

Status of Manual Scavengers in India



Sustainable Development Goals perspective

1. CONTEXT

One manual scavenger dies every five days in India, since January 2017¹

Manual scavenging involves manually cleaning, carrying, disposing or handling human excreta from dry latrines, drains and other sanitation systems. This age old, stigmatized practice is relegated to the lower castes in India (Dalits), and is a serious human rights violation that undermines the dignity, health and wellbeing of those involved. Girls and women engaged in manual scavenging are particularly vulnerable as a vast majority of them clean dry latrines compared to their male counterparts. India first banned manual scavenging in 1993 with the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act². In 2013, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (PEMSR)³ was passed, mandating the identification of persons engaged in manual scavenging for their liberation

and rehabilitation⁴. A year later in 2014, the Supreme Court of India ruled that manual scavenging violates international human rights commitments⁵.

Against this backdrop, WaterAid India in partnership with the Association of Rural and Urban Needy (ARUN) and Centre for Equity Studies (CES), is implementing a three-year (2018-21) project on **'Strengthening rule of law to advance rights and freedom of Manual Scavengers in India'**, supported by the European Commission – European Instrument of Democracy and Human Rights (EC-EIDHR). The project aims to understand the existential realities of manual scavengers in India, focused on women and the issues around implementation of PEMSAR Act, 2013. It further aims to demonstrate possible community based and systemic measures to strengthen the implementation of the PEMSAR Act, 2013. The project included a baseline study on the status of manual scavengers, particularly women, in 36 urban locations across Bihar, Jharkhand, Madhya Pradesh and Uttar Pradesh, as well as an implementation analysis of the PEMSAR Act 2013 in these four states.

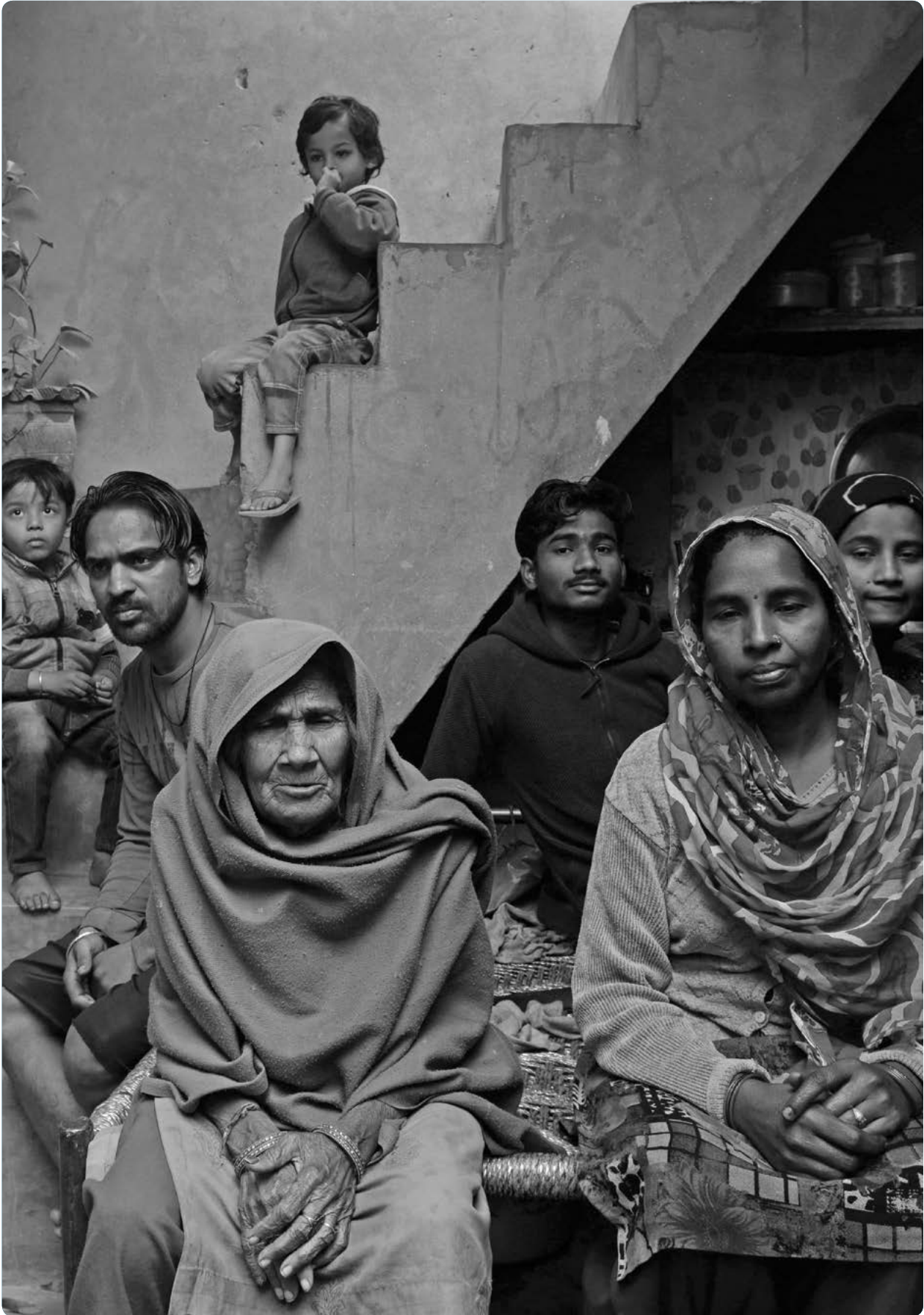
¹ According to data collated by the National Commission for Safai Karamcharis (NCSK), the statutory body for the welfare of sanitation workers.

