



Research Article

From Shadows to Spotlight: Unveiling the Saga of Manual Scavenging in India

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Abstract

With the announcement of “The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993,” the practice of manual scavenging became illegal in India. The manual scavenging problem as a practice is prolonged because of the lack of technological progress and political and administrative will to implement reformatory laws on the ground. The Indological text has a particular interpretation of manual scavenging, constituting the basis of caste ideologies and practices. Using qualitative data, the present study encapsulates the transformation of manual scavenging from an overlooked issue to one that demands attention and understanding. It sets the tone for a comprehensive exploration of the historical, social, and policy dimensions surrounding manual scavenging in India. The paper argues that most of the legislative and executive decisions have landed on the terrain of totemism, purity & pollution and are heavily ritualised in the ideological framework, contributing least to the practice.

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1. Introduction

The persistence of manual excrement cleaning from both private and public dry toilets, as well as open sewers, is observed in certain regions of South Asia. In accordance with longstanding feudal and caste-oriented practices, individuals belonging to communities historically engaged in the occupation of "manual scavenging" persist in the daily collection of human excrement. This waste is subsequently placed within receptacles made of cane or metal, which are then transported atop their heads for disposal in the peripheries of various settlements throughout India (Human Rights Watch, 2014). The treatment process for human waste in Western societies is largely mechanised, with a significant emphasis on mechanisation. In instances where manual intervention is feasible, the utilisation of protective gears is imperative. Nevertheless, it is worth noting that the arduous task of manual labour, particularly in numerous economically disadvantaged South Asian countries, continues to persist. Regrettably, those who undertake such labour are often remunerated inadequately and lack sufficient safeguards. This particular social group, predominantly associated with the unenviable responsibility of sanitation work, has unfortunately made limited progress in transcending their historically assigned societal position (Joshi & Ferron, 2007).

Manual scavenging is a caste-based, hereditary profession that mostly entails forced labour in India. In spite of all the alternatives and accessible technology, it has been more than a job as it has been a tradition or practice that has persisted without interruption. The majority of those who engage in it are Dalits (Darokar, 2018). This practice was not only accepted up to the first half of the 20th century, but it was also considered a customary right, even for manual scavengers (Koonan, 2021). As per the findings of the Malkani Committee Report of 1966, the customary right under consideration was identified by various designations, such as Gharagi, Jagirdari, Gharaki, Jijmani, Virat or Dastoori. The Dalit community, comprising individuals engaged in manual scavenging, has historically endured entrenched and institutionalised forms of discrimination based on caste. These discriminatory practises encompass various aspects, such as the enforced segregation of Dalits in remote villages and settlements, the denial of their right to utilise water sources and enter Hindu temples, the imposition of forced or bonded labour, and the exclusion from educational opportunities (Walters, 2019).

The individuals engaged in the occupation of manual scavenging are commonly identified by their caste-specific appellations. In the state of Gujarat and Uttar Pradesh, they are referred to as Bhangis, while in Andhra Pradesh, they are known as Phakis. In the context of Tamil Nadu, the manual scavengers are recognised as Arunthathiyar (also referred to as Chikkaliars) (Singh, 2009). This particular social group is situated at the lowermost stratum of the social hierarchy, thereby rendering them subject to societal perceptions that continue to classify them as untouchable. The act of scavenging serves as a manifestation of the cultural disposition within Indian society towards the management and perception of human waste. In the realm of ceremonial purification, the term "faeces" carries connotations of impurity and contamination, thereby aligning with the perception of profanity within Hindu culture and traditions. The task of evacuating human excreta from residential areas to a more distant location is assigned to the lowest caste group. As per the International Labour Organisation (ILO), manual scavenging comprises three distinct categories, which include the cleaning of septic tanks, gutters, and sewage lines, as well as the removal of human waste from public streets and dry latrines (Human Rights Watch, 2014).

Based on the available data provided by the Government of India, the precise figure pertaining to the total population of manual scavengers in India remains a subject of contention and obscured within the cultural fabric. In 2018, the Ministry of Social Justice and Empowerment entrusted the National Safai Karamcharis Finance and Development Corporation (NSKFDC) with the responsibility of conducting surveys aimed at ascertaining the population of those engaged in manual scavenging. This study focused only on the statutory towns within 17 Indian states, revealing a total of 87,913 individuals engaged in manual scavenging throughout the country. However, it was observed that only 27,268 of these individuals had been officially registered in relevant programmes and had received benefits or entitlements from the concerned ministry (Saha & Vikas, 2021). Furthermore, the ministry had recognised a total of 42,303 individuals within this registered group. The survey's reporting is significantly inadequate, as shown by the findings of the Census (2011) on Caste's socio-economic situation, which identified a total of 182,505 families engaged in manual scavenging as their principal occupation.

