

Democratic Process and Inclusive Development in India: Reflection on Manual Scavenging

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Abstract: After the second world war India emerged as the world largest democratic country. As India is a 'Democratic society' its all-democratic institution is also arranged for organizing political completion, legitimating rulers and implementing rule. India democracy is hugely, inspired by the lofty ideals of French Revolution Liberty, Equality and Fraternity. However, there are many marginalized and excluded groups in India who are stake holders in development process especially manual scavengers which involves removal of human excrements from dry toilets with bare hands, brooms or metal scrappers which is not only diabolic but perhaps the highest degree of human violation. Manual scavengers are one of themarginalized groups who are being excluded so long from development process undeniably. Consequently they don't receive fruits of development directly and have been subjected to various kinds of gender discrimination and injustice as well in every aspects of their lives noticeably .Against this background ,this paper seeks to analyses thegenesis of manual scavengers and It follows up with a critical analysis of the role of the state towards the abolition of the sad practice and touches on varied aspects of the complexities of rehabilitation premised around a comparative frame, namely the prevailing scenario at the national level.In addition to this, paper will also suggest remedial measures and progressive steps for bringing the scavenging community into the mainstream of our country and make a contribution to its development significant.

Keywords: Democratic, Equality, Manual scavenging, Marginalized, Stakeholders, Development, Injustice.

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“In India a man is a scavenger by birth irrespective of the question of whether he does scavenging or not.” Dr. Bhimrao Ambedkar

I. INTRODUCTION:

Manual scavenging is a term used mainly in India for manually cleaning carrying Disposing of or otherwise handling excreta in an insanitary latrine or in an open drain or pit. Manual scavenging of dehumanizing practice though denied of often non-existence- still prevailing in various part of the states of India. it is the collection of human and animals'excreta using brooms and small tin plates in baskets and which is on the head in order to dispose them away from the living place normally to a longer distance. Any person who has been employed to clean human waste and does so with the help of appropriate protective gear and equipment will not be considered as manual scavenger under Indian Law 1993. The official definition of a manual scavenger in Indian Law from 1993 is as follows:

“manual scavenger” means a person engaged or employed at the commencement of this act or at any time there after by in Individual or a local authority or an agency or a contractor for manually cleaning ,carrying, disposing of or other wise handling in any manner human excreta in an insanitary, latrines is disposed of or 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.

It is a caste- based occupation in India since centuries. It is considered to be a hazardous and humiliating occupation that is performed by the lower strata of the Dalits for their survival in different parts of the country. This occupation often belongs to Dalit of Dalits -in major proposition and also other schedule caste communities to a minimum extent. Specially the Schedule Caste who are stratified in the lower ladder of social order, are frequently dragged onto perform manual scavenging. Most of the manual scavenger are socially discriminated right from their birth as if discrimination is their birthright. They are regarded as untouchables. They are not in the state to overcome the social tyranny of the conventionally forced employment on them, thus for the purpose of the survival they are forced into -with no other alternative left out them to engage in manual scavenging. Infact, various studies (Ramaiah,2015; Ravichandran,2011; Prashad ,2007; Marcel,2003) have shown that the occupation that is imposed according to the social status of the people manifests discrimination

on the basis of caste. There are many requirements for a country to truly be democratic and most important is equality for its citizens. India to be a truly democratic country must eliminate the practice of manual scavenging which remains the biggest challenge. Without addressing and eliminating the practice of manual scavenging the objective of democratic process of India remain insurmountable.

The context of problem

Scavenging is a humiliating and undignified practice of removing the human excreta and intolerable wastages from streets, roads, railway lines, hospital, common toilets etc. The communities which engage their labor in order to perform the task of manual scavenging that gives them social sanctioning cannot be in isolation from hierarchies of caste and discrimination. They are the worst victims of untouchability as they considered as unclean, impure, and placed at the lowest level of the caste hierarchy. Bezwada (cited in United Nation Development Program ,2012) expressed that manual scavenging is a caste, human indignity and a gender problem which many times is treated as a sanitation issue.

