A Millennial Struggle for Dignity

Manual Scavenging in Karnataka

A PUCL-K Study

Foreword by Justice H. N. Nagamohan Das
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Manual Scavenging in Karnataka—A PUCL-K Study

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This book is solely intended for non-commercial purposes and to enable further research. All materials extracted and reprinted are consistent with fair dealing principles. This book may be distributed and republished for non-commercial or educational purposes with due attribution.
This is a heart wrenching narrative of deaths of persons in manual scavenging in Karnataka, which unfortunately symbolizes the situation in India. It poignantly depicts the conversion of constitutional co-citizens into rightless and disposable peoples by the state and markets and archives the sad story of how a law becomes non-law (even anti-law) by the cruel reproduction of social callousness and indifference. Why do we treat those in manual scavenging as the wretched of the earth, and the attendant horror and impunity with such apathy, bordering on animosity, is a central moral question in the 70th year of the Indian Republic. One hopes against hope that this monograph will explode the indignation of new social movements and fill each one of us with such shame and sorrow impelling us to a path of concerted social action here sadly but wisely blueprinted.

Upendra Baxi
Emeritus Professor of Law,
University of Warwick and Delhi
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Professor Hassan Mansur (1930–2014) was the doyen of the human rights movement in Karnataka. A former Professor of English in Bangalore University and a lover of the works of James Joyce, he found his calling in the human rights movement.

Prof. Mansur was an early forerunner of the human rights movement in Karnataka, and founded the Karnataka Civil Liberties Committee (KCLC) in 1984; he went on to work for the Peoples’ Union for Civil Liberties (PUCL) with which he was associated for the rest of his exemplary life.

Prof. Mansur’s career in the human rights movement however began early as a young communist activist, who at the age of 19 was arrested by the Broadway Police (Shivajinagar, Bangalore) way back in the early years of independence. Formed by this early experience with the police, Prof Mansur went on to become a tireless advocate against police violence as the face, and indeed the heart, of the People’s Union for Civil Liberties in Karnataka.

Prof. Mansur was also instrumental in broadbasing the concerns of the PUCL and taking it beyond the traditional human rights issues such as civil liberties to focussing attention on the violations of socio-economic rights, including the right to housing and the right to water.
Under his able leadership, PUCL also began to advocate the rights of other marginalized sections and deprived communities such as Dalits, slum dwellers, sex workers, and sexual minorities.

Prof. Mansur exemplified a style of leadership that nurtured others to grow into their own. To his colleagues, he embodied a form of modesty, intellectual curiosity, and gentleness which gestured towards another way of being a leader. A man of tremendous achievements forged in over 40 years of public service to the field of human rights, he always understated the depth of his contribution and preferred to avoid the limelight.

While we remember Prof. Mansur, we cannot but help remember Mrs Hasnath Mansur. In many meetings in Bangalore on human rights issues as diverse as encounter deaths, the rights of slum dwellers, or the right against torture, Prof. Mansur would always be accompanied by Mrs Mansur. The life that Mrs and Mr Mansur led in close companionship for over 40 years of togetherness consisted of laughter, poetry, and politics. It was in every way an ideal relationship founded upon the deepest love. We are sure that Mrs. Mansur will agree with us when we speculate that Prof. Mansur would have been thrilled that the PUCL is releasing a report on an issue which was always close to his heart.

This Report is dedicated to Prof. Hasan Mansur, who in his person exemplified the core value which animates this report- a struggle for dignity rooted in the philosophy of Babasaheb Ambedkar.
Manual scavengers are those who manually clean and carry other human beings’ excreta when they defecate in open fields and in private and public dry latrines in urban and rural areas. They are those who dive into drainage manholes, clean the gutters, and remove blockages, if any. They are those who sweep and clean streets and dispose dead animals/carcasses belonging to individuals and groups and also the unclaimed ones. They are also those who are called to lift and dispose human dead bodies, including those lying in decomposed condition with unbearable sight and stink and in unapproachable locations. Manual scavenging is the most demeaning, defiling, unhygienic, and hazardous work that one can ever think of. Nearly 99% of those engaged in scavenging belong to Scheduled Castes. In a majority of cases, it is hereditary. They are identified with different names in different parts of India.

- Punjab - Chuaras, Balmikis
- Rajasthan - Dumras, Balmikis
- Bihar - Mehtras, Mushers
- West Bengal - Bhaimatrias
- Maharashtra - Bhangi, Mangs
- Andhra Pradesh - Madigas, Rellis, Thoti
- Tamil Nadu - Arundthiar, Sakkaligar,
- Karnataka - Madigas, Bhangi, Mehthar

As per 2011 Census, there are 1,80,657 manual scavengers who are cleaning 9.6 million dry latrines in the country. On an average, 300 scavengers are dying every year during the course of manual scavenging.
The effect of scavenging work adversely affects not only the social but also the physical and mental health status of those who are engaged in scavenging. The common diseases that they suffer include:

- Skin disorders
- Communicable diseases
- Respiratory disorders
- Parasitic disorders
- Diminishing vision
- Diminishing hearing
- Gastro-intestinal system
- Tuberculosis
- Back pain
- Average life time—45-50 years
- Mental makeup
- Alcoholism

These manual scavengers are facing several problems like:

1. A large number of manual scavengers are working on daily wages or as part-time workers or as contract labourers.

2. Even after completion of 10 years of continuous service, they are not regularized.

3. They are not paid regular pay scale, allowances, provident fund, or gratuity or pension.

4. In many cases, minimum wages are not paid and even monthly salaries are not paid regularly. There are several instances, where the payment is delayed, varying from 6 to 28 months.
5. Lack of promotional and career advancement opportunities.
6. No cleaning kits and tools are provided.
7. No training to these scavengers
8. Lack of medical and housing facilities
9. Compensation is not paid in case of death.

In order to put an end to employment of manual scavengers, the Central Government enacted The Employment of Manual Scavengers and construction of Dry Latrines (Prohibition) Act 1993, the National Commission for Safaikaramcharis Act 1993, and Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013. In furtherance of the enactments, the National Commission for Safaikaramcharis had submitted 14 reports between 1994-95 to 2016-17. In all these reports it is specified that the State Governments have not shown political will to implement these enactments. The estimated number of dry latrines and the number of manual scavengers has not come down. The miserable living conditions of manual scavengers continues unabated.

The Supreme Court in the Delhi Jal Board vs National Campaign for Dignity and Rights of Sewerage Workers (2011 (8) SCC 568 and Safai Karamchari Andolan vs Union of India (2014 (11) SCC 224) gave the following important directions:

1. Entering sewer lines without safety gears should be made a crime even in emergency situations.
2. For each death of a scavenger compensation of Rs. 10 lakhs should be given to the family of deceased.
3. Identify the families of all persons who died in sewerage work since 1993 and award compensation of Rs. 10 Lakhs to deceased families.
4. All the state Governments and the Union Territories to fully implement the 2013 Act and to take action against the violators.

Despite these enactments and Apex Court directions, effective implementation is not happening at the ground level and no case is registered against the violators. The Governments have not shown their political will to implement the laws and judgments.

The central Government in 2014 launched ‘Swachh Bharat’, a mission to achieve clean India by 2019. It aims at building 90 million toilets at a cost of Rs. 2 lakh crores. This mission does not address the problems of Safai Karamcharis, reworking of underground sewerage system, and use of modern technology.

This report, though styled as Manual Scavenging in Karnataka reflects the magnitude of issues in the entire country. It not only deals with present conditions of munal scavengers but also the historical, social, and economic background. It exposes the lack of political will in implementing the laws, failure in taking preventive measures and in implementing rehabilitation programs. It also throws light on civil society apathy towards the issue of manual scavenging.

The report takes note of some activist groups and individuals’ contribution in combating the problems of manual scavenging. While exposing the failure of the executive, the police, and the legal lacunae the report suggests positive measures to be taken to address the issue. I am confident this report will open the eyes of the legislature, executive, and even the judiciary on the problems of manual scavenging. There is an urgent need to implement the suggestions given in the report. I hope the
report will reach all concerned and some positive action in addressing the problems of manual scavenging in the country will result.

I appreciate and congratulate the hard work and the commitment of Prof. Y. J. Rajendra and the PUCL team.

3rd April 2019
Bangalore

Justice H. N. Nagamohan Das
Former Judge
High Court of Karnataka
ACKNOWLEDGMENTS

The PUCL-K would like to acknowledge the incredible work of the Safai Karamchari Kavali Samiti, especially of its coordinator, Mr. K. B. Obalesh, who shared his insights and understandings of the phenomenon of manual scavenging, which form the heart of the report. We would also like to thank Adv. Clifton D.Rozario for generously sharing the documentation of the AICCTU and providing deep insights that have shaped this report. In particular, we would like to thank him for an insightful concept note of the AICCTU titled, Sanitation Workers - The Fight for Liberation, which shaped this Report.

Du Saraswati, a writer and researcher, shared her thoughts generously and we thank her for that. PUCL-K is grateful for the numerous sanitation workers who shared their experiences unstintingly. The PUCL-K team is also grateful to President of PUCL-K, Prof. Y.J. Rajendra, not only for his insights into the nature of the problem but also for his support and encouragement as well as his invaluable feedback.
[Caste is]...an official gradation laid down, fixed and permanent, with an ascending scale of reverence and a descending scale of contempt.

Ambedkar\(^1\)

The right which is grounded by law, but is opposed by society is of no use at all.

Ambedkar\(^2\)

The extent of a society’s break with old regime traditions of servitude could be evaluated in terms of the treatment of those whose job it was to clean up after others.

Donald Reid\(^3\)

....This is the crime of which I accuse my country and my countrymen, and for which neither I nor I nor time nor history will ever forgive them, that they have destroyed and are destroying hundreds of thousands of lives, and do not know it and do not want to know it. One can be, and indeed one must strive to become, tough and philosophical concerning destruction and death, for this is what most of mankind has been best at since we have

\(^1\) B.R. Ambedkar, *Who were the Shudras?*, http://www.satnami.com/WHO%20WERE%20THESUDRAS.pdf.


heard of man. But it is not permissible that the authors of the devastation should also be innocent. It is the innocence which constitutes the crime.

*James Baldwin*  

**A Continuing Saga of Deaths from Manual Scavenging**

It was in the 1990s that the PUCL-Karnataka (PUCL-K), along with other human rights groups, began responding to and documenting the deaths of persons engaged in manual scavenging. There were 74 such deaths in the time span from 1995-2019. In the most stark sense, the fact that people are still dying in manholes is a harsh indictment of the fact that the Constitutional promise of dignity, equality, and, in fact, life itself is illusory to those in sanitation work.

To give a poignant illustration of the manner in which these deaths take place, here is an account from one of the fact-finding investigations undertaken by the PUCL-K:

The sewage powrakarmikas [workers] are those who clean the underground drains and manholes, often with their bare hands. Though the practice of manual scavenging is banned in India, its urban avatar persists even sixty years after independence. The sewage powrakarmikas have to handle urine and faeces with their bare hands and wade through rotting sewage in clogged underground drains and manholes. This can be seen in every single town and city across the country....The death of sewage powrakarmikas is due to the fact that the network of sewers, underground drains, and manholes, the workplace of these workers, is extremely dangerous. These are confined, oxygen-deficient spaces where the decomposition and fermentation of sewage produces noxious gases, including

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hydrogen sulphide (known as sewer gas), methane, carbon monoxide, etc., all of which cause death by asphyxiation. The long-term neurological effects of exposure to these noxious gases are also very severe and debilitating.

These reports by the PUCL also documented the phenomenon of multiple deaths of young men in the process of cleaning sewers, soak pits, and septic tanks. Often, the poisonous gases overwhelm the first person who goes into the sewer/septic tank, and then, when another member of the work team goes to help the first person, he too collapses. Sometimes, three persons die in the attempt to clean the sewer. In fact, such was the case when three workers died in cleaning a sewer in Yelahanka, Bangalore (2008), two workers when cleaning a manhole in Peenya, Bangalore (2013), two workers in Kolar (2010), two in Electronic City, Bangalore (2008), three in KGF, Kolar (2010), and so on. These multiple deaths point both to the incredible solidarity and fellow feeling of the sanitation workers for each other, where, even at the cost of their own life, they go to the help of their fellow human being in distress as well as the callous disregard of the wider society that has allowed multiple deaths to happen multiple times.

These 74 deaths are neither the first not the last of the deaths either Karnataka or India has seen. Perhaps symbolic of India’s indifference to the lives of sanitation workers and their deaths is the fact that there are no official figures for those who die while cleaning sewers on an all India-basis. Civil society estimates that in Karnataka in 2018 alone, 13 people have died. In the national capital, Delhi, five people died in a single incident in September of 2018 while cleaning a sewage treatment plant. According to the first official government statistics on the work, put forth by the National Commission for Safai Karamcharis (NCSK), at least one Indian worker has died while cleaning sewers or
septic tanks every five days since the beginning of 2017. But both the agency and activists feel that the number is probably higher due to underreporting by governments which are either indifferent or seek to minimize the number of deaths.5

In most societies, horrific deaths such as these would have engendered a form of self-examination, where the society looks at itself in the mirror and says “never again”! However, in the Indian context, death has followed death, and society seems unable or unwilling to prevent these deaths. In fact, to paraphrase James Baldwin, the silence of Indian society to the spate of these continuing deaths itself constitutes the crime.

After conducting the survey of the landscape of senseless deaths that happen on a periodic basis, PUCL-K was left with the question: Why this spate of deaths? Answering this question also leads us to ask what is being done about it and what more should be done to prevent these deaths. This Study by the PUCL-K, which is the outcome of over fifteen years of its engagement with the issue of manual scavenging, is, among other things, a compilation of the incidents of deaths that tell us about the other side to globalizing India. On the basis of its twenty-two fact-finding reports, PUCL-K filed a petition in the Karnataka High Court demanding the prohibition of manual scavenging. Some of the orders of the High Court were instrumental in generating greater state awareness about deaths in manual scavenging, and triggered the introduction of mechanization into sewage cleaning, and in securing compensation for deaths of workers. However, the deaths

themselves continue unabated and are a silent indictment of both Indian state and society. These deaths must force us to repeatedly ask the question of why, and from the why, we have to then move towards evaluating responses to these deaths and figuring out ways in which these deaths do not any more distort the promise of the Indian Constitution. Unfortunately, the deaths that PUCCL-K has documented are only the tip of the iceberg, and point to a socio-economic system which has systematically stripped away the dignity of those involved in sanitation work.

One way to understand the nature of this socio-economic system is to look at the comparative history of sanitation world-wide. In all societies, clearing excreta was always done for hundreds of years manually. However, over a period of time, manual cleaning of excreta became a part of history. Crucial to this eradication of manual scavenging were two developments.

Firstly, the development of modern technology and sanitation systems, both of which meant that excreta did not have to be handled manually any more. This was the key to the retrieval of the humanity of the sanitation worker from a degrading and hazardous occupation.

Secondly, the struggle of sanitation workers, which succeeded in establishing basic labour rights such as the right to form a union, the right to decent work, better work conditions, wage security etc.

Both of these developments invested sanitation work with dignity and value and constructed the sanitation worker as a rights-bearing citizen.

It is when we look at the issue of sanitation work from the prism of the right to dignity that we understand how, in Indian society, unlike elsewhere, despite exhortations from civil society and state intervention, eradication of
manual scavenging continues to elude us. There has been a millennial struggle by the lower castes in Indian society for the Right to Dignity, which is enshrined in the Preamble of the Indian Constitution and forms the cornerstone of the rights protections under Part III of the Indian Constitution. However, it is a right that has been denied to them in history. In rural areas and urban, society inflicts a routine and public humiliation, on a daily basis, on Dalits who are allocated the task of clearing excreta from dry latrines, septic tanks, and sewers, and many other places. In all these instances, manual scavenging is an exercise in dehumanization and invisibilisation of an entire community. There is a continuity from colonial times, when, as Ambedkar pointed out, manual scavenging was a legal obligation imposed on the Untouchables which they couldn’t escape.

What are the historical factors at work in Indian society in denying the right to dignity for the sanitation worker and allowing the deaths from manual scavenging to continue? This Study identifies four such factors, which are discussed at length below.

**Lack of Public Conscience**

The reason for both the persistence of deaths and the societal lack of response can be understood through the Ambedkarite notion of an absence of “public conscience.” As Dr Ambedkar put it:

> Public conscience means conscience which becomes agitated at every wrong; no matter who is the sufferer and it means that everybody whether he suffers that particular wrong or not, is prepared to join him in order to get him relieved. We are talking much about South Africa but it is strange that almost every village of India has similar incidents like South Africa and yet I have very seldom found anybody
not belonging to the Scheduled Class taking up the cause of the Scheduled Class and fighting, and why? Because there is no "public conscience."  

Those doing the work of manual scavenging are viewed with contempt and revulsion. Middle-class Indians are likely to hold their noses and go past those who are engaged in manual scavenging, not even acknowledging the humanity of the person doing the labour. When the humanity of the person in manual scavenging is not acknowledged, then the wrongs suffered by the person in manual scavenging are not even registered, and public conscience, which should have become agitated, remains dormant. Of course the question arises: what is it in Indian society that does not allow the development of a public conscience when it comes to the injustices suffered by the Dalit community, which they often suffer, without any response by wider society? To answer this question, we have to understand how caste operates in Indian society.

Caste and Sanitation Work: Cultural and Historical Attitudes

Caste remains the organizing principle of Indian society. As per Ambedkar’s analysis, castes are graded hierarchically on "an ascending scale of reverence and a descending scale of contempt." While the upper castes dominate the upper layers of the bureaucracy, the media, civil society, business, and academia, those at the very bottom of the caste hierarchy are to be found in occupations like street sweeping that are deemed "customary" by Brahminical society. The situation of the sanitation workers of India is unique in that they face oppression and stigmatization from all sections of society since they are at the bottom of the socio-economic hierarchy.

What sets sanitation work in India apart from the situation in the rest of the world is that it has been and continues to be a caste-based occupation. An overwhelming majority of the sanitation workers in India come from certain castes.

The overwhelming presence of these castes in sanitation work has to do with the role that Indian culture, society, and the state have played in perpetuating the connection of sanitation work with certain castes. This arguably ancient prejudice has been given a fresh lease of life in the modern period by the actions of the state, culture, and society. M.K.Gandhi played a significant role in perpetuating this link.

At the heart of Gandhi’s belief in Hinduism was that it was the religious duty of a man to stick to the profession of his ancestors. This reinforced the link between birth and hereditary professions. In an article entitled “The ideal Bhangi,” Gandhi deprecates the tendency of “woebegone Indian society” which has “branded the Bhangi as a social pariah, set him down at the bottom of the scale, held him fit only to receive kicks and abuse, a creature who must subsist on the leavings of the caste people and dwell on the dung-heap. He is without a friend, his very name has become a term of reproach. This is shocking.”

Nevertheless, Gandhi does not contest the hereditary link between caste and occupation. In fact, he valorizes the Bhangi’s labour by noting that:

A Bhangi does for society what a mother does for her baby. A mother washes her baby of the dirt and ensures his health. Even so the Bhangi protects and safeguards the health of the entire community by maintaining sanitation for it. The Brahmin’s duty is to look after the sanitation of the soul, the Bhangi’s

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that of the body of society. But there is a difference in practice; the Brahmin generally does not live up to his duty, the Bhangi does, willy-nilly no doubt. Society is sustained by several services. The Bhangi constitutes the foundation of all services. 

Thus, while Gandhi asserts that the labour of the Bhangi must be valued and that all persons can perform the role of scavenging, the link between “the bhangi” and “scavenging” is never challenged frontally and directly by him. In fact, if the sanitation worker withdraws his labour from society, it triggers enormous anxiety all around. We get a hint of this during the partition when the indispensability of the “labour” of the sanitation worker came to the fore.

In a letter written by Ambedkar to Nehru on 18 December, 1947, he raised the issue of how those who are engaged in sanitation work are not being allowed by the Government of Pakistan from leaving to India. As Ambedkar notes:

The Pakistan Government are preventing in every possible way the evacuation of the Scheduled Castes from their territory. The reason behind this seems to me that they want the Scheduled Castes to remain in Pakistan to do the menial job and to serve as landless labourers for the land-holding population of Pakistan. The Pakistan Government is particularly anxious to impound the sweepers whom they have declared as persons belonging to Essential Services and whom they are not prepared to release except on one month’s notice.