The lives of female manual scavengers have been difficult for a very long time. Few individuals are aware that women account for 95–98% of the 1.2 million Indians who are victims of this practice (Kumar & Preet, 2020). In addition to being forced to clean dry latrines, carry tonnes of waste in leaky cane baskets, remove sewage, discard placentas after giving birth, work on railway lines, and exhume dead bodies, these women also endure sexual harassment, social exclusion, inadequate pay, and trauma that lasts a lifetime (Human Rights Watch, 2014). Young women who have just been married are forced to engage in this occupation. For cleaning a dry bathroom, they only receiving one meal and earn \$10 to \$20 every month. These ladies sometimes get no payment at all. Women who want to leave this job face the risk of social exclusion. They are harassed and forbidden from taking part in regional or religious ceremonies (Tandon & Basu, 2016). According to Tagat and Kapoor (2018), individuals engaged in manual scavenging face disparities in their ability to enter public areas, which may be attributed to enduring caste-based social norms and the blurred boundaries between private and public spaces that are deeply ingrained in traditional practises.

The Indian government has implemented legal and policy measures to eradicate the practise of manual scavenging since the nation achieved its independence in 1947, with the aim of resolving these concerns. With the passage of two important pieces of legislation, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Prohibition of Employment of Manual Scavengers and Their Rehabilitation Act, the abhorrent practise of manual scavenging has been effectively outlawed in the country. Despite the various flaws in the Acts that have been noted, empirical data points to a glaring lack of enforcement mechanisms for those Acts (Wankhede, 2021). For both governmental and private employers of manual scavengers, arrests and subsequent convictions have been exceptionally rare (Siddharth, 2020; Khan, 2018; National Campaign for Dignity and Eradication of Manual Scavenging, 2013). The Prohibition of Employment of Manual Scavengers and their Rehabilitation Act of 2013, along with notable instances at High Courts and Supreme Courts mandating local governments to undertake specific measures for the eradicating scavenging. These measures have demonstrated some degree of accomplishment. However, despite these efforts, the prevalence of this practise remains significant (Kahle & Kumbhare, 2023).

Hence, the persistence of the manual scavenging issue can be attributed to the dearth of technological advancements and the absence of political and administrative determination to enforce transformative legislation in practical settings. The Indological discourse espouses a distinct interpretation of the practice of manual scavenging, which serves as the foundation for the perpetuation of caste-based ideologies and associated societal customs. The current paper endeavours to examine the formation of discourse and spotlighting the issues of manual scavengers during the post-independent eras, by delving into its historical underpinnings. The present discourse pertains to the implementation of the constitution, wherein the article in question delves into the legislative and administrative measures undertaken by the Government of India in this particular domain. However, it is contended that these decisions have had a minimal impact on practical implementation. The contention also posits that an intervention is imperative in effecting a shift in practice, with the application of technology presenting opportunities to facilitate the reconciliation of disparities between issues and practice.

2. Conceptual Framework

The notion of purity and contamination offered by Louis Dumont served as the initial conceptual framework employed in this paper. The caste system in India has previously been connected to understandings of purity, cleanliness, and pollution in the sanitation literature (Coffey et al. 2017). The social ranking system known as caste is connected to Hinduism and is often seen as a form of social injustice. People from the lowest castes in India, sometimes referred to as untouchables, Harijans, or Dalits, are a great example since the whole society is stigmatised as being polluting. Hinduism has the view that untouchability is a punishment for misdeeds done in a past life. Manual scavengers are also regarded as untouchables in India, where they are seen as sinners and a threat to higher-caste individuals because of the perception that connection with the lower caste is polluting (Subramaniam, 2006). The theoretical perspectives of purity and pollution, coupled with the idea of change, are used in the current work.

3. Methodology

The present study began with exploring secondary sources, i.e. government reports, policy statements, committee reports, and peer-reviewed literature, including journals and books, public debates, and documentaries on the proposed topic. Both quantitative and qualitative research methods and data were used in this study. The quantitative data was also gathered from secondary sources. Case studies from various sources have been used qualitatively to understand the plight of manual scavengers in India.

4. Historical Moorings

Gender is a prominent kind of relational inequality that is prevalent in all civilizations. However, its manifestation and impact on individuals' capacities vary among cultures and socio-economic settings. The use of caste as a mechanism of social discrimination seems to be exclusive to the Indian subcontinent and its diaspora in regions influenced by Indian emigration. It represents a

distinctive kind of social stratification and suppression that concurrently serves as a method for structuring, dividing, and subordinating the workforce (Ambedkar, 2002). The historical prevalence of caste disparities in India has resulted in the emergence of distinctive patterns of labour market segmentation, which are shaped by the interplay between these caste divisions and capitalism accumulation. These unique labour market dynamics are exclusive to Indian society. Caste identities, constituting an inherently unequal and hierarchical framework, are ascribed to individuals at birth and maintained by the practice of endogamy. Furthermore, these identities have historically been linked to certain jobs (Ghose, 2019). Regarding the genesis of manual scavenging in India, several historians attribute blame to the Manusmriti, the Mughals, and the British. Let us discuss their tracings in the ancient, medieval and modern history of India.

