

**A DISGRACE TO DIGNITY: ANALYSING THE INDIAN LEGAL MODEL
AGAINST MANUAL SCAVENGING**

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Abstract

The Indian Constitution, an organic document recognizes and accommodates the country's diversity and assures dignity to an individual. Human rights are recognized (Art.14, 16(2), 17, 19(1)(a), 21). However, the existence of ascribed Caste System in India has led various castes to be exterior and an outsider to the traditional Indian society. These are the castes of Manual Scavengers who prima-facie belong to the Dalit castes and are forced to take up the hereditary occupation of Manual Scavenging, and as a result, face social exclusion. However, the Indian Apex Court in 2013 called this practice as inhumane and gave directions for rehabilitation. The inherent bottlenecks of the Act of 2013 which bans Manual Scavenging are discussed; recommendations of methods substituting scavenging with technological machinery and how the Media could be a stakeholder in changing people's attitude towards Scavengers is suggested.

Key words: Manual Scavenging; Dignity; Low-cost Sanitation; Sanitation Engineering; Liberation of Scavengers.

Introduction

The multifaceted Indian society provides variety in each aspect of its social life. The diversities of the land in ethnicity, language, caste, religion, region and much more crosscut the Indian milieu. Country's democratic system and rapid economic explosion over the years has led to vast infrastructural and scientific advancement with successful Indian projects like the much-applauded Moon and Mars missions, with the later in news for it being cheaper than a cost of a Hollywood film. Having the world's bulkiest constitution which is an organic document we have provided ourselves with political and institutional measures which recognize and accommodates the country's diversity. The law of the land assures dignity to every individual, same being recognized by its Preamble. The constitution specifically recognizes several essential human rights, recognized under Part III and IV of the Indian constitution respectively as Fundamental Rights and Directive Principles of State Policy. However, the shackles of the ascribed caste system still prevail, leading various castes to be exterior and an outsider to the traditional Indian society. The magnificence of the law and the power of the state have still not been capable to blow out the ignominious legacy of

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millennial, a practice called “manual scavenging”¹. These communities of Manual scavengers prima facie belong to Dalit Castes and are forced to take up the hereditary occupation of Manual Scavenging, and as a result, face social exclusion. The shackles of caste and prejudice do not allow the scavengers with an alternate job even when they desire to opt-out making it gloomier.

Meaning of Manual Scavenging

Manual scavenging implies to the practice of hand-operated cleansing, carrying, disposing or touching in any mode, human excreta from dry latrines and sewers.² Across India, manual scavenging could be seen in its allied forms are openly prevalent, defined as a "cultural occupation" attached to a few so-called lower castes.³ It involves using the most basic tools such as vessel/buckets, brooms and handbasket. Manual scavengers are amongst the hapless and most deprived communities in India.⁴ The International Labour Organization (ILO) separates 3 forms of manual scavenging: “Removal of human excrement from public streets and dry latrines; Cleaning septic tanks; Cleaning gutters and sewers”⁵. This line of work is dangerous, insecure, unhygienic, undignified & humiliating and above all, lawfully prohibited by the Parliament of India a few years ago⁶, with the elaborate definition of Manual Scavenging defined in The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.⁷

Influence of Caste on Practice of Manual Scavenging

Manual scavenging is a socio-economic problem that plagues the structure of a liberal society.⁸ The Hindu beliefs of “purity and pollution”, linked with the caste system and the practice of untouchability, underlie the unsanitary practices in Indian society. These beliefs continue to uphold the oppression of the "polluted castes," who are involuntarily made to undertake manual scavenging, unclog manholes and clean other people's filth. The accessibility of cheap Dalit labour to do these dehumanizing tasks can be credited as one of the reasons as to why the development of toilet facilities and contemporary waste management and sewage management systems have been

1 Harsh Mander, *Resource Handbook for Ending Manual Scavenging* (International Labour Organisation, ILO DWT for South Asia and ILO Country Office for India, New Delhi, ILO, 2014) available at: <http://www.dalits.nl/pdf/ResourceHandbookForEndingManualScavenging.pdf>

2 Shikha Garg, “From discrimination to rehabilitation” 6 *Indian Journal of Applied Research* 516 (2016).

3 Kanthi Swaroop, “India's manual scavengers: Ugly Truths of Unsanitary Sanitation Work an Open Secret, Law Needs Better Enforcement” *Firstpost*, March 09, 2020.

