said.

This case was not filed since the parents of the children didn't show interest to give complaint considering their children education as they received threatens.

- **Case No. 19:** Mr. Karunakaran, 40-year-old Dalit, resides in No.149, Vinayagar Koil Street, Nerkundram Colony, Uthiramerur Taluk, Kancheepuram District along with his wife Ms. Jothi Lakshmi (36 years) and two children Ms. Aarthi (18 years) and Ms. Thamaraiselvi (15 years). Both of them were going for daily wage jobs to meet their children's education needs and their family expenses. Their second daughter **Ms. Thamaraiselvi studies 10th standard, Anampakkam Government Higher Secondary School** near Uthiramerur. In 2019 to 2020 a new toilet block was built with the budget of RS.2,50,000/-. Due to COVID 19 Lockdown the school was kept closed and the toilet was not in use. Once the school started functioning, Ms.Thamaraiselvi was the one who used to open this toilet daily and the girl students were using it every day. The Head Mistress Ms. Pushpavathi called Ms. Thamarai Selvi and informed her that no student should use the new toilet and that it is only for teachers. Before the video of Ms. Thamaraiselvi cleaning the toilet in her school got viral in social media, it has been stated that the **Head Mistress forced Ms. Thamaraiselvi to clean the toilet thrice in the span of three months.** On 29.03.2022 the video of cleaning the toilet went viral and as per the District Collector order, the Educational Officers conducted an enquiry and took appropriate departmental action that **ended up Ms. Pushpavati in suspension.**

SASY Organization sent a complaint letter to NHRC but they had responded that the Staff was not a government staff and so they closed this case. SASY again sent a response to them stating that the incident happened in a Government School and that makes the Head Mistress a government staff and persuaded to take a proper action against perpetrator.

- **Case No. 20:** Ms. Sailaja (28 years) W/O Mr.Vellayangiri has two children Master. Surendran (8years) and Master. Sudharsan (05years) and lived in Semmedu Gandhi Colony, Perur Taluk, Coimbatore District. She was a daily wage laborer and looked after her family with that income. Her son Master.

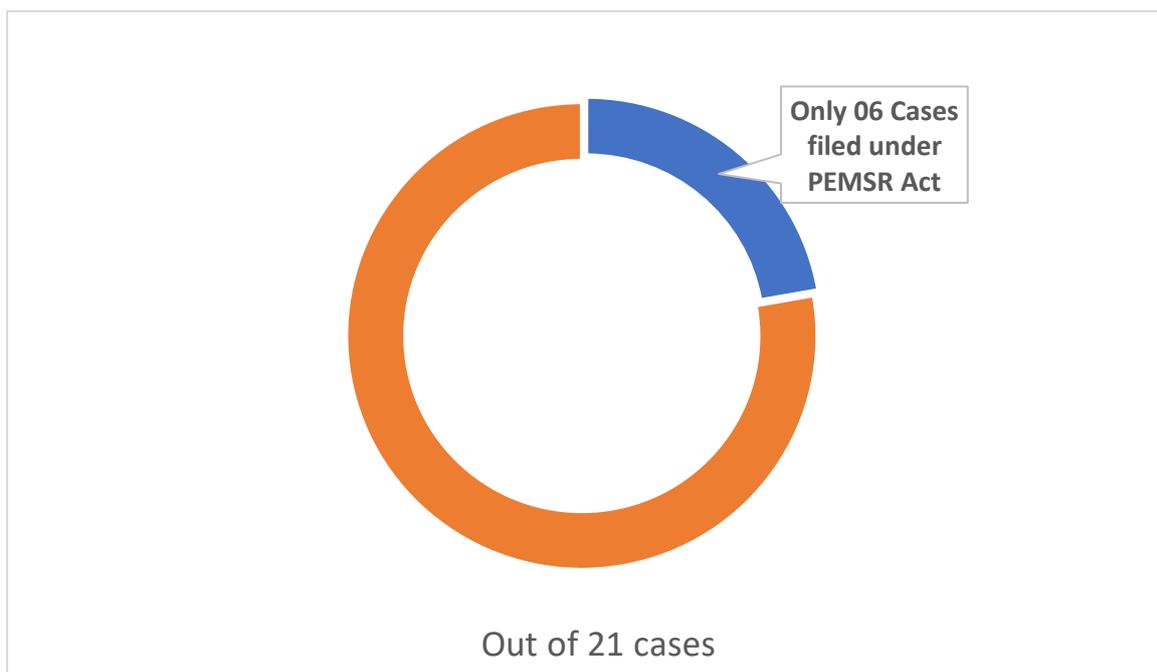
Surendran studied in 3rd standard, Semmedu Panchayat Union primary school. On 29.03.2022, during his school hours, he went to use the toilet but there was no water so he came back to class and informed to the class teacher Ms. Thangamari. She instructed him to take the school helper to the toilet and asked him to clean it. Then the helper left him inside the toilet and went to fetch water. Mr. Surendran poured water in the toilet and tried to flush out the feces. As this was not successful, **he then used a mug to remove the feces which led him becoming covered in it.** His class teacher told him to stand outside the class room for around 1 hour as a punishment and also since he was smelling badly. Then the school helper changed his clothes and helped him enter class. Mr. Surendran's mother Ms. Sailaja along with Mr.Masilamani came to the school after teacher called for them the next day. The class teacher told what had happened and told the mother to make her son use the toilet in the house before coming to school. Ms. Sailaja further asked the teacher what has happened but the teacher refused and told them not to stand there anymore and to leave the premises. Meanwhile, the head mistress Ms.Jayathi came and asked what was happening and the teacher revealed the scenario. The headmistress mistreated the parents and asked them to stand aloof. She said *"Oh, You only his mother? you are disgusting please move away from this place"*. Mr.Surendran's mother was very upset of this incident and filed a complaint to the police after few days. Mr. Surendran was very affected because of this incident and told that teacher made him to sit separately in the class and everybody looked at him differently. He also refused to go to school. **The FIR No: 62/2022, u/s 75 JJ Act-2015, r/w 3(1)(r) Sc/St PoA Act 2015.** Charge sheet has not been filed yet. Only **1st level of compensation Rs. 30,000** after 6 months of the incident has been given to the victim. On 03.10.2022 as per the invitation by the Alandurai Police Station for 2nd hearing, DHRD along with the victim's family went to the police station and explained what took place and about the steps that has been taken so far in the case. Further actions has been requested.