4.1. Ancient Tracings

According to Chandogya Upanishad, the theory of Karma determines the repercussions in the future of an individual and their next birth based on the transmigration of the soul (Kaufman, 2005). The soul if filled with the residues of bad actions committed in the past moves from one individual body to another caught up in the cycle of Samsara (i.e., cycle of birth and death) until the residues are not replaced with the good ones to retrieve its original state. The actions of the individual determine their next birth in the hierarchical order from good to bad which are Brahmin, Kshatriyas, Vaishya and Shudra. The concept of untouchability is neither explicitly mentioned in the Vedic literature, nor is it seen as a prevalent practice throughout this historical epoch (Senart & Ross, 1930). According to Vedic traditions, the performance of rites entails the participation of both the noble or ruler and the commoner, who are required to partake from a shared vessel. Subsequent Vedic writings have a tendency to deride certain jobs, although they notably exclude any explicit reference to the concept of untouchability (Ambedkar, 1979).

Manual scavenging is not primarily attributable to a lack of inadequate investment in appropriate equipment. Instead, it is firmly rooted in the caste system, a social structure that organises society into a hierarchical order primarily based on profession (Mandal 2008; Human Rights Watch 2014; Yengde 2019; Dubey and Murphy 2021; Wankhede 2021). Dr. B.R. Ambedkar, the architect of the Indian constitution and a member of the untouchable caste, regards scavenging as an age-old practice that perpetuates discrimination. He traced manual scavenging dated back to the year 600.B.C. (Shyamalkar, 1984). B.R. Ambedkar's seminal work demonstrated that ancient Hindu texts, including the Naradasamhita and the Manusmriti, played a pivotal role in the establishment of a system where individuals belonging to the untouchable caste were compelled to do a wide range of tasks deemed "polluting," equivalent to conditions of slavery.

In Manusmriti, Manu opines that there is segregation of specific classes of people based on the assignment of specific duties to them. Elucidating this, he suggests that their originations can be resonated with different parts of the body of Brahma namely, Sudras originated from the feet, Vaishyas from the thighs, Kshatriyas from the arms, and Brahmans from the mouth of the creator (Macdonald, 1881). Varnashrama Dharma is a social hierarchy or caste system. In the first stage, there are hardly any responsibilities, and the person is only fit for duty (Douglas, 1966). This stage is represented by the Sudra caste where their virtues are obedience and reverence. The individual in the second stage must carry out only ordinary business and household responsibilities that stand for Vaishya. The third stage guides national responsibilities which

represents Kshatriya, and the last stage is becoming rich in wisdom which stands for Brahmin. It is essential for the Shudra to not ignore their duties and serve the other three castes submissively. Also, the caste of a person can be relinquished if they adopt some other duty unless they are pressured to do so under inevitable circumstances.