Kumar and Varghese (2005) asserted the Schedule Caste are engaged in the unclean occupation and other unskilled jobs. The condition of the scavengers is very deplorable and they are the most vulnerable section among the Schedule Castes. The working condition of the scavengers is very poor and the remuneration is also very low. Among the manual scavengers, the women are most exploited. (Human Right Watch,2001)

Gomala(2010) has observed that thousand of women manual scavengers are forced to eke out their livelihood by scavenging and cleaning dry latrines by using metal pans and a short broom to scoop up the night soil. Women scavengers suffer chronic inadequacies of housing, clothing and even primary medical facilities. When both the parents are engaged in manual scavenging, they are not in a state to care for their children. The children of the manual scavengers in the youth ages are pulled by the sanitary officers and contractors to engage in manual scavenging. Generation after the Schedule Caste engaged in manual scavenging are forced to do the intolerable manual scavenging to keep the area clean for others, for their life is in a dismal state. They would not have a dignified life until the total eradication of the manual scavenging in any form is done. The practice of manual scavenging officially banned since decades in India continues with impunity in several states. According to a National Survey conducted in 18 States, a total of 48,345 manual scavengers have been identified till January 31, 2020. As per data collected in 2018, 29,923 people are engaged in manual scavenging in Uttar Pradesh, making it the highest in any State in India.

Government initiatives regarding manual scavengers

Manual scavenging -a despised vocation of manually sweeping household dry latrines and carrying human excreta-still exist in many parts of India. This inhuman practice has traditionally been enforced on a specific group of people labelled manual scavengers. Over the 27th years India has passed many laws to end the practice of manual scavenging. Following are the initiatives taken by government to eradicate the inhuman practice of manual scavenging: -

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act: It was passed by the parliament in 1993 put an end to the practice of any form of manual cleaning, disposing of, carrying and handling of human waste. According to act it is an offence to employ people as manual scavengers to clean insanitary latrines, sewers and septic tanks without protective gear. Supreme Court has ordered the abolition of manual scavenging and asked government to provide financial assistance and rehabilitation to those who have lost family members and set imprisonment of up to one year and fine 2000 for pushing a person to manual scavenging. Despite changing provision in the law, manual scavenging remains unabated in India.

In 2003, Safai Karamchari Andolan (SKA) filled a petition in the Supreme Court asked for the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act 1993 to be implemented. Earlier only dry latrines related manual scavenging was covered. Article 21 was enlarged unto an umbrella for all sorts of civic workers. Various petitioners drew the courts attention to manual scavengers and sewer deaths in Gujarat High Court, Delhi High Court. The state agencies paid 10 lakhs for each case of sewer death. This compensation was established by the court making the state responsible.

Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) a successor scheme to NSLRS (National scheme for liberation and Rehabilitation of scavengers and their Dependents), was introduced on 2007 with the object to rehabilitate remaining manual scavengers and their dependents in alternative occupation, in a time bound manner.

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 also known as MS Act came into effect from 6th December 2013. This act intends to achieve its objective of eliminating insanitary latrines, prohibition of employment as manual scavengers. This Act says National Commission for Safai Karamcharis (NCSK) would monitor implementation of the act and enquire into complaints regarding contravention of the provision of the act. Under the provision

- No person, local authority or agency should engage or employ people for hazardous cleaning of sewers and septic tanks.

- Mechanized cleaning of septic tanks is the prescribed norm.
 - A violation can be punished with two years of imprisonment or fine or both.
- Supreme court issued a slew of direction in 2014 to prevent and control the practice and also to prosecute the offenders. It also directed the government to pay a compensation of 10 lakh rupees to the family members of those killed in act of manual scavenging since 1993. Also Right to Live with dignity is implicit in the fundamental rights guarantee in part III of the constitution. Article 46 of the constitution on the other hand provides that the state shall protect the weaker section particularly the Schedule Castes and Schedule Tribes from social injustice and all forms of exploitation. Swachh Bharat Abhiyan under National Cleanliness Mission launched by NDA government in India. The estimate cost of implementation of Swachh Bharat Plan based on unit and per capita costs for its various components is Rs 62,009 crore. The Government has declared installation of flush toilets replacing dry toilets in rural areas of the country; more than 4 million sanitary toilets have been built across the country since the beginning of campaign. The main objective of the campaign was to eradicate manual scavenging and elimination of open defecation.