- **Case No. 21:** On 21.04.2022 **Head Master Sennammal and Class Teacher Chandhirasekar of Kummanur Government Middle School, Panjappalli Kummanur Village Panchayath, Palakodu Taluk, Dharmapuri District** **told**

their school students Parthiban, Siddarth, Pugalonthi (students belong to SC Hindu Paraiyar community) to take three plastic kudam of water from the ground level water storage tank which is in the place of old panchayat school 500m away from the new school and asked them to pour it in their school toilet to clean it. That water storage tank which is in damaged and hazardous condition, students need to bend into the tank and take water from it. The students belong to MGR Colony, Kummanur. The Head mistress Ms. Sennammal and the class teacher made them do the same for atleast two days in the week. Also, it is reported that they will ask only these three students due to their Dalit caste. No cooperation was received from the victim side and a case is not filed. The Head Mistress and the teacher got suspended.

6.5.5 Summary:

In the above-mentioned all 21 cases, are analyzed into four different categories to bring out the Gaps in the implementation of PEMSR Act namely, 11 cases of Deaths under private ownership (Apartments/Companies/Industries/through agencies), 02 cases of Sewer Tank Deaths under Madurai and Chennai Corporations, 04 cases based on Incidents of Caste Based Discrimination against Sanitary Workers in Coimbatore Corporation, Ulundurpet Municipality, and Avinashi Town Panchayat and 04 cases based on Incidents took place Under Government school premises. Out of 21 Cases only in 06 cases had been filed under the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013.



- **Deaths under private ownership** there are 11 cases which show a majority of the deaths happened at private institutions, that is in Apartments (Cases 01 - 04), in Industries/Companies (Cases 05 - 07), and Case 08 & 09 are recorded in the basis by which contractors/agents appointed people to construct underground sewage tank without providing any safety equipment's and not following any protective measures, while doing work people are died by soil collapse, and case 10 is recorded where persons died while cleaning Drinking Water Treatment Plant in private apartment. And Case 11 is slightly different which occurred at an individual own house and the house owner itself died by a poisonous gas attack while cleaning the rainwater harvesting tank. All of these cases show persons are made to clean sewer tanks, drinking water purification tank, and made to work on constructing underground sewer tank without providing any safety equipment's and not followed any protective measures.