The massive displacement of people during partition triggered an anxiety around the maintenance of basic

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8 Ibid.
sanitation, and India too invoked the Essential Services Maintenance Ordinance which would apply to sanitation workers and permit the state to revoke civil liberties from its subjects, including the right to strike. In short, the response of the Indian state as well as the Pakistani state is to view sanitation workers as performing an “essential service” which must be continued in all situations.

This has historically put sanitation workers in an anomalous position, as ever since colonial times, their rights have been subject to the idea that the labour they perform is essential. In 1946, a sanitation workers’ union in Ballia (UP) informed the Congress that it was to go on strike on the issues of lack of medical care, maternal leave, leave to bury relatives, rising cost of living, wage increases, fixed pay days, rest time, statutory duties of overseers, roll-call at the Town Hall and not at the overseer’s house, and finally: “if we be human, let us be treated as such.” The Congress warned that “a strike, especially a strike of sweepers, is a serious matter. It is to be considered carefully in all its aspects before it is undertaken. You will do well to meet responsible Congress workers in your district before you take any extreme step. All possible avenues of peaceful settlement should be explored before you have recourse to direct action.”

This approach to viewing the basic rights of the sanitation workers as subject to “the greater good” was also expressly articulated by Gandhi in 1946, when the sweepers of Bombay, Srinagar, Multan, Delhi, Lahore, and a host of other towns put down their dustpans and brooms in anticipation of a better world. The sweepers’ militancy disturbed Gandhi who noted that “there are certain matters in which strikes would be wrong. Sweepers’ grievances

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come in this category.” If sweepers did not do their work, the cities’ refuse accumulated and bred disease, hence sweepers must be enjoined to work for health reasons. But, beyond that, Gandhi noted that he was opposed to the “coercive methods” (that is, strikes) employed by the sweepers, since “coercion cannot but result in the end in chaos.” To undercut the militancy of the sweepers, Gandhi urged city-dwellers and the military to “learn the art of cleaning their own and the city’s drains, so that if a similar occasion arises they are not nonplussed and can render the necessary temporary services.” That is, non-dalits must know how to do sanitation work for emergencies (“a similar occasion”), but at all other times, the dalits must do this work. 11

While the labour of sanitation workers has been considered essential, it has not been accompanied by a protection of the rights of those in sanitation work, but rather by a willful and blind neglect. In fact, it would be no exaggeration to say that sanitation workers are treated with revulsion and contempt and are systematically excluded from social, cultural, and economic life by both state and society. This, again, is due to the framework of caste which stigmatizes the labour of sanitation workers.

Thus, societal practice and cultural attitudes, combined with state action towards the rights of sanitation workers, has marginalized them both as workers and, more fundamentally, as human beings entitled to a life of dignity. The Constitution, through its articulation of the right to dignity and equality, did erect a fundamental promise to alter the status quo. But the pincer movement of a socio-cultural context which subordinated sanitation workers and overt action to prevent the assertion of the labour rights

11 Ibid. p 132.
of sanitation workers effectively marginalized sanitation workers.

**Manual scavenging under Neoliberalism**

It's also important to understand the deaths of sanitation workers as a phenomenon which occurs when caste hierarchy comes in contact with neo-liberal policy. The policy of neo-liberalism promoted as part of the Washington consensus aims to make public goods such as health, education, and sanitation subject to market forces. What the sway of neo-liberal orthodoxy has meant is that the state has progressively divested itself of its core responsibilities (such as sanitation) by contracting out its functions, including sewage maintenance. Thereby, the state shirks off responsibility for manual scavenging by declaring that it (i.e., the state) does not engage in manual scavenging, even if its contractors do. For instance, Dhrangadhra, chief executive officer of Charu Mori municipality, denied the existence of manual scavenging, saying: "These workers are not our responsibility since they are hired by a contractor. I am well-aware that such actions are illegal and thus the municipality does not engage any manual scavengers." ¹²

Once sewage work has been contracted out, profit motive becomes a key factor. The fact that the contractors are mainly motivated by profit has meant that the basic right of the sanitation worker to job safety stands compromised. This in turn translates into job insecurity for workers through flexible contracts, denuding of the benefits of labour legislation, and less regulated and more dangerous conditions of work. In fact, a large majority of those who died from manual scavenging were not permanent workers,

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but workers who were contracted to do the job of sewage cleaning by various private agencies. As this study will demonstrate, one of the ways that basic safety is guaranteed in hazardous occupations like manhole cleaning is by what new workers learn from those who have been on the job for some time. Thus permanent workers know the dangers of the presence of dangerous gases in the sewer and will not descend into the sewer. However, contract workers, who are workers with no experience in the job, descend into the manhole, with little awareness of how they are putting their life at risk. Thus, the state, by contracting out its sanitation services and introducing the profit motive into sanitation work, has recklessly endangered the health, safety, dignity, and lives of sanitation workers.

**Swachh Bharat: Gandhian tragedy becomes a Modi farce**

When the Narendra Modi led government was swept to power in 2014 and the Prime Minister himself outlined Swachh Bharat as one of his priorities, perhaps one’s hopes were raised. If a Prime Minister himself pledged to keep India clean, surely, the sad lot of those who kept India clean would be improved by this new national commitment? Perhaps, one also dared to hope that this focus on sanitation would perforce see the deaths of sanitation workers as unconscionable? Swachh Bharat began as a grand gesture best seen in viral images of the Prime Minister sweeping with a broom. The Prime Minister’s gesture invoked an older symbolism, that of Mahatma Gandhi. However, if we take Marx’s dictum that history happens the first time as tragedy and the second time as farce, we can perceive how Modi enacts a cruel farce to Gandhi’s tragedy.

Gandhi’s invocation of “ideal Bhangi” was tragically misconceived for, even as it sought to treat scavenging as an honourable profession, it did nothing to decry the link of caste and profession. Gandhi did choose to live among the
Dalits and was not averse to doing the labour of scavenging himself. But for Modi, the symbolism of wielding a broom, or washing the feet of sanitation workers, is enough. As far as Gandhi was concerned, while referring to the living conditions of the Safai Karamcharis, he wrote in The Harijan that “the scavengers on whose careful labour largely depends the health of the inhabitants of Delhi are housed in cells that are windowless and lightless holes.” With respect to Modi, the sanitation worker herself is invisibilized in Swachh Bharat. Swachh Bharat functions as a blockbuster spectacle in which the business and film elites strut and fret upon the stage, and the real labourer, the sanitation worker, is not even granted the role of a bit player! In fact, the critique of Gandhian efforts as embodying, “soul satisfying catch-phrases” and involving “spectacular street cleaning by high caste persons on some appointed day in the year” are the most apposite epithets to Swachh Bharat as well. 13

This invisibilization of the human person doing the labour of keeping India clean becomes even more blatant when we contrast the way Jawaharlal Nehru responded to the plight of sanitation workers. Addressing a rally of sanitation workers, Nehru said:

When you asked me to address your meeting I felt some hesitation, though I like the invitation. I had heavy work to do, which I could not easily leave behind. But I could hardly refuse to attend this gathering of safai mazdoors..... Seeing your huts, I feel somewhat unhappy and ashamed. I therefore hesitated to appear before you and now and then and yet be reconciled to your miserable conditions.... It is our duty to abolish this evil of

high and low by birth and especially to improve the condition of those who do sanitation work...

In another remarkable letter addressed to Chief Ministers, Nehru says that “I am writing to you about a subject which, perhaps, will seem to you very trivial and even unimportant.” He goes on to say that he is writing about, “brooms, the humble broom used by our cleaners and sweepers as well as in our houses. The normal Indian broom can only be used if one bends down to it or even sits when using it. For most household purposes this might not matter much, although even there it is troublesome. A broom or a brush with a long handle, which can be used while a person is standing, is far more effective from the point of work and far less tiring to the person using it.” He then says that “Bending down in this way to sweep is physically more tiring and, I suppose, encourages a certain subservience in mind.” He goes on to press the Chief Ministers to take action to ensure that, “your Municipalities and Corporations and insist on long-handled brooms and proper containers being given to their staff of cleaners, etc.”

Over the course of their long public life, both Gandhi and Nehru saw fit to engage with the issues facing the sanitation worker. On the other hand, in the Modi world, the sanitation worker, his or her struggles and problems, are completely absent. Gandhi referenced the living conditions of the sanitation workers, and Nehru the


working condition and dignity of the sanitation workers. As far as Modi is concerned, the concrete living conditions or working conditions of the safai karamchari are not within his frame of reference. While Gandhi and Nehru engaged with the sanitation worker and their words echo pain and shame and fellow feeling, for Modi, there is no question of feeling any emotion as the sanitation worker is absent in the world of Swachh Bharat.

The government's website on Swachhh Bharat Abhiyan (SBA) provides the following description of Modi government's flagship scheme:

Officially launched on 2 October 2014 by Prime Minister Modi, the objectives of Swachhh Bharat include eliminating open defecation through the construction of household-owned and community-owned toilets and establishing an accountable mechanism of monitoring toilet use. Run by the Government of India, the mission aims to achieve an Open-Defecation Free (ODF) India by 2 October 2019, the 150th anniversary of the birth of Mahatma Gandhi, by constructing 12 million toilets in rural India at a projected cost of Rs. 1.96 lakh crore (US$30 billion).

Among the objectives of the scheme listed are the following:

- Eliminate or reduce open defecation. Open defecation is one of the main causes of deaths of thousands of children each year.
- Change people's mindset towards proper sanitation use.
- Recruit dedicated ground staff to bring about behavioural change and promotion of latrine use.
- Ensure solid and liquid waste management through gram panchayats.
• Lay water pipelines in all villages, ensuring water supply to all households by 2019.

• Keep villages clean.

What is conspicuously missing in this list of objectives is any mention of the practice of manual scavenging and the hazards (health hazards and sewer deaths) and the social evils that it carries with it, as well as the need to fully mechanize sanitation work. For this government, demolishing insanitary latrines and rehabilitating persons engaged in this degrading occupation do not seem to be matters of priority. The Modi government has fixed targets for constructing millions of toilets by 2019, but maintaining them as functional depends not only on toilets, but on the availability of running water with pipes and taps, sewerage connections, constructing septic tanks, suction pumps, power hoses, etc. as well as solid waste management practices. The scheme focuses on the construction of new toilets, without any strategy about how they are to be cleaned. There has been little or no investment on procuring mechanized sludge and pump machines for physical removal of excreta.

In November 2015, a World Bank report of the campaign’s prospective environmental and social impact observed that the proposed approach of the Swachh Bharat Mission-Gramin “has shifted on usage of toilets and behavioral change.” But “behavioural change” is actually determined by socio-economic factors such as the unavailability and inaccessibility of toilets on one hand, and on the other, the callous attitude of dominant castes who expect to have a Dalit clean up after them. Hence, the root cause has to be located necessarily in such socio-economic factors, and not on individual behaviour.

In order to push the scheme by any means possible, the government is not only coercing civic agencies to build
toilets indiscriminately, but is letting self-appointed whistle-blowers who go round shaming and terrorizing those who do not use toilets. In the name of Swachh Bharat, people are being denied their right to live and right to privacy. SBA foot soldiers are busy shaming those defecating in the open by blowing whistles, denying them rations from the public distribution system, and arresting offenders under various sections of the Indian Penal Code. Zafar, a labour activist belonging to AICCTU, in Rajasthan was killed by the same forces when he objected to government officials’ highhandedness and indecent behaviour with women instead of fulfilling the long-term demand for the municipality constructing toilets in the locality. In Balod district in Chhattisgarh, CCTV cameras are used to prevent people from defecating in the open; the village panchayat slaps a fine of about Rs 500 for those defecating in the open. In some villages in Nadia district of Bengal, a “Wall of Shame” is maintained where the names and photos of persons who defecated in open are published to shame them. In a village in Tuticorin, those who do not have a toilet at their home are denied work under MNREGA. The Haryana Panchayat Raj Amendment Act, 2015 disqualifies a person without a toilet at home from contesting elections. Kiran Bedi, Lieutenant General of Puducherry, has fixed an ultimatum of one month to build toilets, or else, people would be denied their benefits of government schemes like ration from PDS, etc. There are numerous instances of such acts of intimidation taking place. Thus, in the name of Swachh Bharat, the government is not just proposing to construct toilets without addressing the fundamental issues, but is imposing its fiat by threat, intimidation, and violence, including killings.

But, despite the government’s strenuous efforts, most rural people are slow to shift from open defecation to sanitary toilets, partly because including a toilet within
one's premises is seen as a ritual pollution of the house and partly because of the caste presumption that there are dalits to do the job of cleaning dry latrines.

As Bezvada Wilson has pointed out,

> In India, there is an inexorable link between occupation and caste; the occupation of manual scavenging is linked with caste. We have to break the link between caste and occupation before we set out to achieve Swachh Bharat. It cannot be achieved by preaching “cleanliness is next to godliness.”

Such a delinking is realized only by modernisation or mechanisation of the activities of sanitation, on the one hand, and, on the other, by uplifting the caste traditionally involved in the work of scavenging and assuring the social dignity of the workers involved in such activities.

In fact, Swachh Bharat Abhiyan exemplifies how public policy itself reinforces the continuing link between occupation and caste in Indian society. In a further twist to the Indian state's continued reluctance to enumerate and identify people engaged in manual scavenging for rehabilitation, the National Crime Records Bureau (NCRB), under the Modi government, has removed the category of listing of manual scavenging cases under the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (along with 10 other Acts) and merged this list under the existing “Other Special and Local Laws (SLLs)” head, since, according to the agency, “very few” cases are reported under these Acts. The NCRB's “Crime in India Report” for 2016 makes no mention of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 and refers only to the old Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 in its

16 “Will Swach Bharat Abhiyan be a success?”, The Hindu, 29.09.17
2014, 2015, and 2016 reports, which surprisingly showed zero number of cases under manual scavenging. Thereby, the Modi Government is guilty of studied avoidance of the need to admit the reality of this practice and to eliminate it. Bezwada Wilson, Magsaysay Award winner and National Convenor of Safai Karmachari Andolan (SKA), said that it showed the scant regard shown by the government in addressing the issue of manual scavenging. He said that his organisation had submitted multiple representations to the NCRB with the intention of separately capturing the sewage and septic tank deaths. “Instead, they have removed the cases registered under the Act,” he said.

In fact, going a step further in this calculated exercise in denial, the National Career Services Portal, launched by Prime Minister Modi, as part of the Skill India, a campaign launched on 15 July 2015 aiming to train over 40 crore people in different skills by 2022, listed manual scavenging as a career option under the category “sweeper, sewer,” with the following job description:

Removes iron-cover from manhole and descends in manhole with drainage equipment. Collects debris and refuse in bucket using spade and hands over bucket to helper outside manhole. Uses bamboo or iron rod to clean sewer by pushing it in and out and repeats process till sewer is cleaned. May remove debris and refuse in garbage carts to dumping ground. May flush sewer with hose connected with underground hydrant.

The inclusion of “sweeper, sewer” within a document titled, National Classification of Occupations, 2015 blithely ignores the state’s mandate to abolish the practice of manual scavenging under the 2013 Legislation. Manual scavenging is here being projected as a valid “career option,” and working on manholes is seen as a normal
practice. Such a bizarre and dehumanizing definition is itself an attempt to promote and continue the institution of manual scavenging. The inclusion of “Sewer Sweeper” in the list of occupations caused a huge outcry among civil society activists. M. Shivanna, Chairperson, National Safai Karamchari Commission, admitted that the inclusion was wrong and that the website implied that going into manholes was part of the job. Advocates Clifton D’Rozario and Maitreyi Krishnan, who had taken up the issue of manual scavenging in the Karnataka High Court said “These dehumanizing [definitions] are the very practice due to which the manual scavenging community has been stigmatized, ostracized and discriminated. [It] is now being proudly promoted as a ‘career option.’”

Swachh Bharat is the ultimate expression of the irrelevance of the sanitation worker and the constitutional mandate by the Modi government. This administration needs to be reminded of the basic Marxist dictum that it is labour which is the source of value and it is labour which keeps India clean. To invisiblize labour and to pretend that it does not exist is an act of violent erasure of the history, struggle, and the deaths of sanitation workers. This administration also needs to be reminded of its constitutional obligations and statutory obligations. Manual scavenging is prohibited by law, and the prohibition is in fulfillment of a constitutional mandate. Hence one cannot move towards a “Swachh

17 NATIONAL CLASSIFICATION OF OCCUPATIONS- 2015, https://www.ncs.gov.in/hi-in/Documents/NCO%20-%202015.pdf#search=sweeper The profile described the job of manual scavenging as being “mildly hazardous or dangerous,” which was also used to describe the jobs of astrologer and palmist. (Last accessed on 1 April, 2019)

Bharat” by violating Constitutional commitments and putting “sweeper, sewer” as an “occupation.” The worker has to be centered if “Bharat” is to become “Swachh,” and the protection of his or her rights is in the long term the only sustainable way of keeping India clean. To pretend otherwise is to sell a vision empty in programmatic content and devoid of human and constitutional values.

The Human Rights Movement and Sanitation Work

Ignoring the violence of society was always unconscionable in the Indian context, as the violence faced on grounds of caste and gender has its roots in societal stereotypes. In the 1990s, the emerging women’s movement and the Dalit movement took the civil liberties groups to task for being indifferent to societal violence, and, in response, human rights groups began to change their position. Massacres of Dalits by dominant castes, which are an unfortunate, albeit essential, part of contemporary Indian history, be it in Kilvenmani (1968) Karmachedu (1985), or Tsunduru (1991), only reinforced the point that a human rights group in India necessarily had to address societal violence, especially on grounds of caste and gender.

This dilemma on what was the proper provenance of human rights activism is not unique to India. In the US, for example, it was the pioneering work of Martin Luther King that advocated the expansion of the sphere of what was “human rights,” beyond a traditional “civil rights” framework. In the final years of his life, the nationally renowned, Nobel Laureate Martin Luther King threw himself behind a local strike by sanitation workers in Memphis, Tennessee. The strike originated because two sanitation workers in Memphis were eaten up by a garbage composter, and these deaths were the final straw for the sanitation workers who had been agitating for higher wages and better work conditions. King lent his wholehearted
support to the Memphis sanitation workers’ strike, because he was convinced that the civil liberties movement needed to broaden its mandate to include matters of social and economic justice and encompass the demands of the poor. It was during this final phase of Martin Luther King’s life that he broadened the mandate of the civil liberties to include advocacy on behalf of America’s poorest citizens as well as his advocacy against the Vietnam war, which generated a fierce backlash. King was assassinated during his support of the sanitation workers’ strike in Memphis on 4th April, 1968. King’s point, which his assassin hoped to obliterate, was that for human rights to be relevant, one had to include both issues of social and economic justice.  

In the Indian context, while civil liberties groups have broadened their perspective to look at “caste atrocities,” they have still not taken seriously the human rights violations committed on sanitation workers who are at the bottom of the hierarchies of caste and labour. This would mean that both caste and labour should become integral to the analytical framework of human rights groups, and the violation of human rights based on one’s position at the bottom of the intersection of the caste and labour hierarchy should begin to matter. In short, the call is for human rights groups to demonstrate a “public conscience” as observed by Ambedkar.

**Taking the Analysis Forward: Objectives of this Study**

This study by PUCL-K was born of a conviction that we should analyze the deeper reasons for manual scavenging deaths and the context in which such deaths occurred. Activist work can sometimes be focused narrowly on the immediate goal that may provide relief, but end up ignoring the deeper structural factors. In fact, the twenty two reports

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produced by PUCL-K along with other groups were focused on the immediate goal of punishing the perpetrators and ensuring that the victims were compensated. This study is an attempt to build on the previous work of PUCL-K and focus more comprehensively on broader socio-economic issues.

To undertake such a study, we can do no better than reference the report by M.K.Gandhi, who authored what was perhaps the first fact-finding report in India on the Jallianwala Bagh massacre in 1919. The uniqueness of this Report is that it is based on the premise that the massacre at Jallianwala Bagh could not be understood without examining the underlying causes in British colonial policy. The burden of Gandhi’s report was to show that Jallianwala Bagh did not stand, as Churchill claimed, “in sinister and singular isolation,” but rather represented a natural culmination of British imperial policy in India. Very similarly, we argue that the purpose of this study is to establish that the tragic deaths that continue to occur in different parts of Karnataka, and indeed India, are not “isolated singular instances” but rather the outcome of a comprehensive failure by both the state and civil society institutions to fulfil their obligations.

