



A Study of Human Rights Violation of Scavengers in India

Umesh A. Gogadiya,

Assistant Professor

School of Social Sciences,

KBC North Maharashtra University, Jalgaon (IND)

Abstract: *Socially, Bhangis are lepers, and economically, they are worse than slaves. Religiously, they are also barred from entering what we call the "house of God" - M. K. Gandhi. The practise of manually cleaning and disposing of human excreta from dry latrines and sewers is known as "manual scavenging". This research discusses the cruel practise of manual scavenging and how it is the biggest human rights violation issue in India. Manual scavenging is linked to the Indian caste system because lower castes were expected to do such work. But this study showed that even the very poor and needy people of other castes have reluctantly accepted this profession. Current research analyses the social, economic, educational, and health status of scavengers in India. The main objective of this study is to shed light on human rights violations of scavengers in India as well as discuss the problems of the scavengers with the measures taken by the government and the judiciary. In this study, the Acts of 1993 and 2013 regarding prohibition manual scavenging and its implementation have been discussed in depth and found no major provisions were made in the new law (2013) as compared to the previous law (1993). Its causes to increase scavengers' human rights violations. The rights given to scavengers by the Constitution of India and how they are being violated have been elaborated. The present study has gone through the analytical research method, and secondary data has been mainly used to carry out this research. For the formulating problem, three major objectives have been defined as well as collected data from various fourteen trusted sources, and a total of eight scientific conclusions with five useful suggestions have been made in this research, which will be suggestive and supportive for policy formation on Preventing Scavengers Human Rights Violation in India.*

Key Words: *Manual Scavenging, Scavengers, Human Rights in India, Bhangi, Urban Community.*

1. INTRODUCTION:

India is a democratic country. In a democracy, the majority is dominant, but it is necessary to check whether the existence of the minority is threatened by such a majority. The Constitution of India has given equal rights to all citizens, but still some sections of society are deprived of those rights due to socio-economical and educational gaps. So, rather than making empty declarations of rights, it is important to see whether every citizen of the country is getting his minimum rights to live as a human being. Through the present study, a detailed consideration has been given as to whether or not human rights have reached to the last man scavengers in India. In India, the practise of Manual Scavenging was first banned in 1993. After that, in 2013, it was completely banned by making a law. However, even today, the custom of manual scavenging is still present in society. It is clearly mentioned in the Manual Scavenging Act 2013 that "sending any person into the sewer is prohibited, but in an emergency situation, the sanitation worker is sent inside the sewer, then he has to follow 27 types of rules." Due to the continuous violation of these rules, daily workers are killed during sewer cleaning. Millions of scavengers in India are forced to work in conditions that endanger their health and lives. Due to their poor socio-economic condition as well as the failure of their system. According to the Social Justice & Empowerment Ministry of India Since 1993, a total of 971 people have lost their lives while cleaning sewers or septic tanks. They are an integral and important part of society who do their work without any special tools, security or legal rights, which is clearly a violation of their dignity and human rights. Therefore, it is necessary to carefully study this burning issue.

Importance and Objectives of the Study:

The present study will be very useful in evaluating the progress of human rights in India. Also, the socio-economic status of the scavengers in India will be known. This study focused on many problems of the scavengers in India and also what efforts have been made for the scavengers in India and their success or failure has been analysed through the present study. This study will not only discuss the human rights of scavengers but also give suggestions to those concerned about taking positive measures, so this study will be very useful and important about the human rights



of scavengers in India. Considering the nature of the problem and the scope of the subject, the following objectives have been formulated:

- To understand the concept of human rights and scavengers and identify their issues.
- To know about the socio-economic status of the scavengers in India and how their human rights are being violated.
- To review the human rights efforts of scavengers in India and assess their success.

In addition to the above objectives, analytical research methods have been used for the formulating of research problems in the present study, and secondary data has been mainly used to conduct this research.

Conceptual Idea and Nature of Problem:

What is manual scavenging and who are the scavengers? That is a big question for every common man because most of these people didn't know about the last man who is practising for our better lives and health. As a result, everyone has a moral obligation to learn more about this issue. Also, the nature of the research cannot be realised without the introduction of the concepts being researched, so it is necessary to know the concepts.