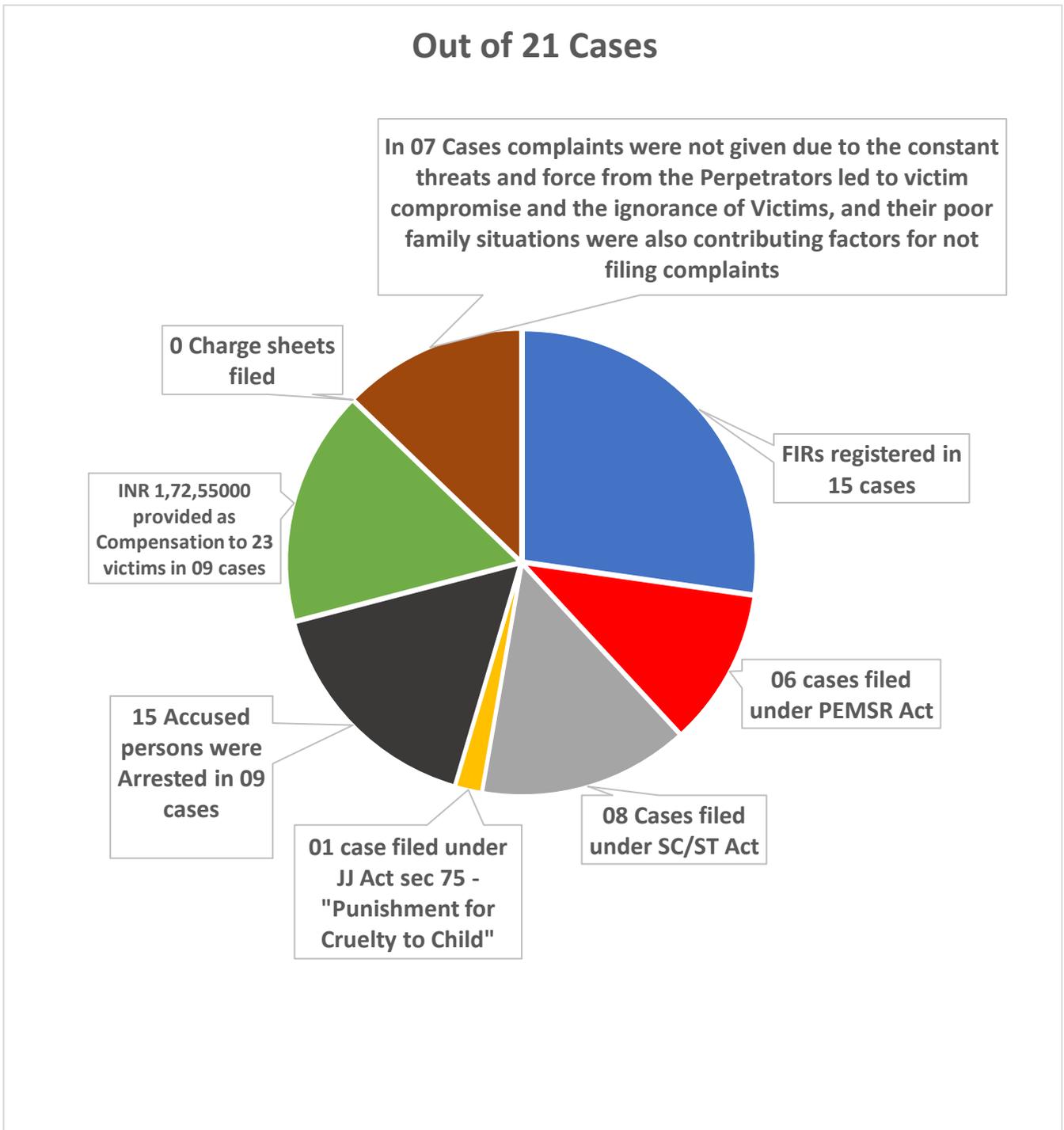
Only in few of these cases PEMSR Act were implemented and given compensation but in most of the cases shows failure of implementing the PEMSR Act.

- **Deaths under government institutions** there were two cases (Case 12 & 13) one is occurred in Chennai Metropolitan Ward and another incident occurred in Madurai Corporation. Both the case show that the workers are not provided any safety gears, as it is made the workers to get into tank and they got attacked by poisonous gas and died. Both the victims of these cases provided compensation, but only in one case police filed it under PEMSR Act and in another they failed to do it. And in both the cases, the private contractors and supervisor were arrested. But the investigations not took on the concern government authorities who are responsible for this. Also, failure of implementing the law is another drawback which encourages these similar incidents to continue.
- 04 cases (Case 14 – 17) covered based on the **Incidents of Caste Based Discrimination against Sanitary Workers in Coimbatore Corporation, Ulundurpet Municipality, and Avinashi Town Panchayat** which clearly

shows all their basic rights denied and should say that their rights are not respected by the officials and also by the common society. In Case 14, the sanitary inspector made the sanitary worker handle human excreta with bare hands itself and also threatened him of his job security if he gave complaint against him. In case 15, Sanitary worker jothiammal was beaten by a resident with steal mug and verbally abused with her caste names. The accused was filed under SC/ST act after the sanitary workers did protest, But also as per accused gave complaint police filed a counter case on sanitary workers itself stating that they all came to attack him and the compensation also was not given to the victim. In case 16, parimala, a sanitary worker was scolded with derogatory words with reference to her caste name and abetment to commit suicide, for delay in giving back loan of 27,000/- the accused dhanasekaran and his mother booked under SC/ST Act and arrested and also the compensation provided to the victim husband, in case 17, a sanitary worker viji was discriminated for tattooing Dr Thol. Thirumavalavan M.P portrait the accused Saravanan who belongs to mudaliar community was suspended but not arrested since he is absconding and filed under SC/ST Act also the compensation was not given yet. All these victims are belonging to Schedule Castes, especially Arundhatiyar community except one victim Viji who belong to Adidravidar community. In four cases, two cases were filed under SC/ST Act, and only in one case accused got arrested and provided compensation to the victims. Level of Impunity and negligence of officials in implementing PEMSAR Act and SC/ST Act in these cases are shown.