This study raises many crucial issues, such as the value of labour, the meaning of dignity, the role of caste hierarchy in ordering our institutions, and the absence of public conscience. We should ask the fundamental question as to what do these deaths tell us about our society. We believe that these deaths challenge the normative categories through which our society understands and orders itself.

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20 Gandhi was the main author of the fact-finding report constituted by the Indian National Congress to investigate into the Jallianwala Bagh Massacre. See Report of the Commissioners appointed by the Sub-Committee of the Indian National Congress, Collected Works of Mahatma Gandhi, Vol 20. p. 87.
Chapter I on “Transformations in custom: The many faces of manual scavenging” seeks to understand the forms that manual scavenging takes today. Though manual scavenging is conventionally understood as a traditional occupation, it has taken modern forms and is practiced in typically modern institutions such as malls, airport lounges, and sewage treatment plants.

Chapter II on “The evolution of manual scavenging: A sociological history” takes us on a journey to understand how Indian civilization ended up stigmatizing people engaged in manual scavenging. The journey which began in ancient India goes through the medieval period and colonial India, and culminates in contemporary India.

Chapter III on “Incidents relating to the death of people engaged in manual scavenging” is the very heart of the report. It is on the basis of this painstaking documentation that we were able to understand the magnitude of the problem. Admittedly, the section makes for painful reading, yet the questions thrown up in this section led us to explore other dimensions of the problem.

While chapters I, II and III are focused on outlining the nature of the problems, chapters IV to VIII attempt to redress the problem. In particular, manual scavenging has been sought to be redressed through the four prongs of the law, the state, civil society, as well as the organized sanitation workers themselves.

Chapter IV addresses the “Constitutional and legal framework” which prohibits the practice of manual scavenging and seeks to liberate people engaged in manual scavenging. The Constitution, with its guarantee of equality and dignity to all persons, seeks to displace the deeply entrenched societal norm of a “graded and hierarchical system of inequality”. Much of this Constitutional framework originates in the vision of Dr. Ambedkar.
Chapter V speaks to the role of the state in implementing the Constitutional promise. The grand vision of equality and dignity is subverted by state action which itself is actuated by caste bias disguised in bureaucratic forms.

Chapter VI addresses the important role that civil society has played in initiating change at the ground level when it comes to countering the practices of humiliation. Beginning from Ambedkar himself, civil society has constantly challenged caste prejudice and goaded the state to overcome its indifference and act. It would not be an exaggeration to say that without constant civil society intervention, caste prejudice in the form of manual scavenging would have been an unchallenged and hegemonic societal norm.

Chapter VII addresses the issue of manual scavenging from the perspective of the sanitation workers themselves, who are the absent figure in almost all discourses on manual scavenging. By adopting an ethnographic approach, the chapter seeks to capture the voice of the person in manual scavenging, speaking for himself. The chapter gives expression to the innate and quiet dignity of the sanitation worker, and challenges casteist society to transform itself.

Chapter VIII puts forward recommendations to address the diverse problems facing the sanitation worker. The recommendations move from prosecution and rehabilitation to law reform, to addressing bureaucratic indifference, and the need for investment in technology. The recommendations also call for building an archive of memory that documents both the suffering and the resistance of the sanitation worker.

Annexure I provides a powerful documentation of the geographical spread of the deaths that have occurred of persons in manual scavenging in the time period from 1995 to 2019. When we presented a part of this Report to a civil society group, the insistent question was: what can
we do if we observe an instance of manual scavenging? Annexures II to IV, attempt to guide any person who sees manual scavenging and wants to do something about it. Annexure II outlines what manual scavenging is, as well as the range of authorities who can be written to. Annexure II also lists civil society organisations along with emails and phone numbers of those who can be contacted when an instance of manual scavenging is observed. Annexure III gives a sample complaint letter and Annexure IV focuses on who to file an FIR with the police. The aim of this section is to provide practical information to anyone who wants to report an instance of manual scavenging.
CHAPTER I

Transformations in Custom:
The Many Faces of Manual Scavenging

Manual scavenging, the business of clearing excreta manually, is not an immutable practice with definite ossified features, and a content and form which is fixed. Rather, it’s a heterogeneous and extremely mobile phenomenon, appearing in both urban and rural areas, amidst crude as well as technologically sophisticated systems, and can seem mundane but takes deadly forms. The form of manual scavenging transforms across locations to fit particular political, social, legal, and economic exigencies. Hence, we need to understand the relations of power that enable manual scavenging to occur and sustain itself in the neo-liberal era.

Given below is a description of a range of locations—times, places, and occasions—in which the practice manifests itself. They mark the ways a “manual scavenger” is casteised, gendered, and classed.

Insanitary Latrines in Rural/Semi urban Areas

In rural areas, dry latrines, pit latrines, and open defecation are most prevalent, and women are most likely to engage in manual scavenging. Obviously, such practices are placed at a distance from sewers, where people cannot expunge excrement by flushing it away. In such cases, where

21 In this report, we have avoided using the term “manual scavenger” to refer to a person engaged in the practice of manual scavenging, because often, the term “manual scavenger” is ineluctably associated with certain Dalit castes that are bound to this occupation, thereby marking the person permanently with this demeaning label.
excreta needs to be carried in person from one point to another, the larger community inflicts a sort of routine and public humiliation on the community of powrakarmikas. This humiliation of rural powrakarmikas not only acts as a substitute for what is lacking in rural sanitation, but also as a method of surveillance and disciplining of the community. Further, it ensures that someone is designated with the role of physically carrying the excrement away from the settlement on a daily basis.

The routine humiliation of powrakarmikas cleaning dry latrines and open defecation also genders manual scavenging, as a custom, differently than in areas with underground sewers. By recasting the practice as something that requires nothing more than household implements, such as short handle brooms and bamboo baskets, communities without sewers feminize scavenging. In doing so, they bring rural manual scavenging into a “cult of domesticity”, by aligning it with other, albeit more respected, reproductive work such as cooking and care-taking. Sanitation workers in rural areas, small towns, and older urban settlements have to empty feces from dry latrines each morning and evening, sweep excrement off of streets and back alleys, and carry the collected sludge to larger pits outside of the community boundary. In each of these tasks, research points to clear gender divisions. A recent Human Rights Watch report, referring to ILO research on manual scavenging, states:

95 percent of private and village toilets are cleaned by women; both women and men clean open defecation from roads, open areas, and open gutters; and men typically clean septic tanks, closed gutters, and sewers.  

While the masculinization of scavenging is accompanied by monetization and new technology, feminization deprives powrakarmikas of monetary compensation by mimicking housework. Women powrakarmikas are either compensated in kind—it is still common for housewives to throw day-old food into the powrakarmikas’ hands after cleaning (Singh 2014; Srivastava 2014)—or are systematically deprived of wages. Activist Beswada Wilson hints at the kind of mechanisms that produce such gendered divisions:

Within Dalit families, women are the ones who clean the human excreta from dry latrines because this task offers the lowest wages. Men are more likely to clean the human waste on the railway lines and sewers where the wages are higher. 23

**Manual Scavenging in the Metropolis**

Urbanisation under capitalism has not undermined caste-based occupations and discrimination but has intensified and varied the manifestation of the caste system. Since manual scavenging has an inextricable link to the perpetuation of the caste system and caste-based practices of “ritual humiliation” of downtrodden communities, it is still pervasive in urban areas. It is in fact “the elephant in the room,” that is ever present in almost all urban settings, and yet rarely acknowledged as “manual scavenging”.

In the metropolis, Dalit workers are employed to clean toilets in individual households. They are also engaged in cleaning community dry latrines, roadside open toilets, railway stations, bus stands, police stations, courts, schools, colleges, kalyanmantaps, government hospitals, and other public places. Most of those involved in legal sanitation

23 https://www.thequint.com/voices/opinion/manual-scavenging-women-sanitation-caste-discrimination-swachh-bharat (Last accessed on 2.4.19)
work in India are involved in one kind of scavenging or another. The fact that the overwhelming majority of powrakarmikas work without protective gear in itself constitutes manual scavenging as an everyday practice. But, as a society, we are far from acknowledging this fact.

Illustrative of how manual scavenging takes new forms in the metropolis is the phenomenon of the housekeeping staff. The housekeeping staff is a nomenclature which disguises the fact that it is Dalits who are employed to clean toilets in industrial establishments, government departmental offices, public sector undertakings, MNCs, hospitals, factories and in malls, offices and airports, for instance.

Taking on board the range of ways in which excreta is manually handled, a position paper of the All India Central Council of Trade Unions (AICCTU) estimates that “there is a total of 5 million full-time equivalents of sanitation workers, including domestic workers (who clean toilets in residential and commercial areas). About 1.1 million people, who are employed for manual scavenging, are in urban areas, primarily engaged in sewer cleaning, septic tank cleaning, railway cleaning, and community/public toilet cleaning. More than half a million urban sanitation workers are women, mostly engaged in school toilet and drain cleaning. Over 90% of the workers belong to the lowest Dalit sub-castes.”

These forms of manual scavenging still remain hidden, though PUCL-K has, through a written representation, sought to engage the attention of the Safai Karamchari Commission to this continuing yet invisible problem.

Perhaps the most visible form of manual scavenging in urban areas is those who clean the sewers. With the growth of urban settlements, to quote the AICCTU position paper, “a system of underground drainage (UGD) systems came
to be established in cities and towns to carry sewage out of the city. Since underground sewers are where all the solid and liquid waste, human and industrial, get collected, the sewage network gets constantly clogged with a wide range of objects: toilet cleaning acids, kitchen and hotel wastes; medical waste, such as syringes, blades, sanitary waste such as diapers and sanitary napkins, glass shards, household gadgets, and non-biodegradable objects such as thermocol, a variety of plastics, industrial sludge, and construction debris. In order to facilitate easy cleaning of these sewer lines whenever blockages occur, an adequate number of manholes are provided at regular intervals, which are of varying depth and are covered with a lid visible over/on the ground/road. Due to the underdeveloped sewage network system in the country, it involves the physical entry of safai karamcharis into the network of drains through manholes and cleaning human excreta with their bare hands. The dangers of working in manholes are immediate death, paralysis, and injuries caused by exposure to gases, chemicals, radioactive, toxic, harmful substances, and other wastes that are fuming in these manholes. Failure to take precautions and constantly being exposed to such hazardous gas and chemicals cause breathing and other ailments, and result in shorter life spans of these workers. Work in sewers is extremely dangerous because of the presence of sewer gas (a mixture of toxic gases in sewers) which causes instant death by asphyxiation and/or paralysis.”

Hence, in urban settings with extensive sanitary systems that are undergoing constant technological upgradation and repair, one can notice the persistence of manual scavenging, especially when there is a breakdown of sanitary infrastructure. The inadequacy of existing plans for maintenance and upgradation of sanitary systems combined with the pressure to complete projects results
in dilution of construction quality and labor standards. The corruption of contractors and engineers results in low quality sanitary infrastructure which endangers lives of those who are forced to work in the hazardous conditions. A vivid illustration of this phenomenon is to be found in the incident of the deaths of two sanitation workers and two bystanders in a Doddaballapura sewer on April 3rd, 2016 (see the report in Chapter III for details). The deaths occurred when the sub-contractor hired by the BWSSB to lay new lines sent the two workers down manholes that were 15 feet deep without any supervision. When new lines are being laid, the old lines are first demolished, all the concrete debris and soil is cleared with a de-silting machine, and a through channel is constructed to keep the sewage water running. However, instead of first clearing the debris to ensure smooth passage of sewage water, the subcontractor blocked the flow of sewage by covering older vents with a sack, and kept them covered for 15-20 days. Sewer gas forms in such places as the sewage accumulates in a stagnant cavity. When the subcontractor sent his workers to clear the blockage with their hands, the gas came rushing in, leading to their instant deaths, especially in the deep sewers, where two or three breaths is sufficient to cause death. If the sewers aren’t that deep or if there is someone supervising who can tell if the worker in the sewer down below is getting tired or feeling dizzy, then lives can be saved in time. But these days, the sewers are getting deeper and deeper, and the workers more and more inexperienced and working without supervision. Needless to say, the workers had just migrated from the village and didn’t know anything about hazards or proper safety. They were not given proper instructions or implements. Earlier, in order to clear such blockages, BWSSB would send their regular workers, who are well versed in how to clear channels and lay down lines and know how gases
The regular workers learned something on the job because there was room for error. But in this instance, the subcontractor didn’t call trained workers or a supervisor, since he was impatient to get the job done and collect his dues, bypassing procedure.

In the metropolis, where sanitary infrastructure is always on the verge of breakdown, contract workers on municipal duty, who are drawn from the community, are regularly pushed into informal scavenging. But, when municipal agencies are unable (or unwilling) to attend to the periodical breakdowns, the larger community of residents steps in to directly hire private powrakarmikas to resolve the administrative impasse. These workers are to be found conspicuously outside of municipal ward offices, dressed in khaki and with a bamboo spade in hand, or waiting outside of bars looking for this kind of work. Oftentimes, they have a gang/group leader who gets in contact with households and brings them over. The private powrakarmikas are coaxed into it via the lure of alcohol and the promise of quick cash, for steady work. Both in case of contract sanitation workers and private powrakarmikas, monetary destitution first informs the descent into scavenging, as a choice of last resort. While the contract workers hired by the municipality are deprived of their due wages and arrears, the private powrakarmikas are stripped of their faculties, quite literally with alcohol and easy cash.

Manual scavenging in modern/urban settings is undoubtedly an exercise in dehumanization. Drought, landlessness, and caste tyranny in rural areas drive men to look for work in expanding towns and cities. But once they arrive, the mirage of economic freedom that lured them quickly transforms into wage slavery. As contract workers, men come to experience legal, political, and social exclusion through their near total dependence on a faceless contractor. In the process, the bureaucratic-contractual
nexus condemns men to become human machines who fill in for actual ones—desilters, jetting engines, sedimentation chambers.

**Manual Scavenging in Sanitation Treatment Plants (STPs)**

Apart from having to clear manholes, workers are also involved in sewage treatment at sewage treatment plants, wastewater treatment plants, sewage pumping stations, etc. which require, literally, workers to swim in human excreta while it is being treated in the treatment ponds. When grouped together with the installment of STPs in private complexes, we can begin to discern the proliferation of a new location for manual scavenging: the mechanized aggregation facility.

In metropolitan Sewage Treatment Plants (STPs) in Bangalore, BWSSB is capable of treating 874 MLDs (of the 1000 MLDs worth of sewage that the city produces), provided the STPs under its management are functioning at optimum levels. Pressured by environmental activism around pollution of lakes, streams, and storm water drains, BWSSB has announced the construction of additional plants. Our interviews and research reveal that these STPs, while under the formal management of BWSSB, are operated by contractors, and function, in essence, as black box facilities, shrouding their inner workings in secrecy. Union representatives and even designated officials required permission from the BWSSB to visit the STPs. The obvious implication here is that the contractors would have ample time to erase all evidence of manual scavenging before the scheduled inspections. Within their walls, manual scavenging takes on a form that is in complete contradistinction to the open, often feminized, humiliation practiced in small towns, old city quarters, and rural communities. Here, male workers shovel out sludge from narrow sedimentation chambers, hunched under
hydraulics precariously held open by logs. They wade across circular clarifiers barefoot, pants rolled up above their knees and shovels in hand, separating liquid from particulates, so that sewage can flow into the rectangular decantation tanks. Here they use pieces of plywood to separate the finer silt from the mixture. The worker has to come into contact with the sludge at every point in the treatment process.

Many of the approximately 400 contract employees working in around 40 facilities show signs of chronic illness after persistent, regular exposure. Activists who have managed to gain entry and conduct a preliminary survey report that each STP employs around 10 workers that do the work of 50. Many facilities where they labor are not fully operational, and BWSSB inspectors work together with the contractor to conceal the dereliction. Heavy security blocks what should be a public facility from outside scrutiny and contractors supervise the work inside, under the constant fear of public exposure. The manual scavenging in STPs remains a hidden phenomenon. This becomes an issue only when some unfortunate worker dies while working in the STP. The systematic and structural nature of the dehumanization imposed on those working in STPs remains largely invisibilized with the workers themselves being compensated barely enough to sustain themselves.

The labour of manual scavenging which is being done in STPs has brought in a new section of urban impoverished youth into what was originally a traditional caste-based occupation of cleaning excreta. This particular fact of how it may well be class which is determining those working with excreta in STPs also throws up new questions on the link between caste and class. While STPs are the places where this phenomenon is most visible, urbanisation combined with sub-contracting is showing the entry of the urban impoverished into sanitation work as well.
Manual Scavenging in Railways

Among the public sector undertakings that perpetuate manual scavenging are the Indian Railways, which is the largest employer of safai karamcharis that are employed almost entirely on contract labour, to clear the human excreta off the railway tracks at stations.

While the ministry denies employing people as manual scavengers officially, the affidavits it has submitted in the court in the past nine years suggest that except on a few trains, the railways does not employ any technology to keep its 80,000 toilets and 1,15,000 kilometres of tracks clean. This only means that faeces which is dumped onto railway tracks has to be manually cleaned up.

What the railways admits to is the employment of contractors. It seems like the Railways is arguing that since cleaning is a responsibility of contractors, they are absolved from fulfilling their constitutional responsibility. As a senior commercial officer of the Railways’ Delhi Division responded to a question on why workers were working without protective gear: “It is stipulated in the tender conditions of the contractor that they have to provide protective gear such as gloves and boots. It is possible that the contractor is at fault.” 24

In response to a litigation concerning the violation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 prohibiting manual scavenging, the following information was filed in the Delhi High Court by the Indian Railways. The Indian Railways proposed a number of technological solutions.

The following is a listing of the possible technological solutions along with latest available figures for the progress in implementing the technology.

CONCRETE WASHABLE APRON: This is a raised section on the rail tracks with waterjets, meant to wash away faeces from the tracks at station. In the 2004 affidavit, the ministry said it planned to equip 376 of the total 8,025 stations in the country with the aprons. In 2006, it raised the target to 471 by 2012-13. But in 2011 affidavit, it said aprons were functioning at 191 of 278 stations where trains halt for long. Now the deadline is 2016.

CONTROL DISCHARGE TOILET SYSTEM: This ensures that the waste is discharged only when the train is moving, thus not dirtying the tracks at the station. In the 2004 affidavit, the railways said it planned to fit the toilets in 250 coaches a year. By 2006, it said it had installed the toilets in 250 coaches in four years, and raised the target to 1,000 coaches a year. But in its September 2011 affidavit, it brought down the target to 200 coaches a year, and said the technology is not suitable for expansion.

BIO-TOILETS: Here only water trickles down the track; the sludge is retained in a tank where it is decomposed. The railways mentioned using the technology in 2006 affidavit. By March 2011, it installed bio-toilets in 48 coaches. In September 2011, it said it would be able to achieve the 5,000 coaches a year target after five years.

VACUUM TOILETS: These are similar to those used in aeroplanes. The railways mentioned initiating procurement of the toilets in 2006. The procurement process was on till March 2011. There was no mention of the technology in subsequent affidavits.
Unfortunately, there is no later information available on the status of progress in implementing these technological solutions. This might possibly due to the disposal of the case, easing the pressure on the government to do something about eliminating manual scavenging in the railways. If the Modi government is serious about Swachh Bharat, it should have devoted resources to implement the above-mentioned technologies on a war footing. Going beyond the issue of governmental will, the Indian Railways as per the judgment of the Supreme Court is duty bound to “end manual scavenging on the tracks”, in a “time bound strategy”. As of now, there does not seem to be any such strategy being followed by the Indian Railways which is compliant with the Supreme Court judgement in Safai Karamchari Andolan v. Union of India.25

**Manual Scavenging in the Defence Establishment**

Another institution which is complicit in the practice of manual scavenging is the defence establishment, comprising the three wings of the army, navy and air force. Unfortunately, due to the defence establishment being exempt in toto from the perview of the Right to Information Act, 2005, there is little information about both the extent of the practice as well as measures being taken by the defence establishment to eliminate the same. We can infer that the defence establishment is not immune to this social scourge through the observations of the Supreme Court which has noted that, “manual scavengers were being employed in the military engineering works, the army, public sector undertakings, Indian Railways etc”.26

Ensuring that the defence establishment and in particular the Indian Army works within the perview of the Indian Constitution is a herculean task. One has only to note the

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25 2014(4) SCALE 165.
26 Ibid.
recent statement by Gen. Rawat, who openly declared that the Army is not bound by the landmark Supreme Court judgment decriminalising LGBT lives. He is reported as having said that “they (homosexuality and LGBTs) were not acceptable in the Army. We will still be dealing with them under various Sections of the Army Act.” Gen. Rawat and the Indian defence establishment need to be asked as to what their position is with respect to the complete elimination of manual scavenging. Will they similarly assert that “the Army is conservative. We have neither modernised nor westernised…”, or will they work towards the elimination of manual scavenging?