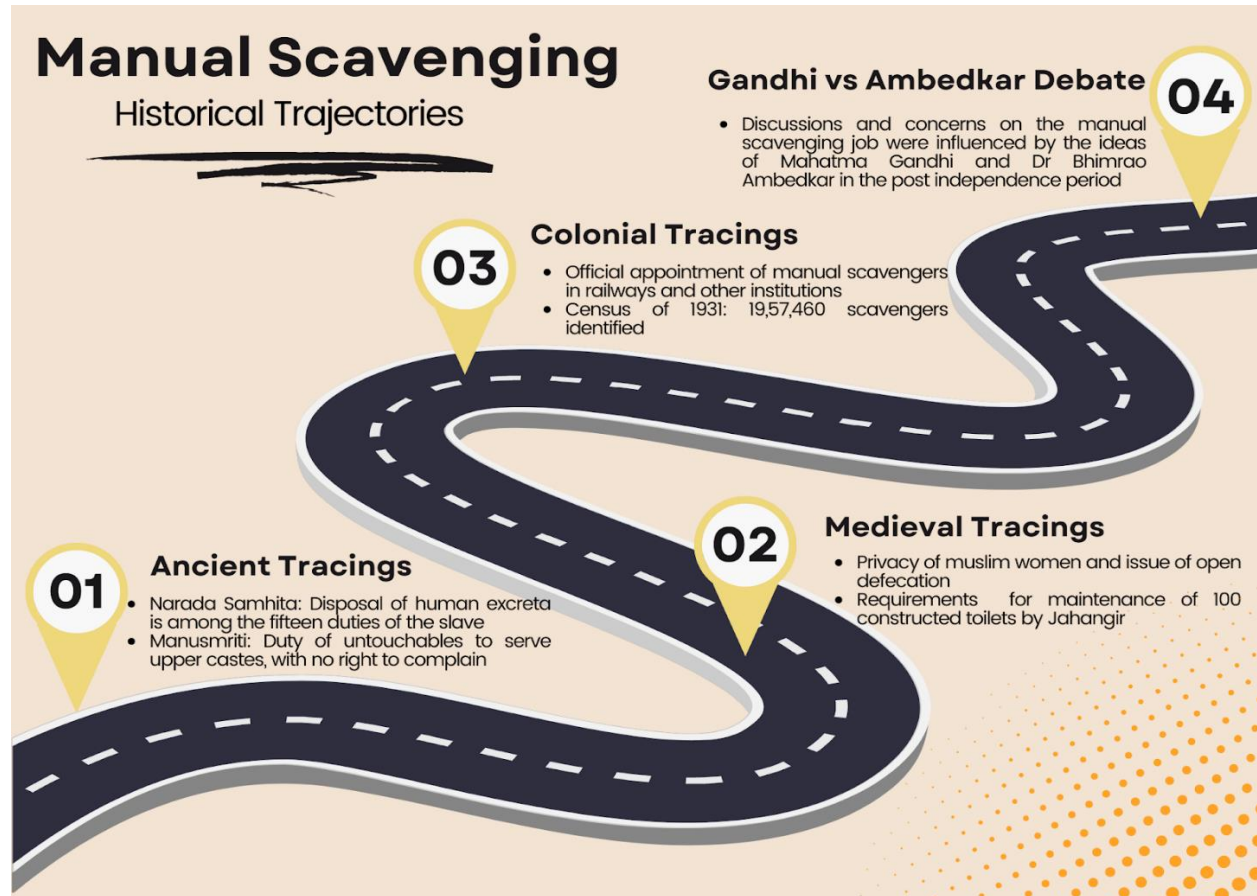


Figure 01: Historical trajectory of manual scavenging from ancient to colonial period

The Manusmriti delineates the obligation of those belonging to the untouchable caste to provide service to those of higher castes, without having the right to voice complaints. The same traces have been found in Narada Samhita that highlight the responsibilities to dispose of human excreta as one of the fifteen responsibilities of the slave (Olivelle & Olivelle, 2005). The land to construct their houses was given to the manual scavengers in return for their services, and if they refused, their land may be confiscated by the forward community. (Ambedkar, 1989). The manual scavenging profession existed in India throughout the Maurya era as well. One of the five ancient towns at the time was Pataliputra (now Patna in Bihar), and sweepers and scavengers were present there to clean up and get rid of the city's night soils. Nagrak, the mayor, was responsible for managing the city's civic affairs (Pathak, 1991, p. 37). During the later Vedic era, individuals belonging to the Shudra varna were subjected to a subservient position and compelled to engage in tasks of a menial kind. During the Buddha's lifetime, the names Paulkush and Chandals were also

prevalent. Megasthenes provided an in-depth analysis of Patliputra's municipal administration, claiming that six boards were often used to carry out different duties. The occupation that is often associated with human excreta is mostly carried out by individuals belonging to the Dalit community. This phenomenon is seen among a certain sub-caste of Dalits, who are considered untouchable even by other minority groups as well. (Crooke, 1896).

4.2. Mediaeval Tracings

During the medieval era, Muslim kings had a significant role in the dissemination and establishment of Islamic culture in India. The Purdah system, which is practiced by Muslim women, is often identified as a contributing reason to the prevalence of manual scavenging (Singh, 2009). The lack of an adequate sanitation infrastructure compelled women to seek out secluded locations for defecation, hence necessitating the disposal of waste outside of their residences (Prashad, 2000). Individuals who engaged in scavenging activities inside Hindu communities also participated in scavenging within Muslim families. The Enquiry Committee on Scavengers, 1960, led by N. R. Malkani, argued that some families belonging to the untouchable caste in Hindu culture, such as the "Chandals" and "Malecchas," were drawn to the principles of equality found within Islam. Despite their adoption of the Islamic faith, they persisted in engaging in scavenging activities (Lok Sabha Secretariat, 2013). The individuals who embraced the Islamic faith and engaged in scavenging activities were often referred to as "Halalkhors," a term that conveys their reliance on morally upright and lawful ways of sustenance. As a king with a liberal disposition, Akbar espoused the notion of societal integration in India, referring to its inhabitants as "Mehtars", a term connoting goodness or improvement (Hall, 2009). Further traces have been found when Jahangir built a public lavatory at Alwar, 120 km from Delhi, for 100 houses in the year 1556 AD (Pankaj & Pandey, 2017).