- **Incidents of Dalit Children forced to clean toilet in Government Schools,** 04 cases (Case 18 – 21) were recorded and did fact finding and legal intervention. In all these cases, majority of affected students are belonged to the SC Arundhatiyar community and others are belong to the SC Adidravidar and Paraiyar communities. In these 04 cases only in case 20, filed under SC/ST Act and JJ Act and compensation also given to the victims. But in other three cases that not happened, only suspension given to the accused teachers. All these cases show how children belong to the Scheduled Castes are discriminated in caste base and made to do cleaning toilets in the government schools in tamilnadu. Their right to dignity is denied completely. The Children and their

parents were affected mentally and pushed them in to a trauma, also many children belong to scheduled castes are dropping out of schools due to caste discrimination in schools. These exposes the teachers filled with castiest mind and not punishing these teachers as per the laws instead of just giving suspension to them is actually encouraging them to continue these activities and expressing their dominant caste arrogance in schools.



From overall, in 15 cases FIRs registered out of 21 cases, in 06 cases filed under PEMSR Act out of 21 cases, in 08 cases SC/ST act included out of 16 SC/ST atrocities incidents among these 21 cases, in 01 case JJ Act included out of 04 cases that occurred in government School premises among these 21 cases, in 09 cases 15 number of Accused persons are Arrested out of 21 cases, in 09 cases where compensation given out of 21 cases i.e. total compensation amount is 18,225,000/-, Out of 21 cases, Zero number of charge sheets filed, in 07 cases out of 21 cases victims got compromised.

Most of the districts in Tamil Nadu covered in these cases namely Kancheepuram (04 cases), Chennai (03 cases), Coimbatore (03 cases), Madurai (02 cases), Tirupur (02 cases), and each case in Tiruvallur, Dharmapuri, Erode, Kallakurichi, Puducherry, Tirupathur, Virudhunagar.

Most of the Victims are belongs to Scheduled castes, among 21 cases, (12) from SC Arundhatiyar Community, (11) from SC Adidravidar Community, (04) from SC Hindu Kuravar, (1) from ST, (2) from Vanniyar, (1) from Aasari, (1) from Devar, (2) from Hindu Poyar, (2) from Christian Pallar, (1) from Kallar, (1) from Gounder, (1) from Seer Karuneer, (1) from Hindu Yadhavar are recorded.

6.5.6 Observation:

- From 21 Fact Finding cases, we observe that as per PEMSR act 2013 providing compensation to the victims is implemented better than implementing other legal proceedings. Out of 21, in 9 cases for 23 victims compensation INR 1,72,55000 are been provided.
- FIR also was registered in 15 cases, and among that only in 06 cases Prohibition of Employment as Manual Scavenger and Rehabilitation Act 2013 filed and in 08 cases PoA (SC/ST) Act 2016 filed, and out of 15 FIR registered cases only in 9 cases 15 accused persons were arrested. And there is no charge sheet filed in any of these cases. The steps taken so far in these 21 cases shows the negligence of police in filing fir under proper sections of relevant legislations, in conducting proper investigation, in doing arrest, in providing protection to victims, and in doing other legal proceedings properly to implement the legislation effectively. This was the major drawback in implementing legislation to get justice for victims.

- In all these cases, the persons who were made to clean sewage, Septic tanks manually are not been provided any protective gears and not followed any safety measures by the contractors and the concern local government authorities. The Negligence and lack of active functioning of Local Governments who are the enforcement authorities of the implementation of this legislation are the major reason for these deaths. If they would have actively monitored and effectively worked in prohibiting employing persons to clean manually without providing any protective gears and without following any safety measures, these deaths can be majorly avoided.
- Among 21 cases, 04 cases were recorded based on the incidents of Dalit children are forced to clean the toilet. These cases shows that not only the police department or revenue or other government departments are filled with castiest minds, the educational department also has teachers who shows their caste arrogance by forcing the students from Dalit community especially children who belongs to Arundhatiyar community to clean the toilets. And there is no proper legal action taken on those teachers, just suspending them will only encourage them to continue these activities in educational institutions.
- By observing all these 21 cases, we could see that the sanitary workers, and contract laborers are made to work in most hazardous way. There was no enough protective gears and technological support provided for the sanitation works. Even, we have enough Resources of science and technologies, Financial Support and also experts in our state yet all the sanitation works are in manual and it clearly shows that there is a lack of will in spending knowledge and resources on mechanizing all sanitation works and improving sanitary workers lives.

CHAPTER 7

CHALLENGES, CONCLUSION AND RECOMMENDATIONS

7.1 Issues and challenges of abolition and rehabilitation:

Based on this study, we listed out the issues and challenges of abolition of Manual Scavenging and Rehabilitation.

7.1.1. Complete ignorance about ‘Manual Scavenging’: The PEMSR Act, 2013 clearly explains what is manual scavenging yet most of the officials in authority are oblivious about who are the manual scavengers and how the occupation is carried out under different designations. At present, it is safe to say that almost all manual scavengers are working in the name of sweepers or sanitation workers. This easily aids those officials to conceal the data.