Challenges in banning manual scavenging

In India central government since independence in 1947 has adopted legislative and policy efforts to end manual scavenging. In recent years these includes commitment to modernize sanitation so there is no further need for manual disposal of feces and prohibition on engaging everyone to do this work. However, because these policies are not properly implemented, people remain unaware of their rights to refuse this role, and those who do refuse may face intense social pressure including threats of violence and expulsion from their village, often with the complicity of local government officials. Such kind of dehumanizing practice of manual scavenging arising from the continued existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country. The challenges in banning manual scavenging in India are:

- Design of septic tanks designed badly. They have engineering defects which means that after a point a machine cannot clean it. Under the Swachh Bharat Mission, millions of septic tanks are being built in rural India. By 2019 some 30 million septic tanks and pits would have been dug along the Ganga. If the central, state, and local sanitation programs do not take up faecal sludge management as a priority, the onus will shift to the lowest rung of the society to clean millions of dry toilets.
- Sewage issue: Many cities do not have sewerage that covers the whole city. Sometimes sewage lines that covers the whole city. Sometimes sewage lines are connected to storm water drains which get clogged and demand human intervention. Open drains are also badly designed, allowing people to dump solid waste into them which accentuates the problem. Improper disposal of sanitary napkins, diapers etc. clog the drains, which machines cannot clear. Manual scavenging is not only caste based but also a gender-based occupation with 90% of them being women.
- Irony of Swachh Bharat Mission on the one hand aims at protecting dignity of women by providing them with private sanitation spaces, and on the other it is perpetuating humiliation of women manual scavengers as they are the ones who clean human excreta from dry pit latrines.

In 2013 the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act came into force. However, this law leaves people helpless. In the earlier act the district magistrate had power to solve all these cases, but that's not the case with the current one. If the assigned public officials are not doing his duty of identifying manual scavenging and processing their rehabilitation, there is no mechanism to pull them up. The act does not address critical aspects of provisions like the rehabilitation of those who were liberated from manual scavenging before passing the law of 2013. Liberating manual scavengers regularly face brutal atrocity and violence. Requirements of oxygen cylinder, torches and constant minority of workers through computers etc. are not mentioned in the act and hence are not provided to the cleaners. Low level of education, unawareness about their rights, law and low esteem force them to take such work. National Safai Karamchari Commission which was mandated to implement the act has been not functioning properly. Its website has not been updated about recent developments and new initiatives.

Remedial Measures

Despite stringent provision in law manual scavenging continues unabated in India. As explained by Ramaiah "the manual scavengers are those who manually clean and carry other human beings' excreta defecated in open fields and in private and public dry latrines in rural and urban areas. Even after 73 years of independence, manual scavenging is a blot on our collective conscience that refuses to disappear, despite the landmark legislation in the form of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (hereafter, the 2013 act) and a Supreme Court judgment in the Safai Karamchari Andolan and Ors v Union of India and Ors case (2011). Articles 14, 15, 17, and 21 are sacrosanct to the Indian Constitution, but they are violated everyday due to the persistence of manual scavenging. The essence of Article 14 is not only to guarantee equality before the law but also to ensure equity, thus securing resources and opportunities for