Gadgil, along with several other scholars, provided support for this assertion and said that the issue of manual scavenging in India was further intensified as a result of extensive urbanisation, particularly during the Mughal and British colonial eras. It was also argued that these Dalit scavengers are the descendants of Rajputs who were captured during the war as shown by their possession of unique clan names that are also found within the Rajput community (Gadgil, 1952). According to a study produced by the Government of India in 1992, it was said that the practice of manual scavenging originated during the Mughal era. The cultural practices within Muslim societies placed significant importance on the isolation and privacy of women. Consequently, it became necessary to establish designated spaces for women to engage in bodily functions, such as defecation, in order to maintain their privacy (Alvi, 2013). This, in turn, led to the need of disposing of waste materials in locations apart from residential dwellings.

4.3. Colonial Tracings

During the British period, the administration established official positions/posts for manual scavenging at institutions of national significance, hence institutionalising and formalising this practice among the Dalit community. The entities included under this framework consist of municipalities, the military, railway systems, civil tribunals, and industrial establishments, which specifically engaged the services of individuals belonging to the Valmiki or Mehtar communities for this purpose. The Kolar gold fields, located in present-day Karnataka, were among the first sites to use dry latrines. In order to carry out the cleaning tasks, migrant scavengers from Andhra

Pradesh, who were of Telugu descent, were engaged in this inhumane profession (Ramaswamy, 2005a). During this period, J. H. Hutton calculated the total number of scavengers from all castes in India while conducting the survey for the 1931 census. In total, 19,57,460 scavengers were found out of which 9, 18,782 and 10, 38,678 belonged to the category of women and men respectively (Hutton, 1931).

Since the era of British colonial authority up to the present day, several individuals and groups have advocated for the eradication of manual scavenging. At the Bengal conference held by the Indian National Congress (INC) in 1901, M. K. Gandhi raised the issue of manual scavenging. Dr Ambedkar concurrently addressed the matter on another platform, denouncing it as being devoid of humanity. Therefore, the understanding about the plight of manual scavengers in post-colonial India cannot be completed without the understanding of Gandhi vs Ambedkar debate. Most of the discussions and concerns on the manual scavenging job were influenced by the ideas of Mahatma Gandhi and Dr Bhimrao Ambedkar in the post-independence period. Their debate opened the gate for discussion bringing this issue into the spotlight.

5. Gandhi vs Ambedkar Debate: An Influencing Factor

People in the Brahminical society have always been divided because they believed in the idea of purity and pollution. They treated half of their own race as "other" by using different rank systems to separate and humiliating them. (Chakraborty, 2020). Beginning in the early 1920s, Gandhi made a concerted effort to differentiate between varṇa and concepts like "caste system," "caste," and "untouchability," contending that the ideas and actions connected to the latter belonged in a completely redesigned varṇa template. Ambedkar, on the other hand, always interpreted varṇa as associated with the practices of caste. The main disagreement between Gandhi and Ambedkar about the significance of interfaith marriage and intermarriage in dismantling caste systems stemmed from this crucial lexical difference (Barua, 2019a) The debates between Gandhi and Ambedkar regarding caste and 'untouchability' reached a critical point in 1932 when the question of granting separate electorates to the 'untouchables' arose. This debate centred around whether the 'untouchables' should be considered an integral part of Hindu social structures or as a distinct socio-political group with their own identity (Barua, 2019b).

The word "Balmiki" and the practise of manual scavenging acquired a sacred and esteemed connotation when Gandhi gave upon it a positive classification, expressing his fondness for the pastime by remarking, "I love scavenging." In addition, he further extolled the merits of this occupation by establishing a comparison between the profession and a mother's nurturing of her child. According to his statement, a Bhangi assumes a societal position that may be compared to the nurturing and caring responsibilities often associated with a mother's relationship with her kid. The act of cleansing a newborn is performed by a mother in order to eliminate filth and promote the child's overall welfare. Similarly, the Bhangi community, via their cleaning work, assumes a vital function in the preservation and maintenance of the overall welfare of the whole community as written by Gandhi in Harijan magazine on 28th November 1936 (Ramaswamy, 2005b).

Gandhi used the non-violence method of "strike" throughout his career to further his causes. However, in case of manual scavengers, he opined that "a Bhangi should not abstain from his labour even for a single day." He was well aware of the possible repercussions that may happen in the event that the Bhangis launch a strike. So, in order to avoid such situations, he stated that "I do not view it as my obligation to educate Bhangis to seize their rights through the means of the western society. To gain prosperity in such manner is contrary to our dharma" as stated in *Navajivan* on 11th January 1925 (Ramaswamy, 2005, p.87). He believed if Bhangis even had a single day off from work, they may have time to contemplate on this filthy, cruel activity and may subsequently contest the hierarchical character of Hindu system. Gandhi decided to utilise religious adoration as a way of soothing Bhangis rather than including them in the Satyagraha campaign. (Gandhi in *Harijan*, 28/11/1936, as stated in Ramaswamy 2005: 92).