4 *Supra* note 2.

5 The Plight of Manual Scavengers in India, available at: <https://blog.forumias.com/article/the-plight-of-manual-scavengers-in-india> (last visited on 25 February 2020).

6 *Supra* note 3.

7 Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Act 25 of 2013), S.2(1)(g). manual scavenger means a person engaged or employed, at the commencement of this 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 unsanitary 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 space 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.

8 Akhil Maya Sachan, “Manual Scavenging Is A Caste And Gender-Based Oppression That Needs To Be Abolished” *Youth Ki Awaaz*, 4 Jan 2019, available at: <https://www.youthkiawaaz.com/2019/01/manual-scavenging-is-a-caste-and-gender-based-oppression-it-needs-to-be-abolished/>

neglected so far.⁹ The consequences of the caste system on these scavengers are such vicious that even when these workers try to change their economic and social status by changes in the occupation they are forced to return to the initial work of manual scavenging due to social boycott and lack of assistance from both government and private agencies.¹⁰ This continuity of constituted caste inequalities is bedded with gender discrimination as women are vulnerable and defenceless to discrimination and exploitation. Thus, “women usually clean dry toilets, men and women clean excrement from open defecation sites, gutters, and drains, and men are called upon to do the more physically demanding work of cleaning sewers and septic tanks”.¹¹ Their caste-designated occupation reinforces the social stigma that they are unclean or “untouchable” and carry on to uphold the widespread discrimination.¹² The members of a particular community would continue to engage in occupations of their ancestors, a far cry from any modern-day notion of decent employment.¹³ This has become a “caste-based custom” perpetrated by an extremely unequal society and manual scavenging has become a hindrance to social justice and progress.¹⁴ To render in the words of Dr B.R. Ambedkar “*we are not scavengers because we are poor, weak or illiterate; or because we have chosen to be scavengers. It is because somebody else has made us scavengers*”¹⁵.

Devising an Enslaved Community of Manual Scavengers

Handling human excreta is not voluntary employment, but a form of slavery sanctioned and imposed through an exploitative and inhuman caste system¹⁶ based on compulsive and hereditary nature of work. The Copenhagen-based International Dalit Solidarity Network has called manual scavenging, a “caste-based and hereditary occupation form of slavery”¹⁷. Paid less than a minimum wage, manual scavengers are often forced to borrow money from their higher-caste employers, leading to debt bondage¹⁸. Manual scavengers' 'employers' often behave as if they have property rights over the workers, which fits the legal description of slavery.¹⁹ This implies that even according to the internationally accepted legal definition, manual scavenging can be classified as a form of slavery – the 1926 Slavery Convention defined slavery.²⁰ A 2014 report on manual scavenging by

9 Subhash Gatade, “Understanding Swachh Bharat Abhiyan, Silencing Caste, Sanitising Oppression”, 50 *Economic and Political Weekly* 44 (2015).

10 Rajeev Kumar Singh, Ziyauddin, “Manual Scavenging as a Social Exclusion: A case Study” 44 *Economic and Political Weekly* 26 (2009).

11 Shikha Silliman Bhattacharjee, *Cleaning Human Waste: Manual Scavenging, Caste, and Discrimination in India*, (Human Rights Watch, India, 2014) available at: <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india>

12 *Ibid.*

13B Siddaramu, “Liberation and Rehabilitation of Manual Scavengers” 1 *International Journal of Research in Humanities, Arts and Literature* 29 (2013).

14 *Ibid.*

15 B.R Ambedkar, *What Congress & Gandhi Have Done to the Untouchables*, (Gautam Book Centre, Delhi 1st edn., 1945).

16 *Supra* note 15.