**Sanitary Infrastructures and Contemporary Sensibilities**

Public sentiment is hardly stirred when men suffocate after entering UGDs and STPs, when women shovel and carry feces from pit latrines, when powrakarmikas and informal waste workers dig their hands into piles of garbage to segregate municipal waste. Nor is there much uproar as the intricate contractor-politician-bureaucracy nexus plunders public coffers, escapes incrimination, and exercises exacting control over waste workers. Such practices are discussed as a matter of public secret, a banality, as people are made to believe that such acts of domination are integral to sustaining the grain of everyday life.

To see how potent these sanitary infrastructures are in shaping our everyday sensibilities, we have to examine how they operate at their limits, where the ideologies they propagate lie most exposed. On January 28, 2018, The Hindu published a report on the sanitary arrangements made for the Jain Mahamastakabhisheka in Shravanabelagola, an

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event held every 12 years. As part of their daily austerities, Digambara monks practice open defecation, usually in secluded locations such as forests or village boundaries. Such austerities may seem unremarkable if the monks practicing them were few and far between, tucked away in remote locales. But the Mahamastakabhisheka was a remarkable event that attracted large numbers of devout Jains. In such circumstances, the mutt overseeing the festivities confronted a curious problem: how can adequate sanitation for large groups of people be organized amidst rituals that create insanitary conditions for attendees?

On the one hand, mass open defecation posed obvious health hazards and potential public approbation. On the other, not allowing monks their austerities, while they oversaw arguably the most auspicious Jain festival, risked striking a sore chord within the community of believers. Eventually, the Jain mutt sought to resolve the issue by setting up a rudimentary sanitary infrastructure—it constructed sheds in a coconut grove, fashioned out of corrugated sheets, inside of which monks could defecate on flat ground. Presumably, overseers thought that connecting the shelters to mechanized septic systems or sewerage connections would disrupt notions of ritual austerity, so they decided that the accumulated fecal matter had to be manually cleaned. Hiring local laborers to clear the sheds would court severe censure not only for the Jain mutt, but also for local bureaucrats and politicians, especially during an election year. Therefore, via contractors, they brought in people that posed little threat to local vote banks or spheres of influence—300 workers from Chitrakoot district in Uttar Pradesh, most, if not all, belonging to the Balmiki community. In effect, the infrastructure they erected to resolve various logistical dilemmas was not only rudimentary but also allowed the local government, the mutt, and the participants to keep a calculated silence.
At least, that is, until the news broke and the latrines were exposed. According to a Newsminute report that soon followed on February 3rd, the Deputy Commissioner of Hassan, who is one of the chief officials responsible for implementing the Prohibition of Manual Scavenging Act, 2013, outright denied the existence of insanitary latrines in the vicinity. It was only when reporters pressed her further did she admit that the Jain mutt had designed a spot for defecation. She then attempted to absolve herself of any responsibility by stating that the facilities were being managed by entirely by the mutt organization. In a revealing comment, she offered an old and familiar justification for the current state of affairs—custom:

The Tyagis are Digambar Jains and are set in their ways. They don’t use the sanitary toilets that we use. The township has been divided into 12 Nagars and the Tyagi Nagar has been looked after by the Jain Mautt. The Safai Karamchari Commission and the Revenue Secretary have issued a notice to the mutt, but the religious leader said that they will defecate in the open since it is their custom. (Emphasis ours).

A close examination of the incident above offers a clear demonstration of how sanitary infrastructures often obscure and routinize, rather than address, caste power. They do so by providing ways to temporarily resolve contradictions that caste relations produce in contemporary society, often by hiding such contradictions or by giving them a modern sheen. But when infrastructures break, as they often do, the underlying relations of power reveal themselves to not be too significantly different from their genealogical predecessors. They quickly revert to their historical refuge in custom and traditional ritual practice.
Lalit Batra, in his succinct analysis of sewerage work in India, identifies what is a crucial blind spot in much of the analysis and activism addresses the conditions of workers:

Common to the positions of the government as well as a large number of activists is the idea that while the degradation of those who work as sewage workers and manual scavengers is a social and political issue, the sewage infrastructure by itself is apolitical and as such a domain of intervention reserved for engineers, technocrats and planners. In other words, once the degrading working conditions and unjust labor practices are taken out of equation the technical neutrality of the sewerage system will be restored and it will be able to fulfill its promise of being a technology of economic modernization and social emancipation.

On the contrary, he argues:

The political approach to the question of sewerage infrastructure in India would reveal that contemporary caste hierarchies and caste-based forms of vulnerability and marginalization do not stand in a relationship of lack, contrast or opposition to the modernity of the Indian city. Rather, the technical and material assemblage of Indian modernity, as exemplified in the modern sewerage system, presupposes, embodies and reproduces caste hierarchies and violence at the same time as it extends the promise to dislodge them.²⁸

What does it mean to think of the sanitation infrastructure as political? Sanitation technology in the Indian context never

places the worker at the center. This itself is a political choice. The design of the UGD was not made keeping in mind the idea that a real human being would be going down the manhole and the idea of a safe and dignified work environment is essential to the field of technological design. This is not necessarily the case in other parts of the world. For example, the Paris sewer system, unlike the Indian system, is a large underground network, which is large enough for men to stand and walk about. In his study of Paris sewers and sewermen, Donald Reid cites the opinion of an engineer who was involved in the design of the Paris Sewer system:

The engineer Emery wrote that alterations in the sewer... “had been able to remedy the pestilential factors......he was particularly proud of his policy of building sewer mains large enough to allow all sewermen to labour standing upright. Work he argued would be better done and better inspected if men did not have to hunch over with their nose in the mire.”

In the Indian engineering literature, one would be hard put to find a similar concern for the worker in the very design of the sewerage system. One can again attribute this lack of concern for the worker to the absence of what Ambedkar called a “public conscience” which should ideally imbue technical fields like engineering, design, and management.

As our fact-finding team witnessed the complexities of sewerage work unfold in real time, we were simultaneously struck by how the legal, technical, and bureaucratic discourses referring to manual scavenging often functioned by systematically cleansing the practice of any specific content. In other words, a detailed study of such discourses would reveal little to nothing about the existing relations that sustained the practice or the multifarious forms it assumed. For example, we were hard pressed to find any

serious study of the elaborate contract system that underpins manual scavenging across Karnataka, or how it is mobilized to maintain sewage systems, septic tanks, or insanitary latrines. No mention was made of how actors used particular kin, trust, and rural networks to recruit laborers for manual scavenging. There was little elaboration of how the local authorities and engineers were closely enmeshed in forms of contract labor. And no careful audit of how effective existing technologies were in preventing human intervention, or how useful they were in resolving sewerage issues in real time. It was as if the legal, bureaucratic, and technical apparatus that informed both state and civil society actors wanted to distance itself as much as possible from the actual dilemmas of maintaining an intricate sewage system while enabling decent working conditions. In fact, we realized that the contractual relations and caste relations documented above were much more effective in maintaining the practice of manual scavenging, in all of its shapeshifting forms, than the explicit letter of the law was in abolishing it.

Manual Scavenging in Semi-Urban Areas
(From AICCTU files)
Manual Scavenging in the Metropolis
(From Forum Against Manual Scavenging Website)\(^\text{30}\)

Manual Scavenging in Sanitation Treatment Plants
(From AICCTU files)

Manual Scavenging in the Railways
(From Forum Against Manual Scavenging Website)

Sewer cleaning in Belgium with complete safety gear
(From History of Sanitary Sewers Website 31)

31 http://www.sewerhistory.org/gfxx/wt_region/belgium.html
(Last accessed on 29 March, 2019)
Human rights discussions have generally understood that manual scavenging in the Indian context is a direct outcome of the caste system and the institution of untouchability that it engenders. Yet it is not often realized that manual scavenging as a caste-based profession is a relatively modern phenomenon, and that while manual scavenging is primarily associated with people from specific Dalit communities, sanitation labour is a practice that goes back to millennia in India history.

Hence, in order to address the human rights violations associated with manual scavenging, it is important to take note of the sociological and historical contexts in which these practices have arisen, and view modern manual scavenging, neither as a peculiarly modern, nor as a traditional Indian practice, but as an outcome of the traditional institutions of the caste system reinventing themselves in a modern context.

As of now, there is no authoritative history on the practice of manual scavenging in India. This is in line with the casteist nature of academic research, where the practice of manual scavenging is often invisibilized. In this chapter, we provide a brief account of the history of the caste system in India and relate it to parallel developments, such as the institutionalization of untouchability, the allocation of labour based on caste, the progressive loss of dignity of labor, especially sanitation labor, in subsequent historical periods, and the evolution of systems of excreta disposal in the modern times. We argue that the phenomenon of
manual scavenging is best understood as a product of four structural factors:

a) Caste as a system of political economy
b) Untouchability as a practice
c) Changes in the division of labour and
d) Movement of excreta as specialization.

We feel that understanding the evolution of these systems historically will shed light as to the origins of the institution and practice of untouchability, the reasons for its persistence, and, hopefully, its demise.

**Manual Scavenging in Ancient India**

Many writers have noted the historical existence of scavenging as a profession. The disposal of human excreta was mentioned as one of the 15 duties of slaves enumerated by “Naradiya Samhita”. The terms *Chandal* and *Paulkasa* were used for those engaged in the task of disposal of night soil. These two terms were used also during the Buddhist period. The scavengers and sweepers were known to clean the city and dispose of night soil in Pataliputra during the Maurya Period. Incidentally, the practice of manual cleaning of night soil was not unique to India; it was prevalent in European countries and America as well. Prior to the emergence of the water closet, the sewage of European cities used to be disposed off by scavengers, the men making nightly rounds, collecting the contents of privy vaults and carting them to nearby farming areas. The practice was followed in America as well. However, the scavenging system came to an end by the middle of 19th century with the development of modern technology and other changes.

However, in India, though kings have come and gone, and empires have been built and vanished, the plight of
the scavengers remained the same through the ages. The caste system has persisted and adapted itself to the various periods in the history of the country, beginning with the invasions of Aryans, Mughals, British colonisation, and, most recently, the phenomenon of globalisation and neo-liberalisation. It is in this context that we need to understand the persistence of caste and the economic exploitation of these workers which has moulded itself in the times of urbanisation and neo-liberalisation.

The sweepers and scavengers in India are known by different names, the most common among being Mehytar, Bhangi, Chura, and the like. Besides, the term Jharna is also used in Punjab, and Lal Begi and Valmiki in Uttar Pradesh. These are the names of two great saints, the first being a Muslim and the other Hindu. Other names for groups performing the task of sweeping and scavenging include Hela, Hari, Hadi, Bhumali, Halalkhor, Doms, Dumras, Dhanuks, Bansphor, Mazhabi, Mikhail, Thoti, Chachati, Pakay, Relli, Ghasi, Olgana, Zadmalli, Jamphoda, Metariya, Bhangi, Chura, Mehtar, Clgana, Rukhi, Malkana, Halalkhor, Lalbegi, Balmiki, Kerar, Chambr, Yanad, Paki, Madiga, Mehtar, Arundhati, Sikkilias, etc. These are different names in different states for those who do similar kinds of jobs--cleaning others' dirt and filth. In Babasaheb Ambedkar’s words, “scavengers are the lowest in a system of graded inequality. This is their caste ordained occupation over which they have been handed the monopoly in the cleaning of latrines and toilets and handling human excreta. This monopoly has survived for centuries and persists even in the so-called modern era”.

The Advent of Untouchability

The origins of the caste system are shrouded in mystery, with references to it going back possibly before the composition of the Vedas. Many theories have been brought
forth, seeing it either as an ideological struggle between warring tribes, an outgrowth of tribal patriarchy, a by-product of ancient divisions of labour, or a racial assertion by the so-called Aryan colonizers from the Northwest. As a product of the caste system, untouchability served as an instrument of discipline amongst caste groups to ensure subordination, and seems to have a more recent history.

In the Vedic texts, there is no specific reference to untouchability or manual scavenging as caste practices. It is not clear whether this can be taken to mean that untouchability did not exist, or what the means of moving excreta were at this time.

Religious scriptures of this time associated untouchability, not explicitly with caste status, but with wrong doing, meriting punishment and atonement through a rite of purification. Untouchability represented a stigmatization that had a blend of aesthetic and moral character. In the first place, people became outcaste and untouchable by being guilty of certain acts that amount to grave sins. Heresy, for example, could result in a person being declared untouchable. In the *Brahmanda Purana*, compiled around the time of Manu, it was said that preaching against the Vedas would lead to untouchability. Again, “on touching Baudhhas, Pāṣupatas, Jainas, Lokayatikas, Kapilas and Brahmans guilty of doing actions inconsistent with their caste, one should enter water with the clothes on and also on touching Saivites and atheists.” Similarly, undertaking activities such as hunting, butchering, and leather working would lead to impurity, as would leaving a religious order, or menstruation by women. At this time, the movement of excreta was not associated with either subordination or caste. In fact, Kautilya in *Artha Shastras* (circa 200 BCE), declared that anyone “making a dasa carry corpse, sweep excrement, urine, or food leavings, go without clothing, incur harm, or carry out sex acts would lead to a forfeit
value paid.” Thus, the relationship between person and untouchability and manual scavenging at this time was looser than it became in later centuries.

**Evolution of Caste System in Ancient Indian Political Economy**

The discovery of steel in the Iron Age marked a radical change in the political economy of ancient India. Starting with its discovery in 2000 BC, steel became an important resource in the development of iron weapons and tools in warfare, agriculture and trade, and the claiming of jungle lands for agriculture. These developments in the economy had an impact on systems of division of labour, by creating new structures of subordination and domination in society. Since the caste system already existed in India, though in an older form, caste became a guiding principle in structuring domination and subordination. For instance, the Greek ethnographer, Megathenes, who visited India around the 300 BCE, found that people of low caste were confined to manual work, though unlike in Greece, he saw no instances of explicit slavery.

This period of Indian history is marked by what is called Aryanization, a process of colonization of the agriculturally and minerally rich hinterlands by establishing agriculture and creating regimes of taxation and trade. For this purpose, a priestly class would be placed in the hinterlands through military conquest, whereby Sanskritic kingdoms emerged in the peripheries in conjunction with the rise of a priestly class. Kingdoms in resource-poor regions, such as desert plains and plateaus, sought to expand their influence by either making deals with local elites in agriculturally fertile areas, or setting up their own elites. The descendants of these elites would become the so-called upper-castes of today. For the purposes of statecraft, it became important to have an administrative class of rulers who would live amongst
the local people, and would be responsible for keeping the law of the land. The administrative class kept control over the local population by propagating legends that equated the kings with a combination of Vedic and local deities, and claimed a superior status (including divinity) for themselves. Religious teachings also served to ensure class domination. Institutionally, temples became the site of tax collection and political power. To maintain their power, physical distance from members of this class and from sites of power came to be enforced against all who were not from this particular class. This class eventually began to be associated with the Brahmans of the Vedic tradition, though it is not clear to what extent they were descendants, and to what extent, this was a reinvention of the Vedic traditions. With the establishment of endogamy among the Brahmans, the caste system too spread to these areas in the peripheries of the Hindu kingdoms. As Dr. Ambedkar points out in his paper, Castes in India: Their mechanism, Genesis and Development (1916) and in What Congress and Gandhi have done to the untouchables, the establishment of endogamy by a dominant group eventually would lead to the establishment of endogamy among others, leading to the development of the caste system.

The political economy in this pre-industrial era depended on taming land for agriculture and resource extraction. Consequently, cattle became an important resource for tilling soil, a source of food in times of scarcity, and a means of moving resources. This development made the possession of cattle a source of wealth, labour, and eventually prestige. As cattle became synonymous with class status, the cattle body came to be invested with divine status, and correspondingly, those who worked with leather, a product of cattle, and ate beef came to be stigmatized and increasingly marginalized. In some areas, those who wanted to retain or assert higher status, such as
the Brahmins, gave up beef eating, capitalizing on existing values of vegetarianism instilled by earlier traditions, such as the Buddhist ones.

From the foregoing discussion, we can draw the following conclusions:

1) The caste system, which existed from pre-historical times, reinvented itself with the coming of the Iron Age in a distinct way in South Asia.

2) The growth of kingdoms in the Iron Age was associated with a reactionary social movement to ensure power of these kingdoms over the periphery.

3) This social movement led to the establishment of a Brahmin priestly class over different regions. This was enabled by parallel developments, such as the reinvention of the caste system, the spread of Vedic religious practices, the supremacy of the temples, stigmatization of beef eating, and the antecedent notions of purity and impurity, all of which came together at this time to ensure the ideological domination of the Brhamin class.

4) The forced movement of excreta at the hands of a member of a subordinate class was still regarded as an offense against the state. That does not mean that it wasn't practiced, but it was seen with some disdain at this time. In our next section, we shall see how this changed.

**Developments from the 500 AD onwards: Establishment of Brahmanical Supremacy**

The Aryanization of the Indian periphery described above also gave rise to a cattle-centered economy which came to be dominated by a new class of Brahmins who emerged with powers that rivalled those of the kings. This emerging class of Brahmins needed to consolidate their power.
without depending on a central political authority which they could even challenge when the need arose. They were able to do this by establishing ideological supremacy, over several generations, through the development of esoteric traditions, such as fashioning a secret language in the form of Sanskrit as well as scriptures and codes written in Sanskrit in the form of Sutras, for widespread dissemination. These Sutras, which were developed from the beginning of the Common Era onwards, provided the ideological basis of control for the Brahmins, as an authority in their own right.

Another major instrument of ideological domination was the composition of the infamous Dharma Shastras which created a hierarchical system that would rank people from the most pure to the least pure. Manu posits the origin of an untouchable caste as being generated by a corruption of the Chatur Varna. The untouchable caste resulted from the union of a Sudra man and a Brahmin woman. Dr. Ambedkar calls this theory ridiculous as there seems to be no way that an entire class/community could have been created by unions such as these. In “Riddles of Hinduism”, he says:

The caste of Chandala is said by Manu to be the progeny of illegitimate intercourse between a Shudra male and a Brahman female. Can this be true? It means that Brahmin women must have been very lax in their morality and must have had special sexual attraction for the Shudra. This is unbelievable. So vast is the Chandala population that even if every Brahmin female was a mistress of a Shudra it could not account of the vast number of Chandalas in the country. Did Manu realize by propounding his theory of the origin of the mixed castes he was assigning an ignoble origin to a vast number of the people of this country leading to their social and moral degradation. Why did he say that
the castes were mixed in origin, when as a matter of fact they were independent in their existence? Ambedkar’s analysis shows that the origin myth propounded by Manu (viz. untouchability as an eternal punishment for opposing the Brahminical caste order) was one of the first moments where untouchability is shown as result of a person’s birth, and could not be expunged, but only made worse by further inter-caste unions. Thus, Manu’s doctrine provided an ideological basis, not for a division of labor (as is commonly believed), but for perpetuating the domination of one caste over others.