B. R. Ambedkar, a prominent figure in the history of the Dalit Movement, is widely recognised as a highly esteemed social activist who made significant contributions to the movement, which continues to flourish in contemporary times (Masuki, 2022a). Amidst the trajectory of the freedom struggle in the first decades of the twentieth century, Dr B.R. Ambedkar emerged as a significant leader representing the Dalit community. He strongly criticised Gandhi, characterising it as an act of cruelty in its approach to eliminating untouchability from society (Nakre, 1982/2014). Ambedkar strongly opposed Gandhi's liberal approach towards the manual scavengers in India. Dr Babasaheb Ambedkar vehemently asserted that rather than being celebrated, this vocation should be promptly prohibited. Dr Ambedkar advocated for an expeditious prohibition of manual scavenging and expressed the sentiment of "Bhangi Jharoo Choro" (Bhangi, Cease the Broom). In contrast to Gandhi's view of manual scavengers, Dr B.R. Ambedkar said that "In India, a person is not a scavenger because of his job but because of his caste, regardless of whether he actively engages in scavenging occupation or not."

Gandhi saw scavenging as a dignified occupation. He glorified the occupational aspect but denounced the discrimination of scavengers based on caste structure in India. In contrast, Ambedkar's approach sought to broaden the range of occupations available to Dalits, whom he saw as constrained by a systemic power structure that compelled them to participate in "hereditary" occupations in line with the hierarchical caste-based system in India. With a strong commitment to the well-being of all individuals, especially minority groups, he endeavoured to establish public infrastructure on a significant scale, as shown by his notable efforts in the water resource development project (Masuki, 2022b). Similarly, he established the necessary legislative framework to safeguard the rights of workers and minorities and encouraged these individuals to join organisations aimed at improving their employment situation and social standing.

6. Manual Scavenging in Post-Independence Period

In the post-independence period, the discourse and apprehensions surrounding manual scavenging were significantly shaped by the ideological contrasts between Mahatma Gandhi and Dr Bhimrao Ambedkar. The Constitution of India, in response to the efforts of Ambedkar, unequivocally proscribed and denounced the practise of untouchability in its many forms (*Constituent Assembly Debates Official Report*, 2014). The architects of the Constitution of India exhibited a collective and resolute comprehension of the crucial need to have a distinct legislation

addressing the issue of untouchability. The Indian constitution has included many specific clauses aimed at safeguarding and protecting the rights of manual scavengers throughout the country. Some of the provisions are included in the articles 14 (equal protection of the laws), article 16(2) (protection against discriminated on the basis of religion, race, caste, sex, descent, place of birth, residence or any of them), article 19(1)(a) (right to freedom of speech and expression), article 21 (Protection of Life and Personal Liberty), article 23 (Prohibition of Trafficking in Human Beings and Forced Labor), article 41 (secure the right to work, education and public assistance in certain cases such as unemployment, old age, sickness and disablement) and so on. In addition to the constitutional constraints, the government of India has established many committees tasked with delivering status updates on the matter of manual scavenging. The committees include the Barve committee (1949), Kaka Kalelkar commission (1953), Malkani committee (1960), Pandya committee (1969), and others.

The Barve Committee study proposed the elimination of customary rights for scavengers, citing two primary reasons. Firstly, it said that such rights hindered the recognition of the inherent indignity faced by scavengers. Secondly, it highlighted the negative impact of the monopoly on public sanitation, resulting in substandard sanitation work and therefore, unsanitary conditions (Government of Maharashtra, 1949). According to the findings of the Kaka Kalelkar Commission (1953), it was noted that the conditions faced by sweepers and scavengers were seen to be dehumanising. The Malkani Committee was established, with Professor N.R. Malkani serves as its chairperson, in order to assess the conditions related to scavenging. The committee was tasked with implementing strategies to eradicate the deplorable practice of scavengers transporting human excreta using buckets or baskets (Government of India, 1980). The Bhanu Prasad Pandya committee was formed to examine and evaluate the working and service conditions of sweepers and scavengers. The committee's primary recommendations emphasised the need for the Central Government to enact comprehensive legislation that would effectively regulate the working, service, and housing circumstances of individuals. Additionally, the law should have provisions for a robust inspection and enforcement mechanism to ensure compliance (National Commission on Labour, 1969).