² Government of India. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Available at: <https://labour.gov.in/sites/default/files/TheEmploymentAct1993.pdf>

³ PEMSAR Act defines manual scavenging in an inclusive way as 'a person engaged or employed... for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an unsanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrine is disposed of, or on a railway track...'

⁴ Government of India. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Available at: http://www.egazette.nic.in/WriteReadData/2013/E_35_2013_385.pdf

⁵ Government of India. SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION WRIT PETITION (CIVIL) NO. 583 OF 2003. Available at: <http://www.indiaenvironmentportal.org.in/files/scavenging%20SC%202014.pdf>



WaterAid/ Sudharak Olwe

Mukeshdevi, 42, began cleaning toilets, dry latrines and open drains after her marriage 25 years ago, as her mother-in-law was too old to continue the work. Bhagwatpura, Uttar Pradesh 2018.

2. KEY FINDINGS FROM THE BASELINE STUDY AND THE IMPLEMENTATION REVIEW OF THE PEMSR ACT, 2013

The implementation review of the PEMSR Act, 2013 and the baseline study both highlighted the prevalence of manual scavenging and dry latrine cleaning in the four study states, especially by women. Key findings from both studies are highlighted in Box 1 and 2.

Box 1: Implementation review of PEMSR Act, 2013 in study sites

- State denial of manual scavenging in contrast with other Government sources and baseline study confirming prevalence of this practice
- Limited access to Government schemes and benefits related to rehabilitation, alternative employment, and education of children
- Poor implementation of punitive actions in response to violations of PEMSR Act, 2013
- Lack of responsiveness of the PEMSR Act, 2013 to the changing nature of manual scavenging that includes various forms of sanitation work (cleaning of septic tanks, sewer lines)
- Significant decline in Government of India allocations under the Self-employment scheme for Rehabilitation of Manual Scavengers from 2013-14 to 2018-19, affected by underspends/sub-optimal utilizations of annual budgets

Box 2: Baseline findings

- 2,505 dry latrines identified in the study sites, with women accounting for 92.35% of dry latrine cleaners
- 26% of manual scavengers aware of the PEMSR Act, 2013, and 20% aware that manual scavenging is prohibited by law
- Names of a vast majority of manual scavengers not included in Government Surveys, with limited benefits from Government schemes related to rehabilitation, alternative employment, and children's education
- 36% reported of experiencing violence, and 50% reported untouchability