The assignment of labour and servitude based on caste would be expanded by Manu’s followers in subsequent commentaries and other Dharma Shastras. Narada and Katyayana wrote more extensively about the ways in which people were bonded, and what labour could be assigned to what caste. Manu had prescribed fines for anyone who keeps a member of any of the three upper castes in debt bondage indefinitely. They pushed Manu’s design one step further by stating that Dasas could only be in servitude of one of a higher caste. Katyaayana forbade Brahmins from being bonded in all circumstances except for leaving a religious order. “Unclean work” would never be done by Brahmins. Narada went against the earlier dictums set by Kautilya against making servants clean excreta. Narada insisted that a Dasa would have to do unclean work at the behest of their master. This would include cleaning the entrances to the house, filthy pits (for leavings of food), the road, dunghill heaps, touching (or scratching) private parts, taking up and throwing away faeces and urine, doing bodily service to the master if he so desires (verses 6-7). This marks a shift in the status of

the Dasa during the first few centuries of the Common Era. Narada does not directly contradict royal authority, as it is given the right to override the Dharma Shastras in certain circumstances, but this would hardly affect the status of the Dasas. From here, we can see how untouchability became associated with servitude and the moving of excreta.

**Start of a new Millennium: Global Trade**

With the development in technologies of creating paper money in East Asia, maritime trade networks across Asia started arising from the 700 AD onwards. This had a profound effect on the culture and economy of South Asia.

**Rise of a new untouchable labour class:** Since South Asia was located in the centre of the Indian Ocean, the increase of maritime trade led to the rise of townships and ports as centers of economic importance. The rise of towns led to the creation of a new labour class engaged in sanitation. While the earlier system of sanitation depended on simple subordination, the new economy led to the beginnings of specialization of labour.

The Arab historian and sociologist, Alberuni, in the 10th century, found that the practice of untouchability had become systematized and comprehensive. He found two classes of untouchables, the first of which had eight guilds, namely washer men, shoemakers, dancers, fishermen, bamboo workers, and weavers, and a second group of four, namely Hadi, Doma, Candāla and Bhadatau. This second class was distinguished by being the sanitation cleaners of the village. They lived outside of the villages, but freely intermarried among themselves. The association of certain communities with sanitation seems to have reached a decisive phase by this time, though it is still not clear why a certain section would be especially associated with the movement of excreta.
Madigas’ association with removing excreta: To this second class of sanitation laborers belonged the Madiga community, an untouchable caste who, in subsequent historical periods, became ineluctably associated with the occupation of removing excreta. While the exact origins of the Madiga community have never been confirmed, references to the community can be found as far back as the 11th century AD in the Deccan region. The Madigas were referred to as an untouchable caste who worked on leather.

Many references to the Madigas remark about their servitude to upper castes. Early British scholars theorized that this community was a conquered nation whose defeat led to their servitude to upper castes. Colonial accounts show them as having to compulsorily wear leather (on threat of violence), following a variety of customs and religious traditions distinct to the community. By the mid-1800s, while slavery was officially abolished, the Madigas’ servitude continued in the form of bonded labor, perpetuated through traditional customs and obligations imposed on this community in rural areas. As untouchables, Madigas continued to be assigned specific types of labour, a regularized form of bondage, whereby families were consigned, like property, to uppercaste households.

During the time of Tippu Sultan, there was an effort to integrate traditional practices into the global trade system. This led to an improvement in the economic status of Madigas who, due to their traditional association with leather, benefited from their involvement in tanning and production of leather products. In fact, according to ethnographers in the nineteenth century, in urban localities, some members of the communities had even reached some level of affluence. The story of Madigas in the rural areas was, as pointed out above, another story.
From the 11th century onwards, we find frequent references to the Madiga community in Lingayat literature and in the accounts of foreigners visiting the Deccan region. In the 1300s, Basava had Madiga and Holeya followers and preached against the caste system. Basavanna contended that lowness and highness come from acts, not birth, and that contact with feces cannot make a human being impure. It is debateable as to how far the Lingayat faith went to challenge the caste system, but from the nature of this debate, we can see that the association of removing excreta with untouchability, and with Madigas in particular, had become established in this region by the 14th century.

Simultaneously, around this period of time, practices that resembled untouchability, as well as the marginalization of a group of people to be involved in moving excreta were being seen across Asia along the trade networks, from Japan, to Europe.


The entry of the British changed certain features of the bonded labour system. Warrior caste elites diminished in size, and the elite communities that remained were either the clerical, land-owning, or commercially dominant castes. These castes would act as intermediaries between the new colonial system and the so-called lower castes. With the introduction of the Ryotwari system and the accompanying taxation systems, the upper-castes would have a stronger control over the labouring castes, especially the Madigas.

British officials modelled property rights over land based on their understanding of the quasi-feudal nature of the South Indian agrarian economy. Land could not be sold without selling the labour bonded to that land, and bonded labour was the joint property of the village and the land owner. In time, the colonial state found that relationships
were actually quite diverse and could not fit neatly into any theory of economy.

In the Indian context, the new lease of life given to caste-based occupations such as manual scavenging owes much to the colonial intervention. As British Cantonments were established, sanitation became a pressing concern. In the absence of a sewer system or any major lakes near urban settlements, the British military required a growing labour force to move human excreta. Military officials found that the local population refused to do this work, and would bring in people from peasant and dalit communities from the Madras Presidency (today Tamil Nadu and Andhra Pradesh), leading to the establishment of a new servile class in areas of Bangalore and Kolar. Excreta was moved using carts directly from the home. A Report on Sanitation in 1876 describes the workings of the sanitation system in the colonial period:

Each compartment is divided from the others by a neat partition of wicker-work coated with coal-tar. The solid excreta are received into an oblong wooden-box containing dry earth, which is withdrawn and replaced from outside by the toty. The urine opens into an opened groove of channel which runs along the range of seats, and is finally received into a tub sunk in a pit outside; this is removed daily by a scavenger cart. At one end of the latrine there is a square reservoir for water for ablution; the latrine is well ventilated, there being a thorough draft from end to end, as well as a ridge ventilator. The excreta from the regimental latrines is removed by the conservancy establishment kept up by Government at the cost of Rupees 87 a month and carted away to a distance of five miles from the cantonment. The excreta from the domestic latrines
are removed by contract twice a day and realize 16 Rupees a month.\textsuperscript{33}

Many British officials would find the work of scavengers repulsive, and preferred that the work be moved further away from them. Some even sympathized with the plight of their upper-caste compatriots, as this quote from T. Weir illustrates when describing Bombay city in the late nineteenth century:

Early in the morning, long before the light of day has arisen, they are disturbed by the cries of the sweepers and the rattle of the filth-carts. Picture to yourself the life of a Hindu gentleman in the heart of the city. Disturbed in the early morning, long before sunrise, by the sweepers at work, he gets up and goes to the verandah in front of his house to breathe the cool and refreshing air of the morning; but even that comfort is denied him, for he is driven from the verandah by the sweepers passing to and fro in front of his dwelling, and the horrid odours that taint the morning breeze. From the gullies on either side shoot in and out mehters and mehtranees busy at their ghastly work. And perhaps even the end of his verandah may be fouled by the basket of the unholy and vile bhungy. He may remonstrate, he may threaten, but the sweeper cares not, for he knows too well that the kind-hearted and too merciful Settia will never report him. Such are the scenes that go on every morning in most of the streets in the capital of India, and I would ask, Would Europeans submit to this system?\textsuperscript{34}

The establishment of the Cantonments, and the reluctance of the local population to do the sanitation work

\textsuperscript{33} Reports on Sanitation: 1876
\textsuperscript{34} Ibid..
necessitated bringing in Dalit communities from the Madras Presidency. The growth of town and cities often around the cantonments exacerbated the problem. The crisis brought about by this growth of population in the absence of adequate sanitation infrastructure led to a series of epidemics of smallpox, cholera and other diseases right from the 1830s onwards. The crisis reached a critical point especially when a plague swept the Mysore Princely State in the 1890s. The development of the railway networks during the 1880s and 1890 also led to sanitation becoming an even more pressing concern. As succinctly summarized by a position paper by the AICCTU:

The advent of the British and their introduction of urban local self-governments, saw solid waste management becoming one of the primary functions of these agencies. The British period further institutionalized and expanded the practice. The British used dry latrines extensively in all their building projects in Cantonments, railways and municipalities. All British institutions, the army, railways, courts, industries, mining, and towns were equipped with dry toilets instead of water borne sewage. Municipalities Act, 1911 and the United Provinces Municipalities Act, 1916 prescribed fines up to Rs. 10/- for those involved in sewage, scavenging, and sanitation work for failing to perform their scavenging duties in a proper way on the complaint of the occupier of the house or the building. Scavenging is a legal obligation imposed upon the untouchables, a form which they cannot escape. Thus, workers were employed directly by the local self-governments in towns and cities to perform this filthy work. Thus, the caste-based occupation of the dominated Dalit caste was
converted into their "profession" under the system of governance introduced by the British. 35

The crisis in sanitation caused by the growth of infrastructure, both civilian and military, led the Mysore government in 1893 to employ Standish Lee as the Chief Sanitary Officer to create a water pipe system to bring in clean water and dispose of sewage, revolutionizing the systems from the earlier tank-based systems, leading to a system of urban planning centered around piping systems to move water but would still require scavengers to work to remove excreta. District-level Sanitary commissions were established, and efforts, especially in urban areas, were directed to ensure more sanitary surroundings.

However, even with the development of the sewage system, what did not change was the caste of the person engaged in manual scavenging. Thus regardless of whether it was a dry latrine system or water borne sewage, there is evidence that the work of manual scavenging was being carried out by people from a number of Dalit communities, including migrants from north India. In Hassan’s book, The Castes and Tribes of South India, only two castes are mentioned as being traditionally sweepers, (Madigas and Lalbegi), and three castes have taken up scavenging among other professions (Madigas, Malas, and Mangs). 36

In the colonial period, we can see that the profession of moving/dealing with excreta became a specialized category within the broader category of sanitation worker/sweeper. Rather than challenging the caste system, the colonial and modern urban systems of governance developed technologies that invisibilized the labour of the community and incorporated a modern version of the caste

35 On file with the AICCTU.
system to run the essentials of its administration. While the British documents do not specifically mention the caste of those engaged in manual scavenging, it is clear that the communities thought to be traditionally on the lowest end of the caste spectrum were the ones who were employed for this work.

Colonial Continuities: Further Marginalisation of Sanitation Workers

The beginning of the British experiment in devolving political power to Indians, starting with the Montagu-Chemysford reforms, was to allow local bodies to be run by Indians. However, when Indians were put in full control of local government, there was no change in the situation on the ground as far as the sanitation workers were concerned.

Tanika Sarkar argues that, “The social gulf between nationalist councillors and untouchable scavengers- the meanest of Corporation employees- was no less oceanic than was the distance between Europeans and ‘Natives’. In fact, racial boundaries were considerably more porous than the caste barrier…” 37

Vijay Prashad makes a similar point in reference to the Delhi Municipality:

The power of these Hindu and Muslim Jamadars over the dalit sweepers was twice as strong, for not only did the Jamadar exert the authority of his office, but he was able to exert the ritualized authority of caste. The Jamadar’s patronage network was to be a major determinant in the social lives of the Dalits…38


Putting Indians in charge of the municipal administration only increased the power of the caste Hindu over the sanitation worker. The caste Hindu responded with revulsion to the very presence of the Dalit worker. Tanika Sarkar cited the example of Bishunath Motilal, a Bengali gentleman:

...wrote to the municipal authorities in 1837 in great horror that these days scavengers were actually seen on the street at all hours of the day. This literally turns the stomach of the well-born Bengali, he complained, especially if he had just had a full meal. 39

The project of ensuring sanitation exacerbated existing hierarchies between communities. If there was a reason to be suspicious of what independence would mean for the Dalit, one had to go no further than the plight of the sanitation worker. She was utterly dehumanized by Indians, in a British government in which local administration was run by Indians. There was no reason to expect that the situation would dramatically improve in independent India under a government fully run by Indians.

**Routinization of Practices of Untouchability under Urbanization**

Thus, modernization in the Indian context led to the strengthening of the relationship between certain castes deemed untouchable and sanitation work. This was a condition in which certain castes were subordinated not through a direct relationship with dominating groups, but through generalized political, economic, legal, and technological marginalization, routinized through expanded infrastructural networks. One crucial factor that affected this change was urbanization, a process that not only affected Indian cities but also villages, in that such

growth subordinated rural society to urban centers. The dramatic growth of cities and towns, a result of direct British rule after the Indian rebellion of 1857, was premised on the laying of extensive sanitation infrastructures\(^{40}\) that required large numbers of impoverished labour from the countryside, usually drawn from dominated castes. The shift from customary caste obligations in the countryside to paid urban labour was a rupture that presented new opportunities as well as dangers. Gooptu describes the politicization of Dalit sweepers amidst urbanization in the following manner:

Reports of the Municipal Boards attributed...decline in customary sweeping work amongst untouchables to ‘the infusion of a spirit of superiority in them’. This suggests that the sweepers are unwilling to perform scavenging functions when these were expected from them as “customary” services in private households, but were agreeable to be employed by the municipality, for in the latter case conservancy occupations could be seen as essential public utility services, rather than simply “low” occupations imposed on them. (p. 230)

Meanwhile, Vijay Prashad (2000), analysing the struggles of Delhi sweepers, outlines their plight after the loss of customary rights and their integration into waged labour:

Between the 1850s and the 1930s, the sweepers of Delhi lost two important things: first, their partial control over their labor process and second, their right to claim that their betterment was for the good of the city. On the second point, when the sweepers

protested their treatment, their struggle was couched by the DMC [Delhi Municipal Corporation] as parochial, while the DMC put itself forward as the voice of transcendental reason. The DMC claimed that sanitation was not commercial activity, but a bureaucratic venture, hence it was not to be troubled either by the laws of the market or the desires of the workers. The DMC was the benevolent overlord, the Jamadars and the contractors played the role of the patrons, and the sweepers acted as serfs in a familiar drama. 41

These contrasting reports are instructive in understanding the Janus-faced nature of the relationship between caste and sanitation in urbanizing India. Dominated castes, especially those termed “untouchable”, fulfilled a variety of roles in the countryside, from agricultural to artisanal labor. But landlessness and social deprivation meant that dominant castes transacted with these communities mainly as people who performed the “unclean” tasks of a village. Recent scholarship (Rawat 2012) 42 points to significant differences between dominant perceptions of the work that Dalit communities engaged in and the self-perception of these communities, especially over the transformative decades of the early 20th century. Urbanization may have led to the freeing up of customary relations in the countryside, but the recruitment of “free” city sanitation workers may have been accompanied by a collective amnesia surrounding the work that Dalit communities were concretely engaged in in the countryside. Such amnesia can be seen as a new form of stigmatization in the context of contemporary Indian cities, where the recruitment of Dalit laborers is

accompanied by a stripping of their concrete experiences to their presumed caste occupation.

**Reproduction of Rural Caste Hierarchies in the Running of Sanitation Systems**

In our own fieldwork in Bangalore, sanitation workers, mostly, although not exclusively, recruited from the Madiga community, described to us how they were engaged in a variety of occupations, both in their native villages and in the city, even as they had resorted to sanitation work. Workers were forthcoming about the role they or their community played in agricultural labor, either on family farms or that of landowners, construction of infrastructure, local politics, and in religious and cultural capacities, as performers and priests. And often, notions of right and wrong, caste discrimination, and agency were refracted through such life experiences. Our common sense, acting through the lens of caste bias and urban sensibilities, often overlooked such details as insignificant to the issue of manual scavenging, at least at first. But, we soon realized that not engaging with a community’s organic experiences, the symbols and ideas that a community deploys to make sense of and politicize their social position, is the first and most violent step in disabling a community’s capacity to social action, to seeing communities engaging in manual scavenging as nothing more than a community of manual scavengers.43

Such an ideological operation takes on a specific form in contemporary urban India, where Dalit traditions and archives kept alive in rural communities often find

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43 The authoritative text to refer to regarding this is Mogalli Ganesh’s essay “Jaati paddathi mattu dalitha samskriti” in the volume *Jaati Mimamse* (2015). Here, he argues that a culture of a ‘broken people’ can only be analysed as a material practice of social intervention and reconstruction, otherwise it risks reification, depoliticization, or erasure.
no place. Rooted in specific linguistic and geographical specificities, such community resources seldom find avenues for expression in cities, even as urban sanitation workers have vibrant memories of them. It is true that urbanization brings a form of public anonymity that can strip one of direct caste identities. It also offers avenues for politicizing caste relations by bringing them under the ambit of modern legal, electoral, and juridical mechanisms. But this urban shift is accompanied by a loss in translation, especially for Dalit communities, who are put in a position of subordination vis-à-vis the larger urban populace. As these communities enter the urban social milieu, they do so with unequal access to the law, capital, technology, and land. Hard won positive discrimination is either scarce or unyielding. Caste reservations in education and government employment are quickly filled up and benefits only a certain layer of the community. And legal rights are not actualized without tapping onto extensive networks. Pushpalata, an activist representing the Dalit Bahujan Chaluvali described this process to us:

There are many parallels between rural life and urban life for the manual scavengers I work with. And caste is the connecting thread. Think of how a manual scavenger finds housing when s/he first moves to the city. If a potential landlord doesn’t ask you about your caste directly, he asks you about the work you do. Either way, you will probably be denied housing. Then the only option left is to draw on people you know, a community of people that you have rural ties with. They are the ones that find you housing in slums, they are the ones that draw upon their networks to find you a job. And these networks are operated by recruiters that know that they will be able to find manual scavengers in this or that particular slum, because these settlements are
clearly segregated by caste. Moreover, as existence in these slums is precarious and fearful, manual scavengers in the city are made invisible.

Therefore, the loss of direct caste identities and public anonymity in the city is coupled with the necessity of retreating into networks that are characterized by deep rural ties and pronounced, if shifting, hierarchies. In this way, urbanization does not abolish rural caste relations as much as integrate key aspects of them, subordinating such relations to the diktats of city life. The statement quoted above reveals another important point. Participating in modern city life is not simply a matter of physically moving within city municipal limits. Rather, it is about navigating and exercising control over urban infrastructures—whether they be physical, legal, or economic.

Maintaining urban infrastructures requires privileging certain knowledges, languages, and forms of identity while erasing others. In this way, urbanization is a material practice that produces a history and a sociology partial to its interests. As an illustration, let us take the example of the relationship that the Madiga community has had with leatherwork and examine its transformation under contemporary conditions. In a prior context, dominant castes generated a stigma around leatherwork, labelling it as an unclean occupation. However elaborate and obscure the ideological reasons for this stigma were, its practical implementation over the Madiga community meant that it diminished the value of a necessary craft and exercised social control over a skill crucial to many aspects of the rural economy. Indeed, the ideological justifications for such caste subjugation were very obscure, elaborate, and riddled with contradictions. A brief survey of the various Dharmashastras and dominant caste engagements with colonial administration clearly demonstrates this. But this has meant that counter-ideologies have also had to
urbanization, a nexus of dominant caste communities reproduced the same stigma, but this time to channel cheap labour from Dalit communities into another realm of social activity. As the material conditions of social life changed substantially in the 20th century, the need for leather products for irrigation, transportation, draft ploughing, and weaponry was substantially reduced (Sujatha 2002).

Just as leather lost its former significance, sanitation infrastructures, both in cities and villages, became more intricate as the nature of faecal and solid waste dramatically changed, and as the subcontinent faced new epidemic threats. The maintenance of such infrastructures was therefore an essential service critical to addressing new public health concerns around sanitation and hygiene, just as leather work was once essential to the metabolism of daily social life.\(^{45}\) Nevertheless, even in this transformed context, there was a marked continuity in the stigma that allowed for the extraction of cheap labour from the Madiga community to maintain public sanitation, yet another essential service. Within the Madiga community itself, the continuation of stigma meant that the social disabilities continued unabated, which resulted in the debilitation in the power of community members to transfer skills accrued in leatherwork, or other work, into more lucrative and socially esteemed vocations.

The same transformations in urban infrastructure appear dramatically different when viewed from the perspective

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be nimble and intricate. For example, the myths and rituals of the Madiga community, as well as the more modern anti-caste theories of B.R. Ambedkar, Iyothee Thass, and E.V. Ramaswamy have had to reconstruct notions of historiography and myth to make certain assertions of dignity, self-respect, and origin.

of the dominant castes. The Reddy and Vokkaliga (Gowda) communities, who exercised their traditional social position through control over agricultural land and labour, dominated both political and economic life in villages across Karnataka and Andhra Pradesh. While there was substantial internal differentiation in these communities, between rich and poor, its inflection was one of class, not caste. As urbanization transformed the relationship between the city and the village in the 19th and 20th centuries, both Reddys and Vokkaligas quickly transformed their rural clout into organizational strength, by forming independent caste associations as well as leading non-Brahmin movements in erstwhile Mysore, Hyderabad, and Madras.46 Through political organization, community members accessed foreclosed educational and employment opportunities in growing cities, even as they continued to have strong ties to the village.