17 Rina Chandran, “India's female scavengers enslaved by caste, gender discrimination”, *Reuters*, 3 March 2016, available at: <https://www.reuters.com/article/us-india-scavenging-women/indias-female-scavengers-enslaved-by-caste-gender-discrimination-idUSKCN0W503U>

18 *Ibid.*

19 Nitin Kumar Agarwal. “India Should Recognise That Manual Scavenging Is Akin to Slavery” , *The Wire* , 18 July 2018.

20 The Slavery Convention, 1953, Art. 1. The status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised.

Human Rights Watch, states, “The manual carrying of human excreta is not a form of employment, but an injustice akin to slavery.”²¹ In the case of manual scavenging, people from Dalit castes are forced to submit to the systemic and structural forces. Even if these threats are not always visible at the outset, they still exist at the structural level, at the interpersonal level and also at the level of state²². Even when their lives are at stake, the multilevel structural domination ensures that they have no option but to continue working.²³ Hence, one of modern India’s great shames is the official failure to eradicate ‘manual scavenging’²⁴, the worst surviving symbol of untouchability in the country²⁵.

Manual Scavenging: A Violation of Human Dignity

The Indian constitution aims at assuring dignity of an individual which is the part and parcel of right to life recognized under part III of Indian constitution²⁶. The Courts have held human dignity to be the most crucial, cardinal, inviolable and transcendental of rights. Oxford dictionary defines dignity as a fact of being given honor and respect by people. It is essence of your own importance and value.²⁷ The apex court of India has acknowledged that the constitutional protection of human dignity requires us to acknowledge the value and worth of all individuals a members of our society.²⁸ That life is not simply life, physical act of breathing and does not mean mere animal existence it has much wider meaning which included right to live with human dignity.²⁹ As stated by justice J.S Verma, that right to life is a basic human right, the law merely recognized an inherent right and is not its source. Thus, very core of the worlds human rights system of governance is human dignity.³⁰ The supreme court has observed that sending people for cleaning manholes is similar to sending them to die in gas chambers and is an inhumane work and violation of the dignity of the scavenger. That not providing the manual scavenger with adequate protective gear is violation of his right to life and is an inhumane treatment at work with the laborer³¹. It is pertinent to note that Article 21 embarks that right to life does not mean mere existence, but life with dignity and the state has drastically failed to even provide safety to human life, let alone life with dignity. The unprotected and inhumane working conditions and works that manual scavengers are subjected to is contrary to the ideals in our Constitution. The numerous deaths, many of which are not even officially recorded threatens Articles 14, 17, 21 of the Constitution of India and Directive Principles of State Policy.

21 *Supra* note 13.

22 *Ibid*.

23 *Supra* note 21.

24 Harsh Mander, “India's Great Shame”, *The Hindu* 22 June 2016.

25 Swapnil Tripathi, “The Dignity and Rights of Manual Scavengers in India” *OHRH Blog*, 14 October 2017, available at: <http://ohrh.law.ox.ac.uk/the-dignity-and-rights-of-manual-scavengers-in-india>

26 The Constitution of India, Art.21.

27 Dignity, available at: https://www.oxfordlearnersdictionaries.com/definition/american_english/dignity

28 *Naz foundation v. govt of NCT Delhi & ors*, 160 DLT 277.