3. EVIDENCE FROM OTHER STUDIES CONDUCTED BY CIVIL SOCIETY ON MANUAL SCAVENGING AND SANITATION WORKERS

STUDY	KEY FINDINGS
<p>Lived realities of women sanitation workers in India: Insights from a participatory research conducted in three cities of India⁶ Participatory Research in Asia (2018)</p>	<p>Women sanitation workers faced discrimination in legal redressal for claiming entitlements as citizens and workers, fair wages, decision-making processes and benefits and knowledge of welfare programmes. While workers' unions serve as an important safety net, established unions were often for permanent workers and not contractual workers, and typically excluded women.</p>
<p>Baseline survey of conservancy workers of Municipal Corporation of Greater Mumbai⁷ Tata Institute of Social Sciences (2015)</p>	<p>261 deaths on average per year among sanitation workers in this Municipal Corporation, with 31% respondents reporting ill health during the survey. Despite this, the health of manual scavengers and sanitation workers was highly neglected, with few receiving medical compensation for occupation related health issues and accidents.</p>
<p>Budget brief of the Self-employment scheme for Rehabilitation of Manual Scavengers (SRMS)⁸ Accountability Initiative and Centre for Policy Research (2019)</p>	<p>Significant gaps noted between budget estimates, revised estimates and actual expenditures. Allocations to SRMS has been progressively declining since 2013-14. As of December 2017, a total of 323 deaths due to sewer cleaning were reported, with complete compensation of INR 1 million paid in only 63% cases.</p>
<p>Study on sanitation workers across India⁹ Dalberg Associates (2017)</p>	<p>Study estimated 5 million sanitation workers estimated in urban India. 9 categories of sanitation workers identified along the sanitation value chain, including those engaged in cleaning sewers, cleaning latrines, faecal sludge handling, railway cleaning, work in waste treatment plants, community and public toilet cleaning, school toilet cleaning, sweeping and drain cleaning, and domestic work.</p>

⁶ Report link: [https://www.pria.org/knowledge_resource/1560777260_Occasional%20Paper%204%20\(2019\)%20\(Lived%20Realities%20of%20Women%20Sanitation%20Workers%20i....pdf](https://www.pria.org/knowledge_resource/1560777260_Occasional%20Paper%204%20(2019)%20(Lived%20Realities%20of%20Women%20Sanitation%20Workers%20i....pdf)

⁷ Darokar S (2018). Manual Scavengers: A blindspot in urban development discourse. Economic and Political Weekly. Vol. 53, Issue No. 22, 02 Jun, 2018

⁸ Accountability Initiative and Centre for Policy Research (2019). Self-employment scheme for Rehabilitation of Manual Scavengers (SRMS) GoI, 2018-19. Available at: http://accountabilityindia.in/sites/default/files/pdf_files/Self%20Employment%20Scheme%20for%20Rehabilitation%20of%20Manual%20Scavengers.pdf

⁹ Dalberg Associates. The Sanitation Workers Project. Available at: <http://sanitationworkers.org/>

¹⁰ https://www.humanrights.dk/sites/humanrights.dk/files/may_17_follow-up_and_review_sdg_docx.pdf (accessed on 20 June 2019)

4. PLIGHT OF SANITATION WORKERS FROM THE LENS OF SDGs

**“We cannot address manual scavenging without addressing untouchability, without taking on inequality”-
Bezwada Wilson, Safai Karmachari Andolan**

India is a signatory to the 2030 agenda for Sustainable Development. Yet the prevalence of manual scavenging in the country undermines

the achievement of Sustainable Development Goals (SDGs) related to clean water and sanitation (Goal 6), decent work and economic growth (Goal 8), reduced inequalities (Goal 10), and peace, justice and strong institutions (Goal 10). The Danish Institute for Human Rights notes that 156 of the 169 targets defined under the SDGs are linked to human rights and labour standards¹⁰, underscoring the importance of measuring progress of excluded communities and rights-holders such as those engaged in manual scavenging and sanitation work. In addition, the UN Special Rapporteur on Minorities, recognizing the prevalence of caste discrimination in different parts of the globe, recommended the inclusion of caste-specific indicators to address caste-based discrimination. Table 1 presents a snapshot of critical SDG related to manual scavengers and sanitation workers.



WaterAid/ Sudharak Olwe

Mukeshdevi, 42, cleans toilets with her bare hands and disposes it all in the open drain. She attends to around 10 houses, either daily or on alternate days. Bhagwatpura, Uttar Pradesh 2018.