The practise of manually picking up, cleaning, and disposing of human excreta from dry latrines and sewers is known as manual scavenging.

Manual scavenging is linked to the Indian caste system because lower castes were expected to do such work. The following data from parliamentary response of 2021 is self-explanatory, which makes it clear that the majority of the people from lower caste were involved in this practise. Of these people, 97.25% belong to the Scheduled Cast as followed.

Table No. 1

Category	No. of Manual Scavengers
Schedule Caste	42,594
Scheduled Tribes	421
Other Backward Classes	431
Others	351

Source: Rajya Sabha Response

But today we can see that even the very poor and needy people of other castes have reluctantly accepted this profession, i.e., *Bhangi* is not only a caste but a class formed on the basis of occupation, which includes backward castes and needy people of other castes. However, the backward and *Dalit* castes traditionally had to accept it, so their involvement remained high. This community is considered to be one of the poorest and most marginalised in India. Popularly known as "Bhangi", this word is frequently used as a scold in India. Manual Scavengers carry human waste overhead. Generally, these workers are seen using only tools like brooms, buckets, and baskets. Occasional cases of death of these scavengers occur while doing so due to lack of adequate tools and also raise their health issues due to this.

Socio-Economic Status of Scavengers:

Analyzing the economic and social condition of the Scavenger Community today, it will not be possible to ignore the past. A lot of activists try to make him aware, but he prefers to remain in the position. This kind of extreme inferiority complex is seen in them. This community is departed from society due to the traditional approach and unsociability according to their caste-based profession. Social exclusion is one of the major factors forcing them to become involved in it unwillingly. Basically, the people of the scavenging community are economically poor, needy, and uneducated. They are ready to do jobs on minimum wages.

The government aims to separate certain communities from the profession of scavenging and other cleaning activities which they have been doing for many generations. This target can be achieved only if the scavengers and their dependents are economically empowered to adopt respectable professions. so that they are not forced to choose their traditional profession again under financial pressure. The majority of people in this community fall into the trap of private moneylenders. Due to lack of awareness, they failed in financial planning and, as a result, financial problems increased and these scavengers were financially exploited. Thus, the human rights of scavengers were threatened.

As per the data of the 2011 Socio-Economic and Cast Census, 1.8 lakh people are involved in manual scavenging in the rural areas. Also, it is to be noted that over 26 lakh insanitary latrines still exist and are cleaned manually by scavengers and scavengers are forced to do that work. This community is majorly found in urban areas because there is more scope for sanitation work in the cities, so employment is seen to be more in urban areas than in rural areas, hence this community is found earlier in urban areas, hence it is also called an urban community.



But the challenge is to identify people involved in the private practise of manual scavenging in private offices, institutions, hospitals, houses etc. They are doing work on minimum wages and without any kind of protection. Hence, they are not included in government data and are deprived of government facilities as well as welfare schemes. Government data shows that the human rights violations and deaths of manual scavengers are statistically low, but if the uncounted scavengers were included in the data, the number would be much higher.

Table No. 2

Sr. No.	States	Population
1	Uttar Pradesh	1,557,000
2	Haryana	1,083,000
3	Panjab	732,000
4	Rajasthan	547,000
5	Gujarat	520,000
6	Madhya Pradesh	424,000
7	Maharashtra	251,000
8	Bihar	241,000
9	Uttarakhand	134,000
10	Chandigarh	91,000
11	Jharkhand	66,000
12	Himachal Pradesh	37,000
13	Chhattisgarh	22,000
14	Delhi	14,000
15	Jammu and Kashmir	8,400

Table No. 3

Sr. No.	Nation	Population
1	Bangladesh	10,000
2	India	5,795,000
3	Nepal	6,500
4	Pakistan	118,000

Source: www.joshuaproject.net

As per the above information, we can get an idea of the existence of scavengers in various countries in Asia and in various Indian states. This study discovered that India has the most Scavengers in the Asian region, with the highest concentration in the Indian state of Uttar Pradesh. Although the lowest number is observed in Jammu and Kashmir, the most economic exploitation of the scavengers is also seen there. In Kashmir, mainly men do manual scavenging and they are paid the lowest wages in the country, around Rs 100 per month. Not only in Kashmir but all over India, the problems of this community persist; not only the society but also the government is unknowingly violating their human rights by not implementing the law properly. There is no proper system for disposal of human waste; hence "Indian Railways" is the largest employer of manual scavengers. Except for a few trains, the railway does not use any technology to keep its 80,000 toilets and 1.15 lakh km of railway track clean. And this is an example of human rights violations, unfortunately by the system.