29 *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

30 Human Rights-The Essence of Constitutional Governance, available at: <https://nhrc.nic.in/press-release/human-rights-essence-constitutional-governance>

31 Nowhere are people sent to gas chambers to die: SC on manual scavenging, available at: <https://www.tribuneindia.com/news/archive/nation/nowhere-are-people-sent-to-gas-chambers-to-die-sc-on-manual-scavenging-834520>

Unless there is an accountability on the municipal commissions and the private contractors, the owner of the premises is fixed, the unprecedented deaths will continue its course.³²

Work Conditions of Manual Scavengers

The Manual Scavengers are subjected to inhuman working conditions by being exposed to diseased sewages and pits; wherein the said scavengers are forced to work without any protective gears. The aforementioned unsafe working conditions result in either the manual scavengers contracting chronic or acute diseases or suffering injuries, for which no medical-care facilities are in place; or may result in the untimely death of the manual scavengers, wherein in majority of the cases even compensation by the concerned State is not awarded to the next of kin.³³ Manual scavenging can have severe health consequences, including constant nausea and headaches, respiratory and skin diseases, diarrhea, vomiting, jaundice and carbon monoxide poisoning due to exposure to human excreta and harmful gases such as H₂S and methane.³⁴ The work tends to be the worst paid which may be a very small amount and many times there is no payment in cash, and they may be provided with food or other things. Low pay adds to their social stigma. Further, they also suffer from under-nutrition and cannot avail of adequate preventive or curative health services.³⁵

Legal Framework against Manual Scavenging

Constitutional Framework: The direct provisions prohibiting the practice of manual scavenging are Articles 17, 21, 19(1)(a), 16(2), 23; i.e, abolition of untouchability, right to life inclusive of human dignity, right to choose a profession of choice, and equal opportunity of employment in public employment and prohibition of forced labour respectively. The other provisions which aim at ending this practice are Article 14, 15, 41, 42, 46, 47, 338.

Provisions at global level: Starting in 1980s Dalit activists explained caste-based discrimination and violence as a human rights issue.³⁶ Then caste-based discrimination was recognized as a form of racial discrimination³⁷. The supreme court in 2014 recognized that Manual Scavenging is prohibited under international instruments like UDHR, ICERD, CEDAW³⁸ During India's most recent review for compliance with the ICESCR, ICERD, and the CRC, the Committee on Economic, Social and

32 Criminal Justice Society of India v. UOI & Ors. (Manual Scavengers), available at: https://www.livelaw.in/pdf_upload/pdf_upload-357321.pdf

33 Ibid.

34 Supra note 5

35 Ibid.

36 Clifford Bob, "Dalit Rights are Human Rights: Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue" 29 Human Rights Quarterly 167 (2007).

37 Committee on the Elimination of Racial Discrimination, Concluding Observations of the Committee on the Elimination of Racial Discrimination: India, CERD/C/304/Add.13 (September 17, 1996), available at:

http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2F304%2FAdd.13&Lang=en

38 *Safai Karmachari Andolan & Ors. v Union of India & Ors*, 2014(4) SCALE 165.

Cultural Rights (ESCR Committee)³⁹, Committee on the Elimination of Racial Discrimination (CERD Committee),⁴⁰ and the Committee on the Rights of the Child (CRC Committee)⁴¹ all issued concluding observations calling upon India to end manual scavenging. Other United Nations agencies and international human rights bodies have also addressed manual scavenging, these are UNICEF, WHO, UNDP, ILO⁴².

National Legislation: The legislature has enacted several enactments for the upliftment of the schedule class including manual scavengers. The two major instruments are:

- **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993** provides for the prohibition of employment of manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water sealed latrines and matters connected therewith and was replaced by the PMSR Act, 2013.⁴³
- **The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013** The 2013 Act not only prohibits dry latrines, but also outlaws all manual cleaning of excrement as well as cleaning gutters, sewers, and septic tanks without protective gear⁴⁴. The 2013 Act recognizes obligations to correct historical injustices suffered by manual scavengers and their families by providing alternate livelihood support and other assistance⁴⁵. In particular, the 2013 Act entitles individuals who have been engaged as manual scavengers to one-time cash assistance, scholarships for their children, housing, alternative livelihood support, and other legal and programmatic assistance.⁴⁶

Endorsing these rehabilitative elements, the 2014 Supreme Court Judgment in *Safai Karmachari Andolan v. Union of India* directs that all persons included in the final list of manual scavengers be rehabilitated “in accordance with these provisions.”⁴⁷

Government has also provided resources to make sanitation modern, few of national schemes are: “Sulabh Shauchalaya Scheme (1974), Integrated Low-Cost Sanitation Scheme (1981), Nirmal Bharat Abhiyan (2009) and recently the Swacch Bharat Abhiyaan (2014)” are some of the examples⁴⁸.

