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## The Workers Left out of the Law to End Manual Scavenging

By: Ahana Ganguly

*A decade after the law to end manual scavenging, thousands of workers continue to clean waste with little protection. The narrow framing of the law contributes to this state of affairs.*

Virendra Kumar was in no mood to talk. The two of us had made a gruelling two-hour journey across Delhi that January in 2021, when public transport was still limited by pandemic restrictions. But unlike me, Virendra had more reasons to be withdrawn – he had to enter and unclog a stinking sewer that chilly morning.

He had tried to talk to his supervisors and get out of the assignment. Taking a shower to wash off the reek of the sewer is harder in winter. But it was an ‘emergency’: the sewer, near a busy fish market, had overflowed and residents were complaining. The manhole was in a narrow shaft between two extremely crowded buildings. A jet machine could not be manoeuvred into the space, necessitating human intervention.

A colleague daubed oil all over Virendra’s exposed skin to guard against direct contact with the filthy water. Tying a rope around his waist, he slipped into the manhole.

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Forty minutes later, Virendra resurfaced, pulling himself up with the rope. His shivering body was covered in foul-smelling yellowish mud, with all manner of detritus.

Virendra Kumar is one of the many scavengers in India, scratching a living by clearing debris, with minimal equipment or protection – often with their bare hands. They remain outside the protection of the law that bans manual scavenging, which came 10 years ago this September. It is a loophole that causes, month after month, the death of workers who enter sewers and septic tanks to maintain cleanliness.

### A narrow frame

Nearly 95% men and 99% women scavengers engaged in this occupation are Dalit. In the circular logic of caste-hierarchy in India, the scavenging tasks are ‘impure’ because they are performed by Dalits and Dalits are ‘impure’ because they perform these tasks.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 made manual scavenging a criminal offence for the first time in India. The act pioneeringly addressed the historical links between caste and scavenging as an occupation and sought to redress the “historical injustice and indignity suffered by the manual scavengers” and “to rehabilitate them to a life of dignity.”

Yet, the legal framework around exclusively emphasised the cleaning of human excreta, that too under a set of allied conditions. The definition of a manual scavenger in this manner under the law, meant that the law’s ambit excluded scavenging tasks done on the streets, inside and around hospitals, and public toilets under urban public sectors.

The law also set another condition: if cleaning devices or safety equipment were used in the process, the task would not be classified as hazardous scavenging prohibited by the act. The entire discourse shifted to a condition-based permissibility. In reality, most workers have little safety equipment.

Data from the National Commission for Safai Karamcharis give 928 “sewer deaths” between 1993 and 2020, the last available data. (Separately, the government told Parliament that there had been 48 deaths in 2022 and 49 in 2021, “due to accidents while undertaking hazardous cleaning of sewer and septic tanks.”) NGOs like Safai Karamchari Andolan repeatedly claim much higher numbers annually.

### The fallen

In framing the law to deal with a narrow range of hazards, the legislation also **left out** scavengers associated with medical and bio-wastes – including human excrement – outside the ambits of sewers and railway tracks. The bulk of such workers are women. They include Rumki Das a 34-year-old cleaning staff at a gynaecology ward of a leading government hospital in Kolkata, whose fourteen-hour workday includes cleaning the gynaecology ward, including the bathrooms used by patients.

When I met her, her palm had been lacerated as she picked up a blood-soaked cotton wad that had a used needle hidden within. At the dispensary, she was prescribed a range of tests to rule out septicaemia. The cost was Rs 5,000 rupees – a sum she could ill afford from her salary of Rs 9,000 rupees.

### The lack of imagination

Workers like Rumki in Kolkata and Virendra in Delhi are further hit by the onslaught of privatisation. Since 2008, staff engaged in scavenging work are predominantly being recruited on a contract via private agencies, who have uncontested authority over recruitment of scavenging staffs, their salaries, leave policies, and work conditions. Yet, when a worker is killed inside a sewer or is seriously injured, both the concerned public sector and the private agency shirk accountability.

The primary outcome of this imagination of manual scavenging is that one of the stakeholders attempt to understand the experiences of the scavengers. The legal framework fails to discard the prejudiced understanding of the occupation, historically affixed to particular Dalit castes.

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The lack of a considering workers’ experiences of scavenging has hampered the use of technologies and operation of mechanisation, which do not take into consideration the habitational patterns of Indian metropolises, with its extremely narrow lanes. In fact, the unavailability of the workers’ experiences during cleaning has furthered the ineffectuality of mechanisation machines used in cleaning sewers, as Virendra faced when cleaning the Delhi sewer. Workers also explain that the jet machine is often insufficient to unclog plastic, large stones, and other heavy elements from the sewer line.

The other technological fix proposed is the ‘Bandicoot’ a robotic cleaner first deployed in Kerala in 2018 and later showcased in Chandigarh, Prayagraj (Allahabad) in Uttar Pradesh, and Chhattisgarh. Its **cost** is an additional impediment to wider usage – a robot costs Rs 32 lakhs.

Even with mechanisation, it is essential to incorporate the experiential knowledge from the cleaning workers while shaping a suitable technology to prohibit any manual dealing with hazardous waste. To actually implement mechanisation of manual scavenging, the state must formulate policies that are fundamentally sympathetic. An obvious intention must be putting to an end the historical oppression on a particular Dalit community, instead of attempting to customise ‘improved’ technological solutions.

It is crucial to examine whether the normative content of the 2013 act contemplates the lived experience of scavengers across sites. Stories like that of Virendra and Rumki show the limits of the to the law’s claims. The gruelling socio-economic pressure on this section of workers, demands understanding social coercion and the prejudiced demarcation of the task of cleaning waste as the “duty” of a particular community should also be legally defied in this context.

*Ahana Ganguly is pursuing a PhD from Jadavpur University, West Bengal. Her research is on workers who are engaged in cleaning works in Delhi and Kolkata.*

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