every individual to succeed in life. Articles 15 and 17 bolster Article 14 by outlawing discrimination and untouchability on the basis of caste. Additionally, the Protection of Civil Rights Act, 1955 and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989 have been enacted to eradicate manual scavenging. However, they are forced by villages, railways, and municipal corporations to continue manual scavenging, they are deprived of equality on the basis of their caste. It is caste-based occupation in India since centuries. It is considered to be a hazardous and humiliating occupation that is performed by the lower strata of the Dalits for their survival in different parts of the country. It is a social and gender issue and can be eradicated by sensitizing people about its ill. We need to strike the root cause-caste-prejudice as Raja Ram Mohan Roy said “change should come from society itself.” The suffering of manual scavengers is not new. However, it would be incorrect to state that no measures have been taken so far to eradicate it. The executive and legislature have devised a number of policies and legislations. However, the particular legislation has certain flaws making it ineffective. One such flaw has been that it was passed under Article 252 (the power of Parliament to legislate for two or more states by consent) of the Constitution. The major flaw with such a legislation is that as public health and sanitation fall under the domain of states, it became difficult for the union government to come up with any controlling or regulatory mechanism to enforce the legislation, because of this Government should ensure discrimination free, secure and alternative livelihood by providing skill development and livelihood training and create a favourable environment through community awareness and sensitization of local authority which build the capacity of the community to promote rehabilitation efforts and self-reliance and also build leadership in community with a particular focus on Dalit communities. Creation of more employment is one of the most important rehabilitation processes. The job created would aim to offer equal opportunity to the locals. The job created is also act as a means to assimilate manual scavengers into the community. Other areas that are associated with social inclusion should also be established for instance the loaning scheme, offering them employment and lending them some money gives them the needed confidence to step them in the community. Loaning scheme in India that would help manual scavenger are special component plan, MGNREGs, scholarship, pension scheme, rural housing scheme and many others. To solve the problem of manual scavenging need a comprehensive approach that move beyond expanding income generation or providing loans to secure the future of next generation of liberating manual scavengers. They must link to social security and other welfare scheme to ensure that they are not dependent on this inhuman work for their survival. There is need to demolish and rebuild old facilities lacking sanitation and raising the confidence level among those engaged in manual cleaning is vital. Complete eradication of this inhuman practice needs political will and improvement of educational status among the children of the scavenging community. District Nodal Officers, NGOs and health officers should educate the community on devastating effects caused by dry latrines. They should also educate the mass on health issue, hygiene practices and sanitation. Government officials should inform on the legal implication that are related to engaging in scavenging and having dry toilets. The public should aware of the penalties. The awareness campaigns should not only address the danger of scavenging but also give the community affected an alternative method of making money.

Children whose families are involved in scavenging experience a lot of social stigmatization that may affect their education. In addition, scavenging work generates little money that is not enough to educate a child. The child ends up dropping out and joining their parents in same line of work. Implementation of schemes that would help these children finish their studies would be an effective strategy in discarding the theories and myth associated with manual scavenging. Swachh Bharat Mission may also used to actively target conversion of insanitary latrines on priority basis. Bio digester toilets should design to convert human waste into gases and manure. The zero-waste bio digester technology uses Psychotropic Bacteria to break down human waste excreta into usable water and gas. Once applied, the bacteria can work for a lifelong. The funds that are released by the total sanitation campaign should put in good use. In the past the funds were allocated on times but were not utilized. Such funds should be reallocated. The officials managing the funds should strategize on how the funds will be given to the community. Every person in countries that scavenging still exists should realize that they are equally guilty and responsible. Therefore, every individual in society has a moral obligation in curbing this problem.

II. CONCLUSION

This paper is an attempt to highlight that how caste-based discrimination of manual scavengers hinders the growth of democratic process in India. The deteriorating condition of manual scavengers is seen to be improved in the eye of the government. Manual scavenging is regarded as an inhuman and a violation of basic human rights. It constitutes problems that encompass domains of health and occupation, human rights, social justice, gender, caste and human dignity. It is one of the most pathetic practices that exist in the country today. The discrimination based on caste has always attracted such activities to exist. The practice of caste-based exclusion and discrimination thus necessarily involves failure to access and entitlement not only to economic rights but also to civil, cultural and political rights. It involves what has been described as “living

mode exclusion”, exclusion from political participation and exclusion and disadvantage from social and economic opportunities. The caste untouchability-based exclusion thus reflects 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. To improve the living condition of manual scavengers all over India, there is a need to set an agenda for their overall transformation. The government should adopt more community centric method. Steps should be taken by citizens to remove social stigma amongst different communities. People regard such civic workers as untouchable because of their work, so the Society should also be ready to accept and include them in community activities which resulting in job opportunities for them.

Eradication of manual scavenging is the real challenge in the path of democratic process in India which has subjugated and tortured the scavenging communities. It is not surprising that despite the efforts to eradicate the practice of manual scavenging the practice remains prominent among Dalits today. It is very impossible to imagine and achieve democratic values without eradication of manual scavenging which will also lead annihilation of caste, and equal opportunities in employment .It is indeed inspiring to see that Government is trying to put in new set of mechanism and practices to promote equality .However ,the emancipation of the scavenging communities ,who solely depends on the occupation of manual scavenging ,remains the biggest challenge for the democratic process of India today.

Endnotes

1. The Collected Speeches of Jawaharlal Nehru, Vol 2, New Delhi.
2. National Campaign on Dalit Human Rights; www.NCDHR.com
3. S Venkatesan, social exclusion and poverty: some key interlinkages

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