2. EFFORTS FOR PROTECT SCAVENGERS HUMAN RIGHTS AND ITS VIOLATION:

Disobedience of Constitutional Provisions:

Equality (14-18): The Constitution of India has provided 6 fundamental rights to the common citizens, among which states the right to equality, through which every person should be treated equally, but because of their inferior work, scavengers are treated as untouchable, which is a violation of the right to equality and human rights.

Freedom (19-22): This article given right to freedom means that a person can live anywhere and do any business, but the right to freedom of scavengers is seen to be limited due to traditional business and a lack of opportunity. working without any safety. It's a very serious issue and reduces the dignity of human rights. Manual Scavenging violates the Indian constitution's article 21, which gives guarantee to the right to live life with dignity.

Against exploitation (23-24): This article provides the right against exploitation, but the low wages and high-risk work of the scavenger community appear to lead to social and economic exploitation, which is a violation of human rights.

Religious Freedom (25-28): The right to freedom of religion has been given to everyone, and everyone has the right to choose their religion and to pray, but even today, we occasionally come across cases of discrimination, such as denying entry to religious places to people belonging to the scavenger community.

Education and Cultural (29-30): In this article, it is mentioned to protect the rights of cultural, linguistic, and religious minorities, enabling them to preserve their heritage and protecting them from discrimination. But still, there is extreme apathy towards education in the scavenger community. Their socio-educational and economic development has stopped and the government is ignoring their problems, which are a violation of their human rights.



Constitutional Remedies (32): In cases of violation of human rights or fundamental rights, the right to appeal to the court is given under this section. Educated and aware people can use this right properly, but there is a lack of awareness and education in the community of scavengers, and they cannot use this section due to social inferiority.

3. DISOBEDIENCE OF SUPREME COURT ORDERS:

In the year 2014, the Supreme Court, through one of its orders, directed the government to identify all the people who have died while doing manual scavenging work since 1993 and provide a compensation of Rs 10 lakh to their families. In reality, very few people benefited from it because the government does not seem to have responded as it should have to the decision of the Hon'ble Supreme Court, so even today the families of those who lost their lives in this dangerous work are not getting timely compensation. According to the order of the Hon'ble Supreme Court, it is necessary to provide safety equipment to the employees during the cleaning of manholes, safety tanks, and sewers. According to the Supreme Court, it is necessary to provide oxygen masks, gum boots, water-proof gloves, and water-proof uniforms to the workers who are cleaning the drains. It is an offence for sanitation workers to descend into manholes without safety equipment. Action may also be taken against the officials responsible for this. But the orders of the Supreme Court are also being defied by lowering the workers into the sewer manholes without safety equipment.

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993:

Under this Act, employment of people as manual scavengers was banned. That is, this Act prohibits manual scavenging as an occupation. This Act makes provision for manual scavenging to be a cognizable offence and punishable with both a fine and imprisonment. The Act also prohibits the construction of dry latrines.

The practise of cleaning human excreta by hand and carrying it from the head continues in the country. The present law states that the local self-governing bodies are not strict about converting dry toilets into water-based toilets and banning the construction of dry toilets. The said law has been created to fulfil the above requirements.

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013:

This Act prohibits any work or employment as a manual scavenger. It also provides for the rehabilitation of manual scavengers and their families and assigns the responsibility to the states. Provision is also made under this Act to provide training, loans, and housing to manual scavengers for their economic empowerment.

Challenges in the implementation of Employment Prevention as Manual Scavengers and their Rehabilitation Act, 2013 include critical issues such as: it is not mentioned in FIRs filed on manual scavenging deaths; low conviction rate in such crimes; States' not complying with the provisions of other rehabilitation measures under the Act; and delay or non-payment of compensation. That can be because of violating the human rights of scavengers in India.