Judicial Intervention: *Safai Karamchari Andolan v. Union of India*⁴⁹ The Apex Court acknowledged the menace of manual scavenging in India as an inhuman, degrading and undignified

39 Consideration of Reports Submitted by State Parties Under Articles 16 and 17 of the Covenant, *Concluding Observations of the Committee on Economic, Social and Cultural Rights, India*, E/C.12/IND/CO/5, May 2008, available at: www.ohchr.org/english/bodies/cescr/docs/co/E.C.12.IND.CO.5.doc (last visited on 28 February 2020).

40 *Conclusions and recommendations of the Committee on the Elimination of Racial Discrimination, India*, U.N. Doc. CERD/C/IND/CO/19, May 5, 2007, available at: <http://www1.umn.edu/humanrts/country/india2007.html>

41 Committee on the Rights of the Child, “Concluding Observations of the Committee on the Rights of the Child, India, U.N.Doc.CRC/C/15/Add.228, February 26, 2004, <http://www1.umn.edu/humanrts/crc/india2004.html>

42 *Supra* note 13.

43 *Ibid.*

44 *Supra* note 7, sec.2(g).

45 *Id.*, chap. iv.

46 *Id.*, sec.11,12.

47 2014(4) SCALE 165.

48 Abhishek Gupta, “Manual Scavenging: A Case of Denied Rights” Summer Issue *ILI Law Review* (2016).

profession⁵⁰ If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers, will need to include: (a) Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased. (b) Railways – should take time bound strategy to end manual scavenging on the tracks. (c) Provide support for dignified livelihood to Safai Karamchari women in accordance with their choice of livelihood schemes, Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation. Rehabilitation to be based on the rule of righteousness and modification.

*Delhi Jal Board v. National Campaign for Dignity & Rights of Sewerage & Allied Workers*⁵¹: The Supreme Court passed a turning point judgment highlighting the apathy of the deprived sections of the society, especially the sewage workers, who jeopardize their lives by going down the drainage without any safety equipment, who have been deprived of fundamental rights to equality, life and liberty for last more than six decades⁵² The Supreme Court also criticized the government and the state apparatus on being insensitive to the safety of those who are, on account of sheer poverty, compelled to work under most unfavorable conditions of being deprived of their life.⁵³ The court directed to pay higher compensation to the families of the deceased, and directed civic bodies to assure immediate confirmation of orders passed by the Delhi High Court for securing safety and security of the sewage workers.⁵⁴

Implementation Bottlenecks in the Legal and Social Framework against Manual Scavenging

Insufficient Definition: The Act of 2013 provides to ban manual scavenging, but the definition of Insanitary Latrine provided in the act does not include the water flush latrine of the Indian railways.⁵⁵ Now irony being here is the Indian railways is responsible for employment of maximum number of manual scavengers in the country⁵⁶. Another loophole is that when such cleaning of septic tank or a sewer is concerned, or other cleaning of excreta is concerned and if such cleaning is done with the help of protective gear, it will not mean to be manual scavenging. Neither does it defines what exactly does it mean by protective gear. Thus, we can identify that this act does not completely ban manual scavenging but only regulates this occupation with certain exceptions where the government finds apt to violate human dignity, said to be one of the objectives of the act.⁵⁷

Liability of contractors: as the act does not provide a definition of protective gear the Private contractors usually take advantage of this loophole and do not provide any gear while making

49 2014 (4) SCALE 165.

50 *Id.* para 14.

51 2011 (8) SCC 568.

52 *Supra* note 50.

53 *Supra* note 51., Supreme Court emphasized the importance of the petitions filed pro bono publico for protection of the rights of less fortunate and vulnerable sections of the society

54 *Ibid.*

55 *Supra* note 7, s. 2(1)(e).