As the 20th century came to a close, this ability to exercise control over the urban-rural metabolism—control not simply over either city or village life but over the relations between them—proved to be crucial in shaping waste infrastructures in cities such as Bangalore. As municipalities privatized garbage and sewage work under economic liberalization, Reddys and Vokkaligas were well poised to exploit both rural and urban relations. First, they quickly transformed rural wealth into urban capital, buying lorries, autos, and later, garbage compactors. Second, they transferred rural political power into the urban context, building extensive relationships with municipal bureaucracy and state representatives in order

to influence the contract bidding process. Third, they drew upon rural relations of power, recruiting workers from a community that they had historically subordinated: Dalit communities, and overwhelmingly Madigas, from South Karnataka, Hyderabad Karnataka, and the Rayalaseema region of Andhra Pradesh.
CHAPTER III

Selected Incidents Relating To The Deaths Of Victims Of Manual Scavenging

PUCL-K’s involvement with the issue of manual scavenging began with its response to the deaths of people who were employed for manual scavenging. Initially, these deaths merited at most a few lines in the local crime section of the daily newspaper along with traffic accidents and other such incidents. The indifference to these deaths by both society and state pointed to a deeper malaise which allowed these deaths to happen at regular intervals without any introspection. Beginning in 2008, PUCL began responding to the deaths of persons who were cleaning manholes. PUCL, in all these cases, along with the Safai Karamchari Kavalu Samithi, have been involved in ensuring a measure of accountability by the state for these needless deaths.

In this chapter, we provide extracts from the fact-finding reports which PUCL carried out to give specific details of each case as well as to communicate the underlying patterns of these deaths.

Death of Safai Karmachari in K.R. Nagar, Mysore District (April 2008)

On 09.04.2008 in K.R. Nagar in Mysore district, two sewage workers, Kariya (38 years) and Lakshmanappa (40), died of asphyxiation after inhaling poisonous gases including carbon monoxide and methane when they entered a manhole to clean it. Four others, Palani, S. Palani, Bhandari and Venkatesh were injured while trying to rescue Kariya and Lakshmanappa.
According to S. Palani, the health inspector took their attendance at 1.30 pm, as was the routine. At that time, one Raju Shrikant, whose wife was a councilor, came and demanded that some workers go with him immediately to clear a clogged underground drain. The Health Inspector then divided the powrakarmikas into groups and sent Lakshmana and Kariya to clean the clogged drains, as reported by Raju Shrikant. On reaching the manhole, Kariya and Lakshmana told Shrikant that they would wait for the vehicle to come, since the ladder, ropes and all other equipment were in the vehicle (the manhole was about 20 feet deep). However, Shrikant is said to have scolded them and told them they would have to go down the manhole and begin work immediately. According to Underground Drainage Contract Workers Union (Mysore), one should climb down into a manhole only after removing its cover and letting it air out for at least 2-3 hours in order to allow all the poisonous gases to escape. However, without any ladder or rope and without allowing the manhole to air out for the required time, Kariya was forced to enter the manhole. Within two minutes of entering the manhole, he collapsed. Lakshmana saw this and entered the manhole to rescue Kariya, but even he collapsed once he reached the bottom of the manhole.

In the meanwhile, a crowd had gathered and the health inspector and other powrakarmikas were contacted. Palani, S. Palani, Bhandari, and Venkatesh all rushed to the manhole. The time was around 2.15 pm by then, and the four powrakarmikas climbed down the manhole one after the other to try and save Kariya and Lakshmana. Bhandari says that the moment he went down the manhole he felt a strong pungent smell and could not even stand; his eyes started watering, he became dizzy, and almost fainted before he was pulled up. S. Palani also tried to tie Kariya and Lakshmana to a rope so they could be pulled up, but he
was unable to. The smell of the gas was so overwhelming and toxic that even he fainted and fell down into the manhole. It was at this point that they realized that the fire department personnel were required. Before the fire fighters could reach the spot, the crowd had the presence of mind to lower opened oxygen cylinders into the manhole; it is believed that S. Palani was probably saved due to this. The fire fighters then came and rescued S. Palani, and removed the bodies of Kariya and Laskhmana from the manhole. Those who were injured were immediately taken to K.R. Hospital.

The news spread like wildfire in K.R. Nagar and thousands of people gathered at the TMC office in protest. The dalit community demanded immediate action and refused to hand over the dead bodies for post-mortem. Late in the night, the TMC took the decision to give compensation to the families of the dead victims and the injured powrakarmikas as well, with the District Commissioner, Shri Manivannan, signaling his approval for the same. The President of the TMC, Shri Kantaraju, who is also a dalit, took the initiative to ensure that just compensation was given to the families of the victims. The resolution passed by the TMC stated that the families of victims would be given compensation of Rs. 3 lakh each and Rs. 10,000 for funeral expenses, a house under the Ashraya Scheme, and jobs in sanitation for one person from each of the victim’s family. The injured persons were to receive Rs. 2000.

The post-mortem was carried out on 10.4.2008. According to Dr. Madhav D. who conducted the post mortem, both the victims were brought dead to the hospital at about 3.30 pm. His preliminary opinion was that the cause of death was asphyxiation caused by inhaling poisonous gases, including carbon monoxide, hydrogen sulphide, and methane. At the time of the fact-finding report, the four injured powrakarmikas were still receiving treatment in
K.R. Hospital and according to their doctor, Dr. Mohammed Ghouse Shariff, they were out of danger. He stated that they had been brought to the hospital in a serious condition with their respiratory tract blocked due to inhaling of poisonous gases, including carbon monoxide.

Shri Guruprasad V.M., Sub-inspector of Police, K.R. Nagar Police Station reported that a case (No. 69 of 2008) under sections 304A and 337 of IPC had been registered against Raju Shrikant, the two mstries (Ramesh and Krishna) and the health inspector (Ramesh). However, none of them had been arrested at the time of the fact-finding report.

**Death of Two Workers at Electronic City, Bangalore (July 2008)**

On 5th July, 2008 at around 4.00 pm, four workers, Hanumanthappa, Krishnappa, Ramaiya (from Shantipura Village, Anekal Taluk, district Bengaluru) and Ramchandra (from CK Palya, Anekal taluk, district Bengaluru) were asked by a contractor, Govind Reddy, to clean a manhole which was blocked in Velankanni Company, Electronic City.

According to the complaint given to the police, Hanumanthappa was near the cable pipe while Ramaiya and Ramchandra went inside the chamber to clean the garbage. Krishnappa then followed them and entered the chamber as well. When the three workers failed to come out of the chamber even after ten minutes, Hanumanthappa went to see what had happened. As he went close to the chamber, he saw that the three workers had fallen on the floor of the manhole amid the garbage and sewage and were breathless and frantically throwing their arms in the air. Hanumanthappa, with the help of people who were around the area, brought the three of them out of the chamber. However, by that time, they were unconscious and were bleeding from their nose and mouth. They were
immediately rushed to St. John’s Hospital, and from there Krishnappa and Ramchandra were shifted to Victoria Hospital while Ramaiya was shifted to Garden City Hospital. Krishnappa and Ramchandra were declared dead at the hospital in the evening. Ramachandra is survived by a pregnant wife and a year and half old son, while Krishnappa had a daughter who is of marriageable age.

At the time of the fact finding report, Ramaiya was battling for his life in the ICU of Garden City Hospital, Jayanagar. On 07.07.2008, Dr. Raghavendra said that the condition of Ramaiya was very critical, he had inhaled a large amount of toxic fumes due to which he was suffering from chemical pneumonitis (inflammation of the lungs or breathing difficulty caused by inhaling chemical fumes) and had a respiratory attack. Smt. Shymala, wife of Ramaiya, who was at the hospital, was extremely worried for his safety and the future of their two children. She had spent more than Rs. 15,000 on hospital expenses until that point while the representatives of Velankanni Pvt. Ltd. had promised to cover the medical expenses.

According to the complaint given by Hanumanthappa, none of the workers had been provided with any safety equipment, including basic protective equipment such as masks, before going in to clean the manhole. On the complaint of Hanumanthapa, the incident was registered as Crime No. 278/08 under 304A (causing death by negligence) and Section 337 (causing hurt by act endangering life or personal safety of other). The police had named Sukumar Swamy, Ganapati Prasad, Sundar, Shrinivas along with the Contractor, Govind Reddy, as accused in the offence. However, none of the persons had been arrested.
Death of Three Sewage Workers in Yelahanka (November 2008)

The “accident” that occurred at Yelahanka New Town on 14th November, 2008, resulted in the death of three persons. At around 2.30 pm, Amaresh [aged about 23 years] and Narasimha [aged about 43 years] were hired by the contractor Gangadhar to clean a manhole at the Dairy Circle near Telecom Exchange Quarters, Yelahanka New Town. BWSSB had engaged the services of contractor Gangadhar to clean all the drains in Yelahanka New Town.

At around 3.20 pm, Narasimha climbed into the manhole to clean it, but as the ladder in the manhole was rusted, as soon as he was half way down the manhole, it collapsed and caused him to fall deep down. In order to help him out, Ambarish went into the manhole, but he too fell inside. Hearing their screams, Srinivas [about 23 years], an auto driver who was passing by went into the manhole to help the two of them, however, he too got trapped in the manhole and died.

Persons who noticed Srinivas entering the manhole when he did not come up and alerted the police. Fire-force personnel then reached the spot at around 3.30 pm by which time all three were dead. Their bodies were then lifted out and shifted to Dr. B.R. Ambedkar Medical Hospital. Shri Katta Subramanya Naidu visited the spot and announced that the families of the deceased would be given Rs. 1 lakh each.

The Yelahanka Police Station had registered a police case under 304A (causing death by negligence) against the contractor Gangadhar and the BWSSB engineer and supervisor. While the BWSSB officials had been arrested and released on bail, the contractor was absconding.
News of this incident spread among the relatives of Amaresh who are from Raichur district and who work in Bangalore as construction workers. Hundreds of people gathered the next day (15th November) at B.R. Ambedkar Medical College to protest against this incident and demanded just compensation to be paid and action be taken to prevent any further such accidents. The family and relatives of the deceased along with hundreds from their villages and leaders of various Dalit organizations demanded immediate action and refused to hand over the dead bodies for post-mortem until such compensation was paid. They demanded that each family must be given compensation of Rs. 5 lakhs, a government job, and a house.

Shri Basavaraj, Chief Engineer, BWSSB, along with the Private Secretary of Shri Katta Subramanya Naidu and senior police officials were present at the hospital and spoke to the families of the deceased. In the evening, Shri Basavaraj, Chief Engineer, BWSSB, agreed to all the demands and gave a written assurance that the families of the victims would be given compensation of Rs. 3 lakhs each, of which Rs. 1 lakh was paid at that point and a further amount of Rs. 2 lakhs would be paid within the next week. The BWSSB also gave each family Rs. 20,000 each for funeral expenses and ensured that the State Government provided the remaining 2 lakhs and houses under the Ashraya Scheme. Shri Basavaraj also assured the families of the deceased that preference would be given to family members of the deceased when applications were called for jobs in the BWSSB.

**Incident at Karimsaab Layout, Heganahalli Cross, Peenya (May 2009)**

On 9th May, 2009 between 10.00 to 10.30 am, three sanitation workers, Rajanna, Shivu, and Pampanna, were called to clean the soak pit of the house belonging to one Jayaram at
Karimsaab Layout, Hegganahalli Corss, Peenya 2nd Stage, Bangalore. According to eyewitnesses, the owner of the house, Jayaram, employed them through their contractor, Gowda, to clean the soak pit of his house for a sum of Rs. 1,500/-. They were brought to the house of Jayaram along with a tractor and other sanitation workers and ordered to clean the soak pit. The soak pit was about 11 feet deep and was partially filled up with human waste. The three persons moved one of the granite slabs that covered the soak pit slightly, just enough for one person to lower themselves into the pit. Rajanna was the first to enter the pit and immediately collapsed. The other two then entered the pit to help Rajanna but they collapsed as well. All three died immediately of asphyxiation.

The owner of the house, Jayaram, the contractor Gowda, and the other workers who came along with the tractor ran away from the spot on seeing that all three sanitation workers had collapsed in the soak pit. Then, some of the other cleaners working nearby were called, and along with the Fire and Emergency Services personnel, they later entered the pit and removed the dead bodies. By that time, someone informed the wife of Rajanna, who immediately rushed to the spot. Over the next two hours, the families of the other two deceased also came to the spot after they were informed by some acquaintances.

The police then arrived and informed the Deputy Commissioner, the Tahsildar and the local MLA, Shri Muniraju, of the accident. However none of the concerned bureaucrats came to the spot. Around 3.00 p.m. the local MLA, Shri Muniraju came with his party workers and spoke to the families of the deceased. Shri Muniraju, on behalf of the State Government, gave Rs. 10,000/- ex-gratia amount to each of the families, and assured them that the State Government would provide each family with a free house under the Ashraya scheme and free education for
the children of the deceased up to college-level. He also assured the families that they would receive Rs. 25,000/- each from the owner of the house, Jayaram and the contractor, Gowda. The MLA also assured the families that the State Government, on its part, would provide further just monetary compensation. The three bodies were then taken in ambulances to Bowring Hospital for the post-mortem.

Rajanna is survived by his wife Savitri, 17-year-old son Kiran, and 8-year-old son Aruna. Shivu is survived by two sons, Suji and Santhosh, aged 8 years and 9 years respectively; the deceased Shivu’s wife had passed away the previous year. Pampanna was survived by his wife Bhagymamma and 7-year-old daughter Shilpa.

**Death of Two Workers at a Manhole in Kolar (December 2010).**

On 11th December, 2010 at around 12.30 pm, Shri Manjunath and Shri Rajanna were asked to enter into a manhole near the RTO office, Bangarpet Road, Kolar in order to measure the manhole. According to the complaint given by Shri Narayanswamy, the younger brother of Rajanna, he was working nearby when he saw his brother and Manjunath enter the manhole and not come out. He then called Shri Murali who used a rope to pull Manjunath and Rajanna out of the manhole. It was at around 1.30 pm that the bodies of the workers were recovered by Murali. By then, both the workers had died of asphyxiation. The manhole that Manjunath and Rajanna entered into was about 25 feet deep, and was filled with sewerage about 8 feet deep. Neither of the workers had been provided with any safety equipment whatsoever. The engineer whose responsibility it is to be present when any manhole is entered was also not present.
Narayanswamy filed a complaint with the police that was registered by the Kolar Town Police as Crime No. 191/2010. Various dalit and left movement leaders came to the spot of the incident and conducted a protest demanding that Rs. 5 lakhs be provided to the family of the deceased, and that action be taken against the errant officials.

The Tahsildar, Smt. S.M. Manjula, the Additional Deputy Commissioner, Shri N. Babbanna, Shri Murali Gowda, the vice-president, City Municipal Council, Kolar, and Shri Gopalappa, representative of the contractor, Shri Krishna Reddy, visited the spot of the incident. The contractor agreed to pay the family of the deceased Rs. 3 lacs each, and paid Rs. 50,000/- to them on the spot. The Social Welfare Department also assured the family of the deceased that they would be paid Rs. 1 lakh each. Shri Murali Gowda, vice-president, City Municipal Council, Kolar also assured the families that he would place a proposal for payment of Rs. 1 lakh before the City Municipal Council.

Manjunath, aged 28 years, was a resident of Neelkantapura and is survived by his wife, aged about 21 years, 3 daughters (aged 4 years, 3 years, and 2 years) and aged parents. Rajanna, aged about 23 years, was a resident of Madhavanagurajenahalli, and his marriage had been fixed for the following month. Rajappa is survived by his parents, an older brother, 2 younger brothers and 2 younger sisters. He was the main provider for his family, and worked in manual scavenging for the last 5 years. Manjunath and Rajanna both belonged to the Scheduled Caste.

**Response of the Police**

The investigating officer, Shri Nagaraj, stated that an investigation was underway, an inquest report had been prepared, and they were awaiting the post-mortem report, although it appeared that the death was due to asphyxiation. Nagaraj stated that the contractor, through
his representative, had paid Rs. 3 lakhs as compensation while the district administration and the City Council had promised Rs. 1 lakh each.

Response of the District Administration

According to Shri N. Babbanna, the Additional Deputy Commissioner, he immediately went to the spot of the incident on receiving information of the same. He stated that the manhole in which the incident took place was part of the main underground drainage system being put in place to cater to the growth of Kolar city and to augment the existing UGD system. He also said that the UGD line was part of the “high-line” i.e. main UGD being drawn from the city to the Sanitation Plant coming up on the outskirts of the city. Further, he stated that the construction of these underground drainage pipes was being carried out by the Karnataka Urban Water Supply and Drainage Board (KUWSDB), which had contracted the same out to a contractor, Shri Krishna Reddy (cost of the contract being about 4 crores). Further, he stated that the pipe-line had not yet been handed over to the City Municipal Council for administration and that the KUWSDB was responsible for the same. He also stated that since the pipelines had not been handed over, there should not have been any sewerage in the manhole. However, since there was almost 8 feet of sewerage in the manhole, it was clear that there had been a number of illegal connections made to the pipeline and it was already in use.

In regard to the “accident,” he said that on arriving at the spot of the incident, he met with the representative of the contractor, and it was agreed that the contractor would pay a sum of Rs. 3 lacs, out of which Rs. 50,000/- was given to the family of the victim on the spot. He also said that Shri Murali Gowda, vice-president of the Kolar City Municipal Council and the Social Welfare Department,
had also assured to pay the families compensation. Smt. Mangala, the Telhsildar, was also present at the spot of the incident along with the Additional Deputy Commissioner. With regard to compensation, she said the widows of the workers would receive widow pension, if they applied for the same.

Response of the City Municipal Council

Shri Rajesh, sitting Councillor and Ex vice-president of the Kolar City Municipal Council stated that the Karnataka Urban Water Supply and Drainage Board had not yet handed over the man-holes and pipe-lines to the City Municipal Council. However, since there was almost 8 feet of sewerage in the manhole, it meant that illegal connections had been made to various pipe-lines. He highlighted the need for mechanisation of the entire process and the rehabilitation of workers employed in this work. Shri Murali Gowda, vice-president, City Municipal Council, Kolar, who was present at the spot of the incident, had assured the family of the deceased compensation of Rs. 1 lakh each from the CMC.

Shri Venkatesh, Dalita Sangharsha Samiti, and Shri Narayanaswamy of the Karnataka Pranta Raitha Sangha had also immediately gone to the spot on hearing of the “accident” and held a protest for compensation to be paid to the families of the deceased and action to be taken against the contractor and CMC and KUWSDB officials.

Death of Two Persons Engaged in the Cleaning of a Soak Pit in Kenchamma Hoskote, Alur Taluk, Hassan District (July 2011)

The Incident

On 9th July, 2011 at around 2.30 pm, four sewage workers from Sakleshpur were called by the owners of Poornarama Coffee Estate at Kenchammana Hoskote, Alur Taluk,
Hassan District to clean the soak pit that was in the estate. The incident was narrated by Murugan, who was an eyewitness to the incident and who had also gone to perform the work.