The constitutional provision on the prohibition of untouchability, as well as the following legislation prohibiting manual scavenging, has been elaborated upon and enforced by legislative measures. Hence, the act of compelling an individual to participate in manual scavenging is considered a punishable offence in accordance with the stipulations delineated in the Protection of Civil Rights Act (1955). The implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act (1989) was driven by the need to confront the prevalence of systemic violence inflicted against individuals associated with the Dalit group. The first enactment of this legislation did not include the integration of manual scavenging under the purview of "atrocities". However, the issue was indirectly addressed with the implementation of a restriction on all forms of coercive or bonded work placed on those belonging to Scheduled Castes and Scheduled Tribes. Given the intrinsic characteristics of manual scavenging as a kind of bonded labour, it is justifiable to categorise it as a prosecutable offence within the scope of this statute. With the announcement of "The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993," the practice of manual scavenging explicitly became illegal in India.

The Parliamentary Standing Committee report on the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill, 2012 openly acknowledges the inadequacy of the legislation enacted in 1993 in successfully eliminating the practise of manual scavenging and the existence of unsanitary latrines throughout the nation. The aforementioned detrimental behaviours are inconsistent with the inherent right to live a life characterised by honour and integrity, as stipulated in Part III of the Constitution of India. The enactment of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act, 2013) was influenced by this circumstance, among other considerations. The MS Act of 2013 serves to streamline the eradication of unhygienic latrines and carries out a comprehensive assessment of manual scavengers, along with their subsequent reintegration into alternative occupations. Furthermore, the MS Act, 2013 enforces severe consequences, such as imprisonment and monetary sanctions, for the infringement of any stipulations and guidelines.

The court, including the High Courts and the Supreme Court of India, has constantly shown concern over the matter of manual scavengers on several times. From the time of India's independence till the year 2013, a minimum of 80 cases of manual scavenging have been brought to light in the High Courts and the Supreme Court of India. Among them, 78 cases have been closed and 2 are still open as of 2023 (Kahle & Kumbhale, 2023). The course of the 1993 Act serves as substantial evidence to exemplify the government's apathy and rejection of the issue. The legislation was enacted in the year 1993 and afterwards obtained the approval of the President in 1997. In the beginning, only five state governments provided their first endorsement for the legislation, while other states shown no inclination until the year 2005. Several state governments needed external pressure to enact and enforce the legislation inside their own borders. For instance, Delhi didn't officially recognise the 1993 Act until 2010, after the Supreme Court of India had given all states directions. Several states shown hesitancy, even after the orders of the Supreme Court of India on this matter (Singh, 2014). The courts have issued a range of interim orders pertaining to customary scavenging rights, the eradication of cruel practises, and the effective enforcement of the The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, among other matters.

The contribution of the non-governmental organizations is unforgettable while understanding the campaign against the prohibition of manual scavenging in India. The Safai Karmachari Andolan (SKA) sought judicial intervention because of the inadequate enforcement of legislation, along with the apathy shown by implementing authorities, in order to ensure the appropriate application of those laws. The *Safai Karmachari Andolan v Union of India* (SKA case)¹ has significant importance within this particular context due to the purposeful use of litigation to effectively accomplish their objectives. Their mission was to eliminate the practice of manual scavenging in India by introducing user- friendly Sulabh Sanchalaya toilets which used pour-flush technology. This campaign became a nationwide movement and helped to emancipate manual scavengers. NGOs like Gandhi Smarak Nidhi, Sulabh International, Harijan Sevak Sangh, Safai Vidyalaya Sabarmati Ashram, and Sulabh International have also played a significant role in improving the working and living conditions of scavengers in India, alongside the Government of India's extensive efforts.

The development of these scenarios also attracted the academicians to describe, report and assess the effect of these changes throughout India. The systematic study of manual

scavenging in the post-independence period started gaining popularity in the 1980s. Thinkers, activists and journalists like Bindeshwar Pathak (Road to Freedom- 1991), Dean Spears (Where India Goes- 2017), Bezawada Wilson (Founder of Safai Karmachari Andolan), Basha Singh (Adrishya Bharat – 2012), Harsh Mander (Unclean Occupation: Savaged by Tradition - 2003), Sikha Silliman Bhattacharjee (Cleaning Human Waste: Manual Scavenging, Caste and Discrimination in India - 2014), Sumit Saurabh Srivastava (Sulabh Sanitation in India - 2022) and so on, have conducted field studies to understand and evaluate the modern perspective of the situation of the manual scavengers in India. The central theme of the previous studies revolved around the issue of gender, caste and untouchability, the politics of identity, violence, human rights, dignity, social inclusion, technological solutions and issues of rehabilitation by prohibiting them from continuing this one of the most heinous and inhumane jobs in subhuman conditions. Apart from scholarly work, there are various documentaries available that provide visual evidence of caste-based discrimination across the states of India. The documentaries on manual scavenging include the creation of K. Stalin (Untouched India: Stories of the people apart & Lesser Humans), D. Bharati (Kakkoos) and so on.