The Protection of Human Rights Amendment Act 1993:

The Protection of New Rights Act 1993 was enacted by the Parliament of India. This Act was enacted by India to extend India's responsibility to the international community since 1993, has ensured that there is a National Human Rights Commission in India. In this law, it has also been stated that human rights commissions will be formed in the states as well, and details about them have also been given in the law.

This law has eight chapters and 43 sections. It aims to protect the human rights guaranteed to every person by the Constitution of India and the United Nations.

Despite the presence of several important provisions and several initiatives, the practise of manual scavenging continues in India. In fact, this practise is associated with a particular caste, whereas Article 46 of the Constitution of India states that the State shall protect the weaker sections of society, mainly the Scheduled Castes and Tribes, from social injustice and shall protect them from all forms of exploitation.

Despite these laws, this reprehensible practise has not stopped. It is the collective responsibility of our government and the society in which we live.

4. CONCLUSION:

- While laws and regulations are in place to prevent manual scavenging, their implementation is flawed.
- Manual scavenging is a crime by law, but the conviction rate for such crimes is low. It means law-implementing agencies are not considering it a serious offence.
- No major provisions were made in the new law (2013) as compared to the previous law (1993), so there was no scope for the betterment of scavengers' human rights.
- Lower Castes are accepted into the Scavenging Profession Traditionally, due to social disparity and other factors, people accepted this due to poverty and unemployment.
- Scavengers are majorly identified in urban areas than in rural areas because there is more employability regarding sanitization and untouchability as compared to rural areas.



- Identifying people involved in the practise of manual scavenging is a challenge due to the lack of a data base of private practitioners.
- Manual scavengers face difficulties in finding alternative means of livelihood due to lack of awareness, education, and finance.
- In the absence of alternative means of livelihood, they often have to resort to manual scavenging.

5. SUGGESTIONS:

- Manual scavenging is a violation of human rights and such practises should be completely stopped. A strict law should be made and implemented properly.
- Human Rights should not only be written down, but Scavengers should be made aware of them as well. For that, the government should include the educated youth of the scavenger community in special activities to reach that community properly.
- Manual scavenging problems should be known to all citizens; therefore, include related case studies in educational courses, media, cinema, and various government policies so that all citizens are aware of it.
- Charitable organisations and non-governmental organisations (NGOs) should take the lead in raising public awareness about manual scavenging.
- The government should take the initiative to develop their other skills, vocational training programmes and give them financial support to enable them to adopt respectable professions.

REFERENCES:

1. Ambedkar, B. R. (1979). Annihilation of caste. In V. Moon (Ed.), Dr. Babasaheb Ambedkar: writings and speeches, vol. 1. Mumbai: Government of Maharashtra Press.
2. The employment of manual scavengers & construction of dry latrines prohibition act 1993, Chapter I, (j), P.No. 3
3. Amrita. (2021, January 11). In India, manual scavenging goes beyond an occupation: it's a human rights issue, youthkiawaaz.com. Retrieved on February 08, 2021 from <https://www.youthkiawaaz.com/2021/01/explained-manual-scavenging-where-are-we-and-the-systemgoing-wrong>.
4. Bajaj, S., and Venugopalan, A. (2018, October 4). Rs 10 Lakh: The price of a manual scavengers' life, for those who survive, rehabilitation and compensation are hard to come by. The Wire, Retrieved on January 23.2021.
5. Bose, R. (2019, December 18). For women safai karamcharis, 'liberation' is manual scavenging with a makeover. News18.com, Retrieved on January 23. 2021.
6. Gupta, A., Khalid, N., Deshpande, D., Hathi, P., Kapur, A., Srivastav, N., Vyas, S., Spears, D., and Coffey, D. Revisiting open defecation: evidence from a panel survey in rural north India, 2014–18. *Economic and Political Weekly*, 55(21), 55–63. 2020.
7. Misra, S. (2021, January 14). Not paid for months, 22,000 Delhi civic workers threaten to boycott vaccine drive duties. The Print, Retrieved on February 15. 2021.