7.1.2. Lack of Implementation of legislations to prevent septic tank cleaning deaths:

- i. According to the National Commission for Safai Karamcharis data, in the past 29 years (1993 – 2022), across the country 989 members died in cleaning underground sewage tanks. In that Tamil Nadu holds the highest number of deaths that, 218 members died.
- ii. According to the Research data of Safai Karamchari Andolan, from 2016 to 2020, in Tamil Nadu alone 55 number of persons died in cleaning septic tanks, among that Chennai holds the highest that, 12 members are died.
- iii. In 2022, from January to July 12 members were died. From our study, SASY undertook fact finding missions from 2021 to 2022 on 21 cases of septic cleaning deaths, incidents of Dalit children forced to clean toilets, Incidents of sanitary workers forced to handle human excreta and also was brutally attacked and discriminated under caste base. Specifically, among these 21 Fact Finding cases, 10 cases recorded in which persons died due to poisonous gas attack while cleaning septic tanks/treatment plant/during construction work of underground sewage tanks. FIR registered in 15 cases out of 21, in 09 cases arrest made out of 21, in only 06 cases PEMSR Act 2013 was filed and in 08 cases PoA SC/ST Act 2016 filed, also in 07 Cases complaints were not given due to the constant threats and force from the Perpetrators led to victim compromise and the ignorance of Victims, and their poor family situations were also contributing factors for not filing complaints and there was no charge sheet filed in any of these cases, and so no case came into court trial. Therefore, from all these cases we could see the

negligence of police in filing FIRs under proper sections of relevant legislations, in conducting proper investigation, in arrest, in providing protection to victims, and in doing other legal proceedings properly. This was the major drawback in implementing legislations to get justice for the victims and to prevent these deaths.

7.1.3. Difficulties in accessing the criminal justice system: Due to prevalent discrimination, people throughout India face police carelessness or negligence, and outright refusals to probe their complaints. This problem gets worsened for socially and economically backward people. People from manual scavenging communities are susceptible to this type of treatment due to the caste bias by police and local government officials.

7.1.4. Inefficiency to demolish dry latrine/ conversion of water flush system: The administrative lethargy is a vital cause for non-elimination of insanitary latrines. According to SECC-2011 in India there are 26 lakhs insanitary latrines, 13,14,652 latrines where night soil is disposed into open drain, 7,94,390 latrines are manually cleaned.

7.1.5. Open Defecations in Mass Gatherings: In Tamil Nadu, in all the mass gatherings, government and political meetings, festivals, exhibitions, markets, only defecations are occurred, and their only sanitary workers are employed to clean. Here, we can see the lack of interest of both Local Government and Tamil Nadu Governments in installation of bio toilets in mass gatherings to avoid employing sanitary workers to do manual scavenging.

7.1.6. No protective gears provided and no safety measures followed: No Sanitary Workers or temporary laborers who were employed in sanitation works, in cleaning manually the underground sewage tanks and other kinds of manual scavenging activities are provided protective gears and no precautionary measures followed. Lack of active functioning of Local Governments to prevent this, is the most reason for the manual scavenging deaths.

7.1.7. Threats and harassment from employers: According to Human Rights Watch Report of 2014, women who practice manual scavenging confessed that since dry toilets are cleaned daily, they face pressure from the community if they take a day's leave. When they deny to perform caste-based tasks, dominant upper caste groups may in return deny them access to community property and property belonging to them. They are crucial since MS do not generally own lands and seek to pass through others land to reach their homes, or to commute. In Tamil Nadu, sanitary workers are facing lot of caste base discriminations, harassment and

struggles in their day-to-day life, especially during covid time their condition become so worse and they were treated so badly.

7.1.8. Improper sewage and drainage system: Lack of appropriate waste water management and drainage water disposal mandates manual scavenging even in 21st century.

7.1.9. Lack of Will in investing for Mechanizing all Sanitation Works: Even, we have enough Resources of science and technologies, Financial Support and also experts in our state yet all the sanitation works are in manual and it clearly shows that there is a lack of will in spending knowledge and resources on mechanizing all sanitation works and improving sanitary workers lives.

7.1.10. Lack of accountability for failing to end manual scavenging: conflict of interest between the state and district level leadership in means of employing and reporting the manual scavengers proves to be pivotal. They need a common level of training and monitoring system to work hand in hand.

7.1.11. Existence of caste-based system: The ultimate reason for the failure to end manual scavenging is the caste system that is embedded in the minds of citizens. They divide the nation into clean and unclean individuals and execute their perception even in jobs. The police or revenue and other government department persons are filled with castiest minds. Even the educational department, has teachers who shows their caste arrogance by forcing the students from Dalit community especially children who belongs to Arundhatiyar community to clean the toilets. And there is no proper legal action taken on those teachers, and just suspending them will only encourage them to continue these activities in educational institutions.

7.2 Suggestions and Recommendations:

To genuinely wipe out manual scavenging and forestall any additional appalling deaths from the weaker communities, the state should come out with a course of events and timeline for disposal, with a reformatory arrangement against such business.