56 Here is why Manual Scavenging Continues (II) Legally in India, available at: www.youthkiawaaz.com/2017/03/cost-of-cleaning-your-mess/

57 *Ibid.*

private workers clean sewage pits and septic tanks.⁵⁸ These contractors also does not keep any register of rolls for these scavengers which help them to easily escape the provisions of the act. Generally, these sewer cleaners are hired on daily basis wage. In case a human has to be put inside a sewer, Safai Karamchari Andolan's Bezwada Wilson stated that at least protective gear such as gloves, masks and shoes must be provided. A doctor must be kept at hand, as well as an ambulance in case of emergency. However, none of these measures is usually taken.⁵⁹

Details on protective gear: there is no details provided about protective gear in the act. The list of protective gear is provided in the rules which lists for 44 safety tools. However, when provided only a minimum protective gear is provided to scavengers like gloves and boots and masks. The masks provided generally are low-cost masks which are suffocating to scavengers and not apt for work. The boots provided to tank cleaners are usually large in size and provided only once in 5 years and not at all comfortable while entering septic tanks and sewers⁶⁰. The boots generally fill up with sludge once the cleaner enters in the septic tanks. The contractors generally provide only cheap quality protective gear to save costs at the costs of human life⁶¹.

Insufficient Data on Manual Scavengers: The data provided reflects a disproportionately low number of manual scavengers, in comparison to the number of insanitary latrines. For instance, as per the National Safai Karamchari Finance and Development Corporation's 20th Annual Report (2016-2017) there are 26 lakh insanitary latrines in the country, of which 13.29 lakh are in urban areas and 12.71 lakh in rural areas. The report states that as of 31st March 2017, 12,742 manual scavengers have been identified in 13 states, which is *prima facie* disproportionate. It is inconceivable that 13,000 manual scavengers can excavate 26 lakh insanitary latrines.⁶²

Recruitment Process of Sewer Cleaners: A documentary made on Manual scavenging titled "Kakkoos" provides that when a person is hired as manual scavenger to clean septic tanks and manholes or sewers then the prospective candidates for the job are asked to enter the manhole and then asked to hold their breathe inside the septic tank. The one who holds it for the longest time is hired. This process in itself is violation of human dignity and is sheer discrimination and inhumane.⁶³

Employment of Manual Scavengers by Indian Railways: The Indian Railways, a government agency, is the biggest employer of manual scavengers in the country. However, the manual scavengers are not on the government payroll. India's rail coaches have toilets that drop excreta straightaway on the railway track. This waste is then cleaned by the manual scavengers who are employed by contractors who have tendered in the lowest price. The fact of the matter is that if a banned activity is practiced in upon by the largest government entity in India then it's practice in other strata of Indian society will be rampant⁶⁴.

58 Manual Scavenging is Illegal in India. Then How are There 7 Lakh 'Foot Soldiers of Swachh Bharat'?, available at: <https://www.news18.com/news/buzz/manual-scavenging-is-illegal-in-india-then-hows-there-7-lakh-foot-soldiers-of-swachh-bharat-1898891.html>

59 *Ibid.*

60 Left Side Media Center, *Kakkoos, Documentary Film: The Unknown and Untold Story of Manual Scavengers*, 2017, available at: <https://www.youtube.com/watch?v=-UYWRoHUpkU>

61 *Ibid.*

62 Review of Data on Survey and Identification of Manual Scavengers, available at: <https://clpr.org.in/blog/review-of-data-on-survey-and-identification-of-manual-scavengers/>

63 *Supra* note 60.