7. Discussion

It is understood from the series of development that manual scavenging has been in the center of discussion since independence. Their exploitation and human rights issues in keeping with centuries-old feudal and caste-based custom have put them on the spotlight. But, from banning manual scavengers with the enactment of the 1993 Act to the idea of introducing rehabilitation of manual scavengers in India in MS Act 2013, closer inspection suggests that there is a gap between the promises inherent in the policy rhetoric and actual use in practice. The gap between policies and practices is yet to be bridged to uplift the manual scavengers in India. The first step towards implementing any policy is to identify the beneficiaries and their status. Unfortunately, the government's preliminary survey does not portray an accurate picture. The surveys which are restricted to urban big cities misrepresent the actual number of manual scavengers in India. The issue of manual scavengers is not limited to the urban problem in India. The sub-human condition of this community can be found in rural areas as well. Construction of toilets to make India open defecation have also contributed to the persistence of this occupation. Dry latrines (generally cleaned by scavengers) may still be found in private homes and public establishments in various regions of India, defying mandatory legal provisions and moral norms. Further migration of the manual scavengers towards urban areas in search of livelihood leave them undocumented.

The government's implementation of scavenger rehabilitation programmes has been inadequate. Despite the implementation of stringent laws, there is a notable dearth of empirical data indicating the occurrence of tangible actions being undertaken at the practical level. Based on the findings of the 57th Standing Committee of Social Justice and Empowerment for the period of 2017-2018, it was observed that no First Information Report (FIR) was registered for the year 2014. The National Crime Records Bureau Report of 2015 included a mere two legal cases originating from the state of Karnataka. According to statistics from the National Commission for Safai Karamcharis (NCSK) (2020) database, a total of 928 individuals engaged in manual scavenging activities tragically lost their life over the period spanning from 1993 to 31.03.2020

while doing this job. According to the Safai Karmachari Andolan, a total fatality could be much higher than the documented number. It is evident that the existing official statistics in India has significantly understated the count of manual scavengers who are employed and have lost their lives (Desai, 2020).

Furthermore, the implementation of legislation pertaining to their well-being has not been fully realised, as required. The continuing of exploitation of manual scavengers in India may be attributed, in part, to the inadequate supply of safety equipment and the absence of essential infrastructure such as sewer lines (Wallen & Townsley, 2022). In recent times, state governments have implemented the use of cleaning equipment to automate the process of cleaning sewage systems, with the aim of reducing the reliance on physical labour for this task. In order to optimise operating efficiency, it is important to allocate each equipment onto a vehicle that has dimensions similar to those of a pickup truck. The main responsibilities associated with this profession are using a mechanical claw to retrieve sediment, employing high-pressure water jets from a hose to dislodge blockages, and implementing rapid rod rotation to disturb the buildup of sludge inside the sewage system. However, it was observed that the current equipment lack the capability to effectively empty all the sewage pipelines inside the urban area. The equipment is unable to accommodate small roadways in Delhi. Due to this rationale, it is necessary to do manual cleaning of the sewer lines (Ahmad, 2021).

8. Conclusion

Therefore, in the present scenario, manual scavengers are facing a lot of issues in India. The first and foremost important thing is their recognition. It is important to identify all the manual scavengers throughout the nation. The government survey should not be limited to identifying the number but also include age, gender, education, religion, caste, occupation, marital status, family size, economic status, membership in social groups and participation in villages. The focus should also be emphasised on identifying physical vulnerability (which includes ill health, skin problem, and death), psychological vulnerability (which includes fear, stress and depression), social vulnerability (which includes stigma, violence and illiteracy), political vulnerability (which includes exclusion) and economic vulnerability (which includes poverty). For sustainable their sustainable development, it is important to focus on the scavenger's health betterment, social and economic improvement, and alternative occupation.

Manual scavengers share complex and definite relationships with their habitat and social surroundings. Given the present scenario and infrastructural settings, banning manual scavenging is not going to change the situation of manual scavengers in India. Still personnel will be required for clearing the blockages in sewer lines as the mechanisation process is not enough in India. India can learn from the developed countries like Germany and Singapore while addressing these concerns. It is also important to provide training the scavengers who are working in the mechanised process to reduce fatalities of sanitation workers in India. The human waste management should be mechanised and converted into an industry with profit motive. With effective training and mechanisation process, this approach could be beneficial for the manual scavengers in India and can provide sanitation-based entrepreneurship opportunities which is way better than their rehabilitation into petty jobs.

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