7.2.1. Abolishment of Manual Scavenging: Tamil Nadu Government and Local Governments should take all measures to abolish the practice of manually cleaning the Human and Animal Excreta, manually cleaning the Sewage, disposing of waste by going down into the Underground Sewer Tanks, Unclogging the Sewage drain,

Disposing the Water in the Sewer tank, and all other kinds of manual scavenging activities under the Employment of Sanitary Works and Mechanize all the sanitary works.

7.2.2. Systematic monitoring system and effective implementation of the existing legislations particularly Prohibition of Employment as Manual Scavengers and Rehabilitation Act 2013 and Prevention of Atrocities (Scheduled Castes and Scheduled Tribes) 2016 Act:

- i. Tamil Nadu Police department must ensure Filing FIR against Perpetrator, conducting Proper Investigation, Arrest, Filing Chargesheet, Conducting Trial, Ensuring Conviction, providing Compensation and Rehabilitation to the victims to end this inhumane practice.
- ii. We recommend State Level, District Level Vigilance and Monitoring Committee and Survey Committee to function effectively with active participation and the Local government officials should ensure that these Committees effectively monitor, intervene to stop communities from being coerced to practice manual scavenging and effective enforcement and implementation of the relevant laws by the concerned local government officials.
- iii. Also, according to Supreme Court Order 2014 (WP(Civil) No.583 of 2003) the state government should take responsibility of these kind of deaths and should provide 10 lakhs compensation. The High Court Chennai also ordered (WP no. 25726 of 2017) that this above said order is same for the deaths occur in private institutions also. Therefore, we also recommend these orders should be effectively implement across the state by the Local Bodies and Tamil Nadu Government.

7.2.3. Ensure workers to be provided with protective gears and safety devices and followed all safety measures as per Prohibition of Employment as Manual Scavengers and Rehabilitation Act/Rules 2013: Manholes are vicious environments that can quickly decode a wrong attitude, deficiency of emergency response protocols and the absence of basic safety equipment to bereavement. Contractors have been known to cut costs and to try to get the ‘job’ of cleaning them done quickly, and not equip workers with ventilators, gas concentration detectors, gloves, face masks and hard hats and not keeping an assistant helper nearby. As a result, the workers are left

exposed to three dangerous environments working against together: chemical, biological, and legal. If workers are made to enter drains, they will have to be trained to understand the threats that can arise and equipped in such a way they can respond and be executed as fast as possible. Expecting an unequipped worker to enter a confined and septic environment to clean it is as the same as an unplanned murder. Therefore, we recommend Tamil Nadu Government and Local Government must ensure workers to be provided with **protective gears and safety devices as per Rule 4 and 5**, also the employer should follow all **Safety measures as per Rule 6 and 7** of Prohibition of Employment as Manual Scavengers and Rehabilitation Rules 2013.

7.2.4. Zero Discrimination in Schools: Dalit Students especially Arunthathiyar children [Sub sect of Scheduled Castes] are forced to clean the toilets, fetch water inside the school premises and around eight incidences had taken place in the month of March, 2022 alone. From our fact-finding cases, we could observe that most of the teachers are filled with castiest minds and involve in these kinds of cruel practices and no teachers who involve in this are booked and punished under PoA (SC/ST) Act, except giving departmental suspension which also encourages them to continue practice castiesm in schools. Therefore, we recommend Tamil Nadu Government to create and ensure a safe environment that is Untouchability & Discrimination Free School and promoting an atmosphere with Equality, Freedom and Human Dignity. The District Educational Officers should monitor the school's infrastructure and facilities whether all the schools are provided with proper toilet facilities and enough non-teaching staffs who look on maintenance. And proper actions should be taken on school staffs who force students to clean the school toilets and discriminate based on caste, they must be booked and punished under Prevention of Atrocities (Scheduled Castes and Scheduled Tribes) 2016 Act.

7.2.5. Effective functioning of Tamil Nadu Welfare Board for Sanitary Workers: We also recommend that the Tamil Nadu Welfare Board for Sanitary Workers to function effectively and to undertake survey, ensuring welfare schemes and government entitlements including financial assistance, scholarships, housing, alternative livelihood support, and other important legal and programmatic assistance are accessed and availed by the sanitary workers.

7.2.6. Need for technology in all over Tamil Nadu: The peril effect of manual scavenging can be deduced only by investing in machinery which can clean ditches, septic tanks. Improving technologies in sanitary work is the most effective way to eradicate this inhuman practice of manual scavenging like a robotic mechanic to clean the septic tanks and a well-equipped machine to clean insanitary latrines. With so many known risks, and possibly more unknown ones, drainage work ought to be completely mechanized – as the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013 also insists. In the off chance that a drain must be cleaned manually, the Act also lists no less than 44 pieces of equipment they must carry on their person as per Rule 4 of Prohibition of Employment as Manual Scavengers and Their Rehabilitation 2013. From our Fact-Finding Cases from 2021 – 2022 no one provided any of these safety equipment's and not followed precautionary measures. Therefore, the Local Bodies who play an important role in implementation of PEMSR Act 2013 should monitor this and implement it effectively as ruled in the Act across the state. In case if the device is not fully available, the administration can take steps to import it and a startup an initiative which has proven to be effective in eradication in other countries. Another effective method is, the housing and residence should be built with proper toilets and drainage facility. This can be made more effective by appointing the private constructors who inculcate the latest drainage and toilet facilities. Usage of technologies that allow recycling of human waste into fuel or fertilizer and up gradation of sewage system without clog and transport waste more effectively can be initiated.