¹⁰ https://www.humanrights.dk/sites/humanrights.dk/files/may_17_follow-up_and_review_sdg_docx.pdf (accessed on 20 June 2019)

Table 1: Manual scavengers, sanitation workers and the sustainable development goals

GOAL	STATUS
<p>Goal 6: Clean water and sanitation</p>	<p>Tremendous progress on sanitation coverage under Swachh Bharat or Clean India Mission (SBM) in rural and urban India, yet issues of manual scavengers and sanitation workers are still to be prioritized and addressed. With more than 965 million toilets constructed under SBM (Rural), toilet technology preferences (e.g., septic tanks) and the sanitation value chain (containment, emptying, transportation, treatment, disposal) have been largely ignored having implications for manual scavengers and sanitation workers.</p>
<p>Goal 8: Decent work and economic growth</p>	<p>Contractual nature of sanitation work undermines safe working environment, decent pay and employment benefits. Sanitation workers face adverse health consequences due to hazardous work environment, absence of safety gears and equipment, and standard operating procedures for cleaning septic tanks and sewers. When faced with a paucity of alternative employment opportunities and continued caste discrimination after rehabilitation, workers either continue with sanitation work, or risk unemployment.</p>
<p>Goal 10: Reduced inequalities</p>	<p>The caste-based nature of manual scavenging and sanitation workers reinforces the social stigma that people engaged in this work are unclean or 'untouchable'. Poor access to Government benefits and schemes further perpetuates this inequality among workers. Women manual scavengers are particularly vulnerable as they experience inequalities in terms of wages, work, and face violence from employers and their family.</p>
<p>Goal 16: Peace, justice and strong institutions</p>	<p>Significant mismatch in identification and enumeration of manual scavengers, sanitation workers, and number of dry latrines between Government sources and those from independent studies. The Rashtriya Garima Abhiyan's report 'Justice Denied' points to absolute violation of various Sections of the PEMSAR Act, 2013¹¹. The study also reported on the reluctance of institutions at the state level to share information and data being sought for under the Right to Information Act. Lastly, budgetary allocations for the rehabilitation of manual scavengers has considerably declined over from 2013-14 to 2018-19.</p>

¹¹ Rashtriya Garima Abhiyan. Justice Denied: Death of workers engaged in manual scavenging while cleaning the Septic tank or Sewer. Available at: <https://idsn.org/wp-content/uploads/2018/12/Report-Justice-Denied-Death-of-workers-engaged-in-manual-scavenging-while-cleaning-the-Septic-tank-or-Sewer2.pdf>



WaterAid/ Sudharak Olwe

Due to constant exposure to dust and dirt, women manual scavengers often complain of asthma and malaria but do not have access to any medical assistance. Amanganj, Patna 2018.

5. KEY RECOMMENDATIONS

WaterAid India organised a consultation 'Including the Excluded: Unpacking Challenges and Framing Solutions for Manual Scavengers and Sanitation workers in India' on 28 June 2019. Participants from civil society, multi-lateral institutions, research institutions, activists, and a Government of India senior representative came together to propose the following recommendations:

1. Abolish by law any direct contact between human beings and faecal as well as sewage matter
2. Ensure rehabilitation of the manual scavenging community, and provide good quality education to children to enable them to avail alternative livelihood options, thereby preventing the next generation from engaging in this inhuman practice
3. Revise building bye-laws to ensure that buildings of a particular size have mandatory decentralised wastewater management systems
4. Identify and map different forms of sanitation work and workers; incentivise officials to undertake such mapping and make them culpable on failing to do so
5. Explore technology-centred alternatives to reduce the risks associated with sanitation work
6. Ensure social security provisions like pensions for sanitation workers, especially female manual scavengers (not as an entrepreneurial support but as a regular income)
7. Build public consciousness around the issue of manual scavenging and rights of sanitation workers



WaterAid/ Sudharak Olwe

Vidhi, 19, plans to pursue a course in fashion designing to carry forward her father's profession. She also admits to disliking her mother's profession as she feels it is menial, insulting and brings in a lot of diseases. Farukhnagar, Uttar Pradesh 2018.

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