Mahadeva, one of the workers, was contacted by Sujay Gowda, the owner of Poornarama Estate, to clean and empty a pit of human excreta in the estate. Mahadeva took his brother Murugan (working as a linesman in Sakleshpur) and his 2 cousins, Arjun and Manja (contract powrakarmikas), along with him to perform the work. They were asked to complete the work immediately. On reaching the pit, Mahadeva opened the cover of the pit which was found to be 10 feet deep with excreta covering one foot of the pit without any vent to air it out. Mahadeva went inside the pit and was followed by Arjun. Within 5 seconds of entering the pit, on inhaling the deadly and noxious gas that emanated from the pit, Mahadeva was immediately overpowered by the noxious gases and suffered seizures. Arjun tried to rescue Mahadeva, but he too lost consciousness. Murugan then tried to pull up Arjun but felt sick and immobilized by the noxious gases and was unable move his arms and legs. While Mahadeva and Arjun died within a few seconds, Murugan and Manja shouted for help. By the time the other workers in the area came to help them, Manja and Murugan were drifting in and out of consciousness. Murugan and Manja were then immediately taken away by the workers to another place, and the workers contacted the police who came and collected the bodies, cleaned them, and admitted them to the morgue in the Sakleshpur Hospital. The police collected a statement about the event from Shri Murugan and Shri C. Nanzaiah, the President of the Adi Dravida Abhivrudhi Yuvaka Sangha.
The aftermath of the incident, as per Smt. Varalakshmi, Municipal Councillor

Smt. Varalakshmi, Member of the Sakaleshpur Town Municipal Council, in whose ward jurisdiction Mahadeva, Arjun and Muruga were residing, stated that immediately after the incident, at around 5.30 pm, the Tahsildar, the Local MLA, H K Kumaraswamy, the President, Shri C. Nanjaiah, Adi Dravida Abhivrudhi Yuvaka Sangha (the local organization in the area in which the workers reside) and other members of the organization visited the spot of the incident.

According to Shri Krishna, member of the Adi Dravida Abhivrudhi Yuvaka Sangha, the owner of the Poornarama Coffee Estate, Shri Sujay Gowda provided Rs. 20, 000/- towards funeral expenses, and had agreed to pay the family of each of the deceased Rs. 2.5 lakhs by the 12th-13th July, 2011. However, as on 18/07/2011, compensation had still not been paid to them and they had been informed that they would be paid compensation only before the Labour Department. According to Smt. Varalakshmi, the Tehsildar assured Madha’s surviving family of 3 children of all benefits accruing to Madha. The Social Welfare department promised to sanction one Ashraya site to each family and other admissible benefits.

However, no compensation was given to Muruga who had also inhaled the gases, suffered breathing problems, and was mentally disturbed, having witnessed the death of his brother and cousin.

Response of the District Administration

Shri K. G. Jagadeesh, Deputy Commissioner, Hassan District was not aware of the said incident until the fact-finding team mentioned it to him. He said that he would direct the Assistant Commissioner to visit the spot and
prepare a report on this incident. He expressed the opinion that the occurrence of such an incident would be in contravention of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 and that subsequent to the receipt of report from the Assistant Commissioner, he would issue appropriate directions, including the invoking of penal sections under the Act.

On the state of manual scavenging in the district of Hassan, he stated that according to their inspection, there were no persons employed for manual scavenging in the district. However, on receiving this information and on the basis of the report of the Assistant Commissioner, he would look into the issue again. While a large part of the district did not have UGD coverage, he said that wet toilets with connected tanks and soak pits were being used in the district. He said that in the urban local bodies, steps towards obtaining machines to perform this work were in progress. However, the rural areas, being situated in hilly terrain, had not been provided with any such machines.

Response of the Police

Kenchammanag Hoskote, Alur Taluk, falls within the jurisdiction of the Alur Town Police Station. Shri Muddhuraj Y., the Police Sub-Inspector, stated that the police had registered the UDR (Unnatural Death Report) under Section 174 of the Code of Criminal Procedure bearing UDR No. 26/2011. A copy of the UDR report showed that the complaint on which it was based stated that on 9th July, 2011, the Writer of Poornarama estate, Giridhar, informed Murugan that the kakkas-gundi at the estate was blocked and needed to be cleaned. Murugan, along with his brother Mahadeva, cousins Arjun and Manja, went around 3 pm to the estate to clean the kakkas gundi. After removing the stone that was covering the pit, they saw that the pit was
10 feet in height with 3 feet water. The complaint stated that Mahadeva slipped in the wet mud and fell into the pit; and Arjun who went to save him also slipped and fell in. It said that Murugan and Manja tried to save them with a rope, but were unable to do so. This is contrary to what Shri Murugan stated, viz. Madeva and Arjuna had entered the pit to clean it and having inhaled the noxious gas, had fallen inside the pit.

Shri Muddhuraj Y. said that he would look into whether the matter would attract the provisions of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 which penalizes any person who employs any other person for manually carrying human excreta and said he would invoke the said section upon consultation with his superior officers. The Deputy Superintendent of Police, Alur Taluk, said that he would look into the matter and give appropriate directions to the concerned Investigating Officer. At a later point, Shri Muddhuraj Y. said that his superior officers had instructed him to wait for the report of the Assistant Commissioner before initiating any action under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. However, the police official said that since the complaint given by Muruga stated that the incident was an accident, no case under Section 304-A was registered.

**Death of Three Safai Karmacharis in KGF, Kolar (October 2011)**

**The Incident**

On 23.10.11, Anand Raj, a resident of Ashok Nagar in KGF, contacted safari karmachari Kutty Prasad to come to his house at Ashok Nagar and clean the *kakkas gundi* (soak pit) in the backyard of his house. It was initially agreed that they would be paid Rs. 10,000 for the job, but they later
settled for Rs. 5,000. On 24th morning at 10.30 am, Kutty Prasad along with 5 co-workers, Prabhu, Nagendra Babu, Jairaj, Ravi, and Babu, went to the house of Anand Raj to carry out this operation of cleaning the kakkas gundi. The owner had told them that the pit was 6 feet deep, but it turned out to be an old well which was much deeper.

Kutty collected Rs. 500 as advance to rent a trolley and buckets to collect the human excreta and at around 1 pm, Kutty Prasad, Nagendra Babu, and Ravi went down the soak pit to clear the liquid on top. When they started to take out the solid waste, the presence of methane rendered Ravi unconscious and made him fall into the well. When Nagendra Babu went down to rescue Ravi, he too lost consciousness due to the gases present. Kutty Prasad then went down to pull them out. However, he too became unconscious and fell into the deep well. Prabhu, who was standing outside the pit and assisting them, took hold of Nagendra’s hand to try to save him, but was unable to pull him out being weakened by the gas himself. Around 1.30 pm, within seconds of entering the pit, Kutty Prasad, Nagendra Babu, and Ravi had succumbed to asphyxiation and died on the spot. The incident was narrated by Prabhu, who was an eye-witness to the entire incident.

Nagendra Babu was 26 years old and survived by his wife Shylaja, 24 years old, a housewife who has a 20-day old female baby. Ravi Kumar, who was aged 29 years, is survived by his wife Janaki, 24 years old, a housewife. Kutty Prasad was 37 years old and is survived by his wife Shanthi, 35 years old, a house wife, and has two sons Ajitkumar, 13 years old studying in 8th standard and Nitiskumar, 9 years old studying in 3rd standard. Kutty Prasad had been at the forefront of the struggle of the safakarmacharis and was one of the leading activists of the Horata Samiti to ensure the rehabilitation of all safakarmacharis and end the practice of manual scavenging.
The aftermath of the incident

Around 12.30 pm, news about the deaths of these three safakarmacharis spread throughout KGF. The police force, including the sub-inspector, Robertsonpet Police Station, DSP Kolar, the Telsildar, KGF, CMC President and Vice President, and other district authorities arrived at the scene. In the meantime, members of Safai Karmachari Horata Samiti and DSS gathered there in protest and demanded the immediate arrival of Deputy Commissioner, Manoj Kumar Meena.

When the DC arrived at the spot of the incident about 5 hours after the incident, the families declared that they held him directly responsible for the tragic and unnatural deaths, and held a protest demanding action against the DC and the Commissioner, CMC, KGF. They did not allow the police to collect the dead bodies to take them away for the postmortem. The peaceful protest continued till 7 pm at which point, on the orders of the DC, the police made a lathi charge on the agitated crowd who had gathered in front of his house.

Thereafter, when the people were running helter skelter in panic, the police secretly took away the dead bodies of Nagendra and Ravi. Prabhu on seeing this, carried the body of Shri Kutty Prasad (who was his uncle) and brought it and placed it before the crowd. The DC then addressed the gathering and assured the families that the district administration would provide Rs. 1 lakh each and the Ambedkar Abhivruddhi Nigama would provide Rs. 1 lakh as compensation; he also said that the surviving families would be provided one job each in D Group works (sweeper) in the municipal corporation, on a temporary basis.

After 8 pm, when the people had dispersed, the police took the 3 dead bodies to the mortuary against the wishes of
the families. The families, members of the Horata Samiti, and other members of the community who had reached the hospital, decided to let the dead bodies remain in the hospital and returned home. The police then conducted a postmortem of the dead bodies and at 11.15 in the night brought the bodies to the homes of the families in Kennedys Line. The police threatened the families with consequences if they did not cremate the bodies. Worse still, the police did not observe due decorum in handling the bodies and hence the families had refused to take charge of the bodies. It was on 25th morning that the police brought glass boxes and placed the bodies in them.

At 10 am the next day, Y. Sampangi, an MLA, came and handed over a cheque of Rs. 1 lakh to each of the families. However, no district official had come to visit the family of the deceased. The families and the Horata Samiti then decided to stage a day-long public protest in KGF town. When the procession started in Kennedys Line, Bhakthachala, Vice President of KGF Municipal Corporation, came and gave further compensation of Rs. 1 lakh to each family. However, Bhakthachala used this occasion to intemperately abuse the people who gathered there, including practicing advocate and AITUC leader Shri Balan, Shri Bezwada Wilson, Convenor, Safai Karmachari Andolan, and Smt. Padma, dalit activist and supporter of Horata Samiti. Feeling intimidated and threatened by the behavior of Bhaktachala, the families felt it would be better to end the protest and take away the bodies for burial. Although they went in a large procession accompanied by eminent civil society leaders to the burial ground, an atmosphere of fear prevailed in the procession. The solemnity and tragic dignity of the funeral procession was marred by the formidable presence of the police force among the mourners, accompanied by three jeeps with Dy. SP and a number of inspectors of nearby police stations
and 2 reserve vans filled with police armed with shields and tear gas shells.

The Robertsonpet Police registered a case bearing FIR No. 167/2011 on a complaint by Shri Aron, the brother of Shri Kutty Prasad, against the owner of the house, Shri Anand Raj, his son, Shri Sunil Anand, the Municipal Commissioner, the Health Inspector and other municipal officers, City Municipal Office, Robertsonpet under Section 304 r/w 34 of the Indian Penal Code, Section 3(1) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and Section 14 r/w 3(1)(a) of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

Death of Kitta Koraga, Safai Karmachari in Kinnigoli Town (November 2011)

The Incident

On 06.11.11, Shri Kitta (45 years old), Shri Suresh (25 years, nephew of Kitta), Shri Sadashiva (36 years, brother-in-law of Kitta), Shri Nemraj, and Prakash (all belonging to the Koraga community) were asked by Vincent Saldanha, the owner of Abhinandan Hotel in Kinnigoli town, to come to the hotel and clean the septic tank in the hotel premises. When they met Vincent at 12.30 pm, he asked them to come back to the hotel later in the evening; it was a common practice for them to be hired to do manual scavenging work at night.

Kitta and his team arrived at the hotel at 7.30 pm and although they were initially hired for Rs. 6,000, it was later agreed that they would be paid Rs. 5,500. At 8.30 pm they began clearing the pit in the backyard of the hotel lit by one dim light as the hotel did not provide any other lighting. They were told by the hotel owner that the pit was 6 feet deep but it turned out to be more than 20 feet deep. On
clearing the liquid at the top, at around 9 pm, Sadashiv, Suresh, and Nemiraj started taking out the excreta with a bucket and a tin box. At this point, Kitta, who was peering down from the edge, suddenly became asphyxiated by the presence of methane and fell into the soak pit. Sadashiv and the others immediately tried to rescue him but were unable to.

On being contacted, the police came, and they contacted the fire services department who tried various methods of extracting Kitta’s body but failed. Kitta’s body remained in the pit unattended till 5 am when a jetting machine was procured to clear the pit, but the machine could not work for lack of diesel fuel. Neither the police nor the fire services department made any effort to take out Kitta’s body. Finally, the police asked Suresh, another member of the Koraga community, to go down and extract Kitta’s body. The police tied a rope around Suresh’s waist, and sent him down the pit. He was immersed completely in the pool of excreta, but couldn’t bear the noxious gas and came up feeling dazed. When he went down a second time, he found one of Kitta’s legs, grabbed it, tied it with a rope, and pulled out his body. By this time, it was 6 am, 9 hours after Kitta succumbed to his death. Kitta’s body was then brought to his house in Ullanje, a village near Kinnigolli, and cremated at 4 pm.

The Aftermath of the Incident: The Case of the Defective FIR

Immediately after Kitta’s body was pulled out on 7th morning, the SI of Mulky police station visited the scene of the incident, spoke to the survivors as well as the hotel owner, and filed an FIR according to which Kitta’s death was said to be the result of his slipping into the pit due to the dim light provided by the hotel. The FIR stated that his death was “an accident” caused by the “negligence”
of the hotel owner, who was charged under Section 304A (death due to negligence) of the Indian Penal Code. In fact, the police stated that it was not a septic tank at all, but “a water tank” into which Kitta fell. This produced an outrage among the Koraga community who suspected a ploy to get the hotel owner off the hook by steering the case away from the offence of manual scavenging. They therefore staged a protest and demanded that the ACP come and inspect the site of the incident. The ACP who then came to the site determined that it was indeed a soak pit, and Kitta had died while cleaning the septic tank. A Special Report was then appended to the FIR which clarified that the death of Shri Kitta was caused by manual scavenging, a prohibited offence inviting punishment under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Vincent Saldanha was remanded in judicial custody and was to be produced before the jurisdictional magistrate court.

Reactions of the District Administration and the State Government

The Deputy Commissioner Channappagowada, Commissioner of Police, Mangalore Seemant Kumar Singh, the Director of Social Welfare and ITDR, the ACP of the jurisdiction, Sub Inspector of Police of Mulky, Chief Executive Officer of Zilla Panchayat, the PDO of Grama Panchayat, and other district and state government officials visited the site on 8th morning. The Commissioner of Police stated that after his visit to the site later that night, a Special Report had been appended to the FIR which made it clear that it was not only a case of “negligence” resulting in death but also a case of manual scavenging which was prohibited under the law, and hence the hotel owner would be prosecuted under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as well as the

The Deputy Commissioner stated that the district administration had made every effort to stop this practice and had procured the necessary equipment, including a jetting machine and a pump, to clear out the excreta from septic tanks in the area. The equipment was available for this purpose, for a charge, to anyone who approached the municipality. However sometimes, as in this case, private parties illicitly hired the services of safai-karmacharis for this purpose. He said that they would be duly punished under the law. He also said that compensation would be granted soon after consultations with the Minister of Social Welfare, Shri Narayanaswamy, who was touring the area. The Deputy Commissioner stated that he would favorably consider any suitable measures for the purpose of rehabilitation and asked the Koraga Okkoota to submit proposals in this regard. Compensation was to be granted to the surviving family members soon.

The Social Welfare Minister in Mangalore announced that a sanction of Rs. 1 lakh had been granted and this amount was later paid on 9/11/2011. He also stated that an additional grant of Rs. 1 lakh would be released later. As for rehabilitation of the Koraga community, he stated that loans would be provided for buying/ hiring equipment for cleaning septic tanks to Panchayats. The Superintendent of Police, Civil Rights Enforcement Directorate, Mangalore, revealed that his office had sent out a circular stating that in such cases of death by manual scavenging, not only the perpetrator of the offence but even officials of the district administration who had allowed the commission of such an offence could be regarded as "accused".
Family of the deceased Safai Karmachari

Kitta Koraga is survived by his wife Girija (35 years old) and 2 daughters, Asha (13) and Latha (11 yrs old) who were studying in the 8th standard and 6th standard respectively in a Kannada medium school nearby. She revealed that Kitta, who had studied upto 5th standard, worked as a mason 3 or 4 days in a week, and earned Rs. 250 as daily wages. When he did not get masonry work, he would go for manual scavenging work and in order to supplement his income, Girija worked as a beedi worker along with her mother and earned Rs. 250 a week.

Death of A Worker while cleaning a sewage treatment plant at the Royal Orchid Hotel, Shimoga (November 2012)

The incident as per newspaper reports

According to the newspaper reports by The Hindu (25.11.12), Vartha Bharati (27.11.12) and Praja Vani (14.11.12), the death of two workers, Shri Annappa and Shri Ratnakar, and the injury of Manjunath on 23.11.12 in Royal Orchid Hotel were due to the workers entering a manhole to clean it. As per these reports, Shri Annappa and Shri Manjunath had been engaged by the hotel to clean the septic tank while Shri Ratnakar was an employee of the Royal Orchid Hotel, Shimoga, and was given the charge of overseeing the cleaning operation. It was reported that once Annappa entered the sewage treatment pit, he was immediately rendered unconscious by the gases emitted. Ratnakar then entered to save him but he too lost consciousness. Manjunath was also inside and was seriously injured. The three were then rescued from the pit by the Fire Department. While Shri Annappa was dead on the spot, Shri Manjunath and Shri Ratnakar were admitted to Nanjappa Health Care Hospital where Shri Ratnakar later succumbed to his injuries.
As per the FIR

According to the FIR filed by Manjunath, the sole survivor of the incident:

On that day, when we (Annappa and me) were searching for work on BH Road, the engineer of Royal Orchids, Shantha Kumar, told us that there was a lot of garbage around their hotel, and the pipe of the filter tank needed to be cleaned and that he would pay us Rs. 900 for this work. Prior to this, we have twice done casual labour and received payment for the same. We were not given any gloves or boots to clean the garbage. Both of us cleaned the garbage in and around the hotel, and then reached the filter tank, and while cleaning the top part, I accidentally slipped and I fell into the open filter tank at around 3.30 pm. Annappa’s leg slipped when he tried to hold my hand and lift me. I then cried for help. An employee of Royal Orchid Hotel, Ratnakar tried to pull us out, and he also fell into the pit. Chetan and other workers lifted Ratnakar and me out of the pit, but Annappa drowned and died in the water in the pit. Ratnakar and I were sent to Nanjappa Health Care Hospital in an auto. Ratnakar had not regained his consciousness. Today, on 23.11.12, at 3.30 pm we were assigned work without being provided proper equipment by Shantha Kumar, engineer at Hotel Orchid, which caused the death of Annappa. Hence, we urge that proper action be taken against Shantha Kumar as per law. After receiving the complaint, I returned to the Police Station and registered the FIR at 6.30 pm.

The FIR was registered against Shantha Kumar who is an engineer at the Royal Orchid Hotel, Shimoga under Sections 337, 338 and 304 A of the IPC as well as under

Follow-up State action

Following the FIR on 23.11.12, the City Municipal Corporation issued a notice to the Manager of the Royal Orchid Hotel. In this notice it was stated:

On learning that on 23.11.12 workers have died while you were getting the septic tank within your hotel premises cleaned, staff from this office were sent on 23.11.12 at around 3.30 pm to inquire about this incident, and it was found that workers died while cleaning the septic tank, and hence the police and the fire station are undertaking relief operations. As per your request, mechanical equipment has been sent every month to clean the septic tank and other sewage waste in your hotel. Moreover, this office has issued notice through public notifications a number of times regarding prohibition of manual scavenging in manholes and septic tanks, besides notification through newspapers. There is suspicion that despite these notifications, you have violated provisions regarding the practice of manual scavenging in your hotel premises by not following any precautions, leading to this accident. Hence, you are asked to file a report within 4 hours of the reception of this notice to explain why criminal proceedings under The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 should not be taken against you. If you fail to respond to this notice, it is to be understood that suitable action will be initiated.

A communication was also sent by the Commissioner of the Shimoga Municipal Corporation to the Minister of Social Justice and Prisons on 26/11/2012 which stated:
As soon as this office received information regarding the tragedy that befell the 2 workers who fell into the sewage treatment plant in Royal Orchid Hotel in Shimoga on the afternoon of 23.11.2012, the personnel of this office were sent there to enquire, and at that time they noticed that the police and the fire department personnel were undertaking rescue operations. Further, from our personnel’s enquiry it is found that there is no involvement of any municipal corporation officials in the said incident. A casual labourer named Annappa and a hotel employee have died in this incident. A show-cause notice dated 23.11.12 has been issued in regard to the incident to the owner of the hotel and on 24.11.2012 a report on this incident had also been furnished to the respected Deputy Commissioner. The aforesaid hotel had earlier procured from this office a sucking machine for cleaning the sewage water of the hotel after paying the due fee every month to the Corporation for the purpose.