7.2.7. Abolish Contract Systems: Deep rooted in the caste system, this undignified occupation is forced upon Dalits; around 95% of the sanitary workers are “Dalits” and among them 99% are Dalit women. 90% of them are placed as temporary laborers on contract basis. The employment of these workers is not done through regular means, and they are mostly daily-wage/ contract workers. They have been exploited under the daily-wage and contract systems with the threat of losing their jobs. Employing Sanitary Workers under contract basis is a discriminatory practice. And there is a Caste Bias in allocating duties of sanitary workers, the persons from other communities who are getting employed as Sanitary Worker are not allocated into Sanitary works, instead they are assigned into jobs like driving, supervisor, mason, etc., which cannot be tolerated at all and it should be strictly monitored and prohibited

by the Tamil Nadu Government and Local Government. Also, we recommend Tamil Nadu Government to appoint sanitary workers as permanent staffs and completely prohibit the contract system. Also, under the pay scale of full-time sanitary workers itself, the part time sanitary workers should be paid a proper part-time salary and should be taken appropriate measures in reducing the social and economic exploitation of the sanitary workforce, provide them insurance coverage, and ensure other various entitlements to them.

7.2.8. Bringing Private Contract Agencies on Accountability and effective monitoring

by the Local Governments: During Covid Period, across the country the one who all had been praised as a Frontline Warriors and Sanitary Workers are the people dying without identification while employed for manually cleaning underground sewer tanks, drainage cleaning works. These deaths are majorly occurred in most of the Private Apartments, Flats, Hotels, Companies in recent days where workers are made to clean without providing any protective gears and not followed any safety measures as said in the Act. Therefore, we recommend that the Private Contractor Agencies must be registered with the Local Governments and they must be properly trained on employing workers by providing all protective gears and following precautionary measures as per Manual Scavenging Act 2013 and these agencies should be monitored by the Local Governments whether they are following the rules and regulations as per laws and those agencies who violate the laws should be immediately fined and their license should be cancelled.

7.2.9. To make mandate installation of Bio Toilets in all the places of Mass Gatherings:

During the Government Functions, Festivals, Mega Events, Mass gatherings Exhibitions and in Markets, only open defecations are occurring, there the sanitary workers are employed for cleaning it. Therefore, we recommend Tamil Nadu Government to make mandate installation of Bio Toilets during these events and also in near water bodies, slums to help counter the open defecation pockets and to reduce the need for manual scavenging, and avoid employing Sanitary Workers as Manual Scavengers in these kind of mass gatherings.

7.2.10. Conversion to bio-toilets: Indian Railways ought to guarantee a quick yet sustainable conversion of latrines in the trains are changed over into a structure that gets rid of

need for manual scavenging of excreta. The Railways ought to likewise submit yearly advancement reports to the Parliament on modernizing the latrines.

7.2.11. Strengthening rehabilitation schemes and measures: Steps should be taken to implement rehabilitation schemes for transitioning manual scavengers and sanitation workers to other work by providing skill development programs and counseling to the liberated workers. A few of the suggestions mentioned by the sanitation workers when asked on ways to make the scheme more effective were increase in employment opportunities, increase in the number of alternative occupations, setting up of counseling centers at training institutions by government and increase in the amount of loan/grant for startups. Rehabilitation can also focus on training in construction field, cooking, driving, etc., which are common skills they already possessed. Thus, will act as a higher step from the existing than an entirely new commencement which they may rigid towards.

7.2.12. Increase Fund allocation for the Rehabilitation of the Victims: There are no enough fund allocation for the rehabilitation process of the victims and their families. Rehabilitation plays an essential role in building resilience and empowering victims and their families. The allocated funds are also not been spent properly for the rehabilitation so either it gets return or it spent that amount for other general schemes. Therefore, we recommend Tamil Nadu Government to increase the fund allocation for the Rehabilitation of the Victims of Manual Scavenging and to provide grant not as a loan while increasing to a minimum of RS.10,00,000/- is another step which will act as an instant upliftment for the workers to shift to other occupations.

7.2.13. Aid towards their family: The government has provided schemes for education to the children of manual scavengers to finish schooling but it is under poor implementation. Hence, the officials can assist more people to get the benefit of reservation and come up in status as poor family background acts as a driving factor. Providing affordable housing loans to all the scavengers without own house can be a good initiation included in the state government's agenda.

7.2.14. Prevention and treatment for health issues if occurred: Both the contractual and permanent workers should be given proper medical facilities, Medical Assistance, Tetanus Toxoid injection periodically against infections, periodic medical checkup,

and medical insurance. They should be taught about the health risk they are exposed to due to the unclean work environment. This can be preceded in form of campaigns or individual enlightening measures.