64 Hency Thakar, "Manual Scavenging: A Law Without Enforcement", February *The CSR Journal* (2020), available at: <https://thecsjournal.in/manual-scavenging-a-law-without-enforcement/>

Treating Manual Scavenging as an Occupational Hazard: Manual scavenging is not an occupational hazard but a stigma and just providing scavengers with machinery will not liberate them and will neither abolish Manual Scavenging. The liberation would be caused by rehabilitation to jobs which are not related to sanitation this work not only includes risk of life but more importantly an insult to the scavengers being.⁶⁵

Conclusion: Recommendations and Suggestions

Manual scavenging is a social stigma and violates the idea of social justice. Removing hazard from the work of a manual scavenger does not make it a dignified profession for him. It is important to look at this practice as a social issue and not sanitation problem and as something which is against the ideals of Indian constitution. Some of the measures to improve the condition of scavengers and ultimately abolition of this practice are suggested below:

1. The faulty definitions in the Act of 2013 shall be amended to fully achieve the objective of the legislation which calls for the abolition of manual scavenging and not regulation. The faulty definitions in itself provide for exemption where manual scavenging could be allowed thus it allows for the violation of dignity, slavery and discrimination. Such amendments are to be made as soon as possible.
2. Sanitation models are to be implemented in various district and regions which requires a relative evaluation of manual scavenging in various states which will depend on the capability of states according to their financial, political and social condition. Economically weaker regions can aim for low-cost sanitation schemes while financially sufficient areas will use sanitation facilities which are more advanced in nature. Thus, substituting humans with machinery is very important and for this, the enforcement agencies could collaborate with universities and research institutions which aim at making homemade sanitation equipment at low costs. The state should also aim to provide for inventions of equipment based on sanitation engineering. Educational fairs could be called for to promote and recognizing such devices and machinery and these inventions could be attached to the Make in India Scheme to make Indian sanitation fully automatic and scientific.
3. The railways should adopt the model of bio-toilets that the excreta do not fall on the ground and is collected in dump boxes which could be disposed of later and created into manure. The model is only working on a few trains at present.
4. Livelihood schemes could be started by the enforcement agencies at the behest of the state where the rehabilitated scavengers can work on their skills to find a new occupation. Their skills shall be identified and a number of vocational skills could be provided at low cost and these workers be provided with one-time investment for a startup of small business and monthly maintenance could be provided in running the startups. The women scavengers could be attached to self-help groups and be attached to those with identical and similar skills. The rehabilitation schemes for manual scavengers could also be attached to MNREGA so that till the time the person does not get a new job he could get economic aid through employment guarantee scheme.

65 Machines will clean manholes, not the stigma attached to manual scavengers, *available at:* https://roundtableindia.co.in/index.php?option=com_content&view=article&id=9486:machines-will-clean-manholes-not-stigma-attached-with-manual-scavengers&catid=119:feature&Itemid=132

5. Helpline centers with collaborations with NGOs could be started where manual scavengers could approach for their rehabilitation and complaints in case of violations of the provisions of the legislation could be made. Telephonic helplines could also be made which is accessible to common man in-case one wish to complain against manual scavenging taking place around.
6. Media could be a major stakeholder in the implementation of the ban on manual scavenging by showing ads on TV and other electronic media by broadcasting the helplines numbers, the rehabilitation schemes, a penalty in case of violation etc, These ads should be broadcast on TV frequently and at places like movie halls.
7. The main opinion is about the liberation of these scavengers which could only be done by their rehabilitation to other jobs and not sanitation jobs and ultimately leading to the elimination of this practice. Rehabilitation will need not only the substitution of machinery and technology for scavenging but is only the first step for rehabilitation. The aim has to be for keeping accountability that no person returns back to their old profession and thus it would be possible only by a due recognition of the dignity and not sympathy for which annihilation of caste is very important. Thus the occupation shall be seen as a social problem and not a sanitation issue with only health hazards.

Banning manual scavenging intends to break the internalized ideology of exploitation and to provide manual scavengers with their due share of respect and honour. This internalized concept could only be broken when shackles of caste are broken and this is practice is no more seen as a job to earn bread, for this, making legal policies are just the first step of the ladder. When we give more focus and value to human life and dignity, the end result will be social justice similar to the one visioned by Dr BR Ambedkar and interpreting the correct version of "*Bhangi Jhaddu Choro*"