7.2.15. Vaccination for preventable diseases: At present there have been not many surveys of the zero prevalence of immunization-preventable illnesses in manual scavengers for preventable diseases such as Hepatitis B, Hepatitis A, etc. (Rebecca Tooher, 2005). Without such evidences it is hard to give clear direction to laborers in regards to vaccinations. Given the paces of wounds that occur and which could lead to infection, local surveys need to be carried out with an examination estimating the zero prevalence along with a systematic review on immunization preventable diseases. This proof would help with the improvement of inoculation of vaccine suggestions for the laborers with maximum evidence.

7.2.16. Awareness training programmes on existing laws, and rehabilitation schemes to government officials of both State and Local Governments and elected local government representatives: To implement the Prohibition of Employment as Manual Scavenging and Rehabilitation Act 2013 to abolish the manual scavenging, to reduce septic tank cleaning deaths, and to protect sanitary workers' rights the concern government authorities must be educated and sensitized on relevant legislations and welfare schemes. The manual scavengers and sanitation workers also should be informed about their rights, laws and rehabilitation services available. At the end of this study, we identified that more than 90% of respondents were unaware of the law prohibiting dry latrines/manual scavenging, availability of loan/grant facility for conversion of dry latrines into water-sealed latrines and rehabilitation programme initiated for the liberated scavengers.

7.2.17. Hygiene and health education for public: we have understood that simple development of latrines will not go far in working on practical improvisation of sanitation, but should be upheld by rudimentary health education for public. The vast majority, especially those from lower financial groups do not know about health and ecological advantages of further progressed sanitation, or of the accessibility of moderate mechanical alternatives or government endeavors and schemes. General mindfulness and community inclusion in implementable and approachable projects empowers the advancement of independence and trust locally, thus bringing about

practical and sustainable health benefits. Understanding that the women have by a wide margin the main impact in deciding family cleanliness pursues and in shaping the routines of their youngsters, we should guarantee the investment of women at each phase of execution of the sanitation programmes.

7.2.18. Creating Public Awareness on Maintaining Sanitation during Disaster period:

During the disaster period, the situation of sanitary workers is even more get worse and they are illtreated and exploited. At those difficult time also, sanitary workers are employed for cleaning, they suffer a lot due to Day and Night heavy work load without any safety during Disaster/Pandemic times. The public are less concerned about the sanitary workers lives and not ready to maintain sanitation of their own places even at that disaster period, which is a very cruel state of mind. Therefore, we recommend the Tamil Nadu Government and Local Governments to create Public Awareness on each individual's role on maintaining sanitation during disasters/pandemic times.

7.2.19. Bringing SCP/TSP as Legislation:

The Scheduled Castes Special Component Plan and Tribal Sub Plan (SCP/TSP) were brought to uplift the Scheduled Castes and Scheduled Tribes socially and economically. Education, Livelihood, Agriculture are the essentials areas targeted and development in Families & Individuals. We recommend Tamil Nadu government to give special focus on SCPTSP to bring it as a legislation for the effective implementation of the scheme for the upliftment of the Dalits and Adivasis. And should bring a special category under this to allocate a special budget for the rehabilitation of the victims of Manual Scavenging and Sanitary Workers Rights.

7.2.20. Conduct Trials of Manual Scavenging Cases in Special Courts:

In most of the cases, along with Prohibition of Employment as Manual Scavenger and their Rehabilitation Act 2013, the Prevention of Atrocities (SC/ST) Act 2016 also invoked due to 95% of the victims are belong to Dalits, who all are forced to do this undignified occupation just because of the caste. Therefore, to provide special focus and speedy trail to prevent denial/delay in getting justice for the victims, the hearings of Manual Scavenging Cases (*manually cleaning the Human and Animal Excreta, manually cleaning the Sewage, disposing of waste by going down into the Underground Sewer Tanks, Unclogging the Sewage drain, Disposing the Water in the Sewer tank,*

accidental deaths while involving construction work of sewage tanks and all other kinds of manual scavenging activities) should be conducted in the Special Courts where the cases of Prevention of Atrocities (Scheduled Castes and Scheduled Tribes) 2016 Act trials are held.

7.2.21. Bringing All Relief and Rehabilitations under Adidravidar and Tribal Welfare

Department: Basically, TAHDCO deals with the implementation of economic development schemes for the welfare of SC/ST in the state. But the Crime, Punishment, Relief and Rehabilitations for the victims of manual scavenging are related to the Prohibition of Employment as Manual Scavenging and their Rehabilitation Act 2013, therefore since it is related with legal proceedings, we recommend Tamil Nadu Government to bring the process of Reliefs and Rehabilitations from TAHDCO to Adidravidar and Tribal Welfare Department to make it beneficial for the victims.

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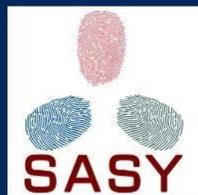
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“In India, a man is not a scavenger because of his work. He is a scavenger because of his birth irrespective of the question whether he does scavenging or not” - Dr. B.R. Ambedkar



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