The Hotel has furnished a reply dated 24.11.2012 to the notice issued by this office. In the said reply they have stated that, “no personnel have been used to clean the treatment plant, and it has been cleaned using machines. As you have pointed out in your letter, you have provided machines for cleaning the sewage, and we have also paid a sum of Rs. 2500 every time for this purpose. We have also engaged a technician to execute this operation. This occurrence took place accidentally in the hotel and an outside worker, Shri Annappa, while cleaning the outside of the Water Treatment Plant, accidentally slipped and fell, and Shri Manjunath went to protect him, and at that time Shri Ratnakar, a personnel of our organization heard the cries of Shri Manjunath and
rescued Manjunath. Then when he tried to rescue Shri Annappa, Ratnakar’s leg slipped and he fell into the pit.

The Commissioner of the Shimoga Municipal Corporation also sent a communication regarding the above mentioned action to the office of the Deputy Commissioner dated 24.11.12.

Response of the Royal Orchid Hotel

The Royal Orchid Hotel responded to the notice issued by the Shimoga Municipal Corporation as below:

With reference to your letter, on 23.11.12 regarding the accident in which personnel in our hotel accidentally slipped and fell, and its consequences thereof, we wish to draw the following points for your consideration:

1. On 23rd, we engaged the services of outside personnel only to clean the surroundings of the hotel.

2. We have not engaged any staff to clean the water treatment tanks. This work is being done by mechanical equipment. This has been pointed out in your letter as well. Moreover, we have been making a payment of Rs. 2,500 to your office every time for employing this equipment.

3. In addition, we have been giving our staff essential training for handling this equipment. There is an employee specifically designated for this work.

4. This incident occurred by accident, when the outside worker Shri Annappa was cleaning the top portion of the water treatment plant and accidentally slipped and fell. When Shri Manjunath went to rescue him, his cries were heard by Shri Ratnakar, one of our staff, who, after rescuing Shri Manjunath went to rescue
Shri Annappa and slipped and fell, resulting in this accident.

**The story of what really happened: A Collusion between Royal Orchid, the District Administration and the police?**

Often, the immediate aftermath of an incident provides a clue to what really happened. With the passage of time, vested interests surface and attempt to cover up inconvenient truths. The immediate aftermath of the incident at Royal Orchid Hotel resulted in the consensual opinion that Royal Orchid had engaged the workers who went into the sewage pit to clean it and died due to the release of noxious substances.

However, the FIR which was registered at 6.30 in the aftermath of the incident which happened at 3.30 shows breathtaking divergence from the newspaper accounts.

According to the FIR, Shri Annappa and Shri Manjunath were not engaged to clean the septic tank but only the area around it. Shri Manjunath fell in by mistake and so did Shri Annappa. Shri Ratnakar also fell in while trying to rescue Shri Annappa.

As far as the FIR is concerned, the two workers were not engaged to clean the septic tank but were merely cleaning the area around it. This does not match with the current accounts captured by the media. What casts a further shadow on the story of the FIR is the picture of the so-called manhole into which the workers fell accidentally. (See Prajavani, 25.11.12) The fact that the manhole is a small opening and located on a slightly elevated platform indicates that it cannot be reasonably construed that an adult person would fall in accidentally. Further, the FIR shows its collusive intent by avoiding mentioning the names of the owner of the hotel as one of the accused. The fact that the accused is only the engineer, Shanta Kumar
inspite of the fact that Section 20 of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 mandating that if the person committing the offence is a company, every person in charge of and responsible to the company shall be deemed guilty.

The picture of collusion of the police with the management of Royal Orchid is deepened through the actions of the Commissioner, Shimoga Municipality. The Commissioner finds it necessary to mention in a notice to the hotel that

As per your request, mechanical equipment has been sent every month to clean the septic tank and other sewage waste in your hotel. Moreover, this office has issued notice through public notifications a number of times regarding prohibition of manual scavenging in manholes and septic tanks, besides notification through newspapers.

In reply, the Royal Orchid Management also stresses the accidental nature of the deaths as well as the fact that they were using the services of the municipality to clean the septic tank.

It is clear that just in a couple of hours the initial story of the deaths while cleaning manholes is sought to be converted into the story of accidental death attracting no liability under the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013. There is clear collusion between the hotel and the Commissioner, Shimoga Municipality in attempting to provide an alibi for the Hotel. The logic seems to be that if the hotel is anyway engaging the services of municipality machines for cleaning, quite obviously, they will have no need to engage manual labour.
However, this need not be the case, as experience has shown that individuals, while using sucking/jetting machines, sometimes prefer to use manual labour to clean the tanks. In particular, the fact that the Commissioner feels the need in his notice to construct an alibi for why Royal Orchid could never have used manual labour is deeply suspicious.

It is deeply disquieting that the district authorities seem to be hand in glove with the management of Royal Orchid in attempting to convert what is an offence under the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act, 1993 to an accidental death. This attempt is in consonance with the state’s unwillingness to acknowledge these deaths as deaths due to the prohibited practice of entering manholes.

Death of a Safai Karmachari in Mandya (April 2013)

The Incident

The deceased Shri Rangaswamy was working at the Varalaxmi Hotel, located at Mysore – Bangalore Main road adjacent to the Girija slum, and died while cleaning the pit connected to the Varalaxmi hotel. An FIR was filed by the victim’s wife, Laxmi, and as per the complaint, Rangaswamy had been employed by the Varalaxmi Military Hotel for the last 4 years to clean the kakkas gundi (septic tank) into which the hotel drained its waste. As per the complaint, on 01/04/2013 around 7 am in the morning, Rangaswamy while cleaning the pit (which was about 900 square feet), slipped and fell into the open pit. When he cried for help, a person by name Saroja came to his help. However, he was unable to come out of the pit and died. On the basis of this complaint, an FIR bearing No. 108/2013 under section 304A of the Indian Penal Code was registered.

When the Police went to the spot, they contacted the fire services department who then lifted Shri Rangaswamy
from the pit, his body was covered with sewer, mud and water, and there was blood coming out of his nose. When the fact-finding team reached, the hotel where the incident took place was closed and the hotels owners and employees had absconded. The CMC had already filled the pit with mud and had closed the pit which was open earlier.

Meeting with the family of the deceased

The deceased belonged to the Adi-dravida caste (Scheduled caste). Shri Rangaswamy is survived by his wife, Smt Laxmi and their minor son. Smt. Laxmi was working as a powrakarmika and their son who was a minor was also working as a powrakarmika.

Reactions of the District Administration and the State Government

The Commissioner of the CMC stated that the district administration had made every effort to stop this practice and had procured the necessary equipment, including a jetting machine and a pump, to clear the excreta from septic tanks in the area. The equipment was available for this purpose, for a charge, to anyone who approached the municipality. According to the Commissioner, there was no manual scavenging in Mandya. According to him, this was not a case of manual scavenging and the deceased Rangappa was not a safakarmachari, and it was merely an accident. He stated that compensation would not be granted to the victim since he was not a safakarmachari and was not employed by the CMC. No persons from the local body or the Government had met the family of the deceased.

The Sub-Inspector of the East Police Station, Mandya said that an FIR had been registered against the owner of the Varalaxmi Hotel and CMC officers under section 304A of the Indian Penal Code. On being informed that this
was also an offence under the Employment of Manual
Scavenging and Construction of Dry Latrines (Prohibition)
Act, 1993 as well as the Scheduled Caste and Scheduled
Tribes (Prevention of Atrocities) Act, 1989, he informed the
Team that he would take immediate steps to ensure that
the necessary sections of the above-mentioned laws would
also be invoked against the accused.

Death of an Underground Drainage Worker while
Guarding the Canal System of the Ganekal (Bangarappa)
Reservoir (April 2013)

The Incident

Shri M. Venkatesh was working as a daily-wage
underground drainage worker for the last 14 years under
the Raichur City Municipal Council. Their work was the
operation and maintenance of the underground drainage
system. On 28th April, 2013, the Junior Engineer, Shri
Krishna informed 16 workers (12 underground drainage
workers and 4 road gang workers) that they would have
to go to guard the canals that flow from the Ganekal
(Bangarappa) Reservoir, as water from the reservoir had
been released. When water is released from the Ganekal
(Bangarappa) Reservoir, it flows through the canal system
to reach Raichur city. In order to prevent illicit diversion
of water, workers are sent to guard these canals, which is
about 40 kms from Raichur. They are usually taken by a
jeep that drops them to the spot that they are required to
guard.

However, on this occasion, the workers were provided Rs.
250/- each and asked to go by bus to the spot as there was
no jeep available. The workers said that they had requested
the engineer to be allowed to go the next day so they could
be taken by the jeep since it was at a considerable distance
from Raichur, and the canal was about 4-5 kms from the
bus stop, but their request was not considered.
Shri M. Venkatesh, along with Shri M. Obalesh, were assigned Canal No 96. Both of them had left from their homes separately, but when M. Obalesh reached the area, M. Venkatesh was not present. Although M. Obalesh searched for M. Venkatesh, he was unable to find him.

When the jeep that generally did rounds of the canals and gave the workers food came to Canal No. 96 around 9.30 pm, Shri M. Obalesh informed the driver and the co-worker with the driver that Shri M. Venkatesh had not come to the drop. He also informed them on the subsequent days of the absence of Shri M. Venkatesh. Shri L. Manjunath Swamy, Commissioner, Raichur CMC, said that the driver had informed the Junior Engineer and the Assistant Executive Engineer that Shri M. Venkatesh had not been present. However, none of them had paid heed to the information.

On 2nd May, 2013, the body of Shri M. Venkatesh was found within the jurisdiction of the Gabburu Police Station. After family members identified the body, a post mortem had been conducted upon the same and an Unnatural Death Report under Section 174 of the Code of Criminal Procedure bearing No. 6/2013 was registered.

Shri M. Venkatesh is survived by his mother, Smt. Narasamma, his wife, Smt. Rama, and minor daughter, Saraswati who is aged about 8 years.

**Response of the Police**

Shri B. Mahantesh, the Additional Superintendent of Police, said that since they had only found the body on 2nd May, an Unnatural Death Report had been registered. The investigation in the process was underway and an FIR against the supervisory officers for rash and negligent act under Section 304A was to be registered if the facts pointed in that direction.
Response of the Raichur City Municipal Council and the payment of compensation

The Team met with Shri L. Manjunath Swamy, Commissioner, Raichur City Municipal Council and Shri H. Venkatesh, Assistance Executive Engineer. It is pertinent to note that underground drainage workers and road gang workers work under the Health Department, whereas the guarding of the canals falls under the Engineering Department. The Team was informed that such deputation was not formal, but actually unofficial in nature, and they had not given any notice to the workers for the same. The workers were not informed about the number of days for which they were deputed, and were given the task of guarding the same for a period of a week or till the police official (who would also be guarding the canal) returned from there.

The Commissioner stated that he had not been aware of the deputation of the 12 workers to guard the canals and became aware of it only after the death of Shri M. Venkatesh came to light. He stated that these decisions were taken by the Assistant Executive Engineer (AEE), who did not always inform him in this regard. He also stated that it was the AEE who was the officer in charge of the workers guarding the canal, whose responsibility it was to supervise the same. However, no such supervision had taken place.

Regarding compensation, the Commissioner stated that the CMC, Raichur had put up the file recommending compensation to the family of the deceased as per G.O. dated 19/06/2012 bearing No. NaAaEe 10 MDWP 2012 which directed that compensation of Rs. 5 lakhs is to be paid. The file was before the Deputy Commissioner awaiting orders. However, as of the time of the report, the
Team was informed that the compensation had not been paid.

**Death of Two Workers During the Construction and Maintenance of Manholes in Peenya, Bangalore (October 2013)**

On 25th October 2013, the city witnessed the loss of two lives due to asphyxiation in a manhole. On 28th October, 2013 an article appeared in the *Praja Vani*, a Kannada daily newspaper, reporting the death of two workers in Peenya, Bangalore after they fell into a manhole.

As per the complaint registered with the Peenya Police Station, the incident took place during the construction and repair work of a manhole chamber at the *raja kaluve* at 5th Cross, Vidyanagar. This work was undertaken by Larsen and Toubro (L&T) who had been engaged as contractors by the BWSSB. The two victims, Shri Prahalad Kumar and Shri Rohit Kumar, had been working with the contractors for about six months prior to that date. On 25th October, 2013 at around 3.00 p.m., the Chief Contractor of L&T Shri Nandakumar, the engineers Shri Satish and Shri Periumal, and the construction manager, Shri Prabhusailam called Shri Prahalad Kumar, Rohit Kumar, and Shri Santosh Govardhan to the said spot and asked them to enter the manhole chamber. It must be noted that none of the supervisors or engineers of the BWSSB were present when the work was being done. The workers informed them that since they had no safety equipment including masks or safety belts, they could not enter. However, the engineer and the contractor informed the workers that there was no harm in performing this work without the safety equipment and that they had done so in several other cases. Shri Prahalad Kumar first entered the manhole chamber till about 10 – 12 feet, when due to poisonous gases, he fell into the drainage. Thereafter, Shri
Rohit Kumar went in to save Shri Prahalad Kumar but he too fell in. Thereafter, the other persons present, including the complainant Shri Santosh, managed to bring them out of the manhole chamber and they were taken to the nearby Premier Sanjeevani hospital. The doctors informed them that Shri Prahalad Kumar died on the way to the hospital, and Shri Rohit Kumar was admitted to the ICU. However, later Shri Rohit Kumar too passed away. An FIR bearing Cr. No. 675/2013 had been registered in the Peenya Police Station for offences under Section 304A of the Indian Penal Code.

Death of a Worker while Cleaning the Drain in K.P. Agrahara, Bangalore (January 2014)

The Incident

As per eye-witness accounts and the police complaint, on 18/01/2014, Shri Chenchaiah along with 4 other workers had been asked by a maestri, Shri Ramesh Naidu, to clean the storm water drain opposite the K.P. Agrahara Police Station. As the drain was being cleaned, the water had been diverted to another smaller drain. The portion of the smaller drain to which water had been diverted was being cleaned by Shri Chenchaiah and was about 2 feet wide and covered with stones. The water that was entering the storm water drain had been blocked, but while Shri Chenchaiah was cleaning the drain, suddenly the water that had been blocked gushed out and pushed Shri Chenchaiah further into the drain. The stones under which he was working were then lifted, and he was found stuck to the pipes. He was immediately shifted to a nearby hospital where he was declared brought dead.

According to residents of the area, the storm water drain outside the K.P. Agrahara Police Station had been under repair for about two months, as the BBMP had given a contract for the complete replacement of the drain. It
also appeared that the water being let into the drain was sewerage water and included faeces. Shri Chenchaiah, in order to clean the drain, had gone into the covered chamber which was about 6 feet deep and 2 feet wide, and was required to wade through all the garbage in the process, without any safety equipment whatsoever.

Shri Chenchaiah, aged about 60 – 65 years, is survived by his wife, Smt. Chinamma and two children, a daughter and a son. While Shri Chenchaiah worked as a daily wage worker, his wife was a domestic worker. They belonged to the vadaru caste (a Schedule caste).

Response of the police

The KP Agrahara police had registered an FIR bearing No. 9/2014 for offences under Section 304A of the Indian Penal Code against the maestri. According to the police, he was produced before a local jurisdictional court and released on bail. However, no case had been filed against the main contractor or the BBMP engineer whose responsibility it was to ensure that the work was carried out in a safe manner. In fact, neither of them was even present at the time of such hazardous work being performed. Secondly, the police failed to invoke the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

Payment of compensation

Although the news reports stated that the BBMP had agreed to pay compensation of Rs. 1 lakh to the family of Shri Chenchaiah, no compensation had been paid. The local area councillor had paid them Rs. 25,000/-, all of which had gone towards hospital and funeral expenses.
Incidents of Manhole deaths In Karnataka: Concluding comments

Circumstances leading to the deaths/injuries

- Many districts in the state don't have UGD coverage and have only septic tank toilets with connected tanks and soak pits attached to the houses, commercial buildings, all government, and private institutions. The direct discharge of human excreta and urine directly into open drains is rampant in most urban local bodies, on account of the lack of UGD. Since very few ULBs have some form of cleaning machines as required under law, the septic tanks are mostly cleaned manually. No steps are being taken to prevent blocking of sewer lines. (See the summary of High Court Report given below.)

- In cases of blocked soak pits in houses, private house owners call a sewage contractor who hires a team of two or three manhole workers for clearing septic tanks, for a fee of Rs. 1500-2500 for the operation. Obviously, no safety equipment is provided, nor any safety precautions observed. Also, given the illegality of the operation, the house owner insists that it is hurriedly carried out, often at night. The workers are asked by the contractor to go down immediately into a pit filled with excreta emitting deadly gas.

- In case of cleaning sewage in the UGD system, in a majority of cases, the local municipal agency (BWSSB in Bangalore) assigns the work to a private contractor, who contacts a team of powrakarmikas for this purpose. The contractor/municipal official assigns the sewage worker the job of cleaning the pit despite its hazards, and despite the workers' protest/demand asking for safety equipment (ropes, gloves, face mask) and cleaning equipment (jet/suction pump). In fact,
sewage cleaning is a hazardous enterprise and a threat to the life of the individual, irrespective of whether it is done with or without protective gear. The job involves unclogging blocked drains, repairing the sewage line, and clearing garbage from storm water drains. It is also extremely dehumanizing, for clearing the pit of excreta is undertaken with a bare shovel and bamboo baskets. All this is done in utter violation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 prohibiting manual cleaning of sewer and septic tanks. Moreover, under the Act, while cleaning the manhole, the municipal sanitation engineer is required to be present to oversee the operation, a requirement that is always flouted.

- Deaths also occur due to undertaking repair work in manholes and storm water drains, a task that is equally hazardous since even in the manholes under construction, there are illegal sewage connections made to the pipeline that are already in use.

- Death happens because of lack of availability of safety equipment due to which workers frantically struggling to survive in a pit are not pulled out in time. In Kinnigolli, for instance, it took nine hours to extract the body of the dead victim. No safety equipment is provided, and no mechanical equipment is arranged before the operation. Sometimes, the ladder in the manhole is rusty, causing the worker to fall into the sewage pit, and get drowned in excreta. When a sewage worker falls into the pit and is trapped, and fighting for life, his co-workers try to rescue him, and in the process, fall and get trapped, suffering the same fate. Even when, as in Kinnigolli, the fire engine is summoned, it is the surviving manhole worker who is asked to go down into the soak pit and pull out the body of the drowned worker.
None of the unfortunate victims who lost their lives were identified as manual scavengers by the state and its agencies. This is a violation of the law and denial of their statutory rights under the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013.

As established by post-mortem findings, death is caused when the worker, on entering the manhole, is exposed to poisonous gases, by which the respiratory tract gets blocked, leading to asphyxiation. The trapped worker loses consciousness and collapses immediately, and dies before medical assistance reaches him.

The Aftermath: Follow-up by the state

Police action

In many cases, the initial response of the police is to avoid acknowledging that the death occurred when the workers went down, against all norms of safety and hygiene, into the sewage pit to clear it of excreta. Instead, the police effort is claim that the death was "an accident," caused by the fall of the sewage worker into the slippery pit. Even when they are forced by public pressure into making such an acknowledgment, the police, instead of treating it as a crime against the SC community, file a case of death by negligence (Section 304A, IPC), or causing grievous hurt and injury (section 337); sometimes, the police file a UDR (Unnatural Death Report) (section 174 Cr.P.C). Similarly, when the death occurs during repair and maintenance work on the drainage system (UGD) or a storm water drain which has sewage lines let into it, it is also treated as a case of death by negligence. Cases are registered under these sections, which are cognizable, non-bailable offences, but no arrest follows. It is only under sustained pressure from the community and civil society activists that the police, in recent years, have recognized that it is a caste-related
offense, and are filing proper FIRs covering the gravity of the offense, under Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act and now, in the last 2 years, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. In such cases, filing of FIRs is followed by arrest (though not always), but the culprit gets bail, and the case takes its normal course, the incident all but forgotten. Even in such cases, the police file an FIR only against the immediate culprit, viz, the contractor or the house owner, but spare the officials involved, viz, the sanitation engineer and other district administration officials. With regard to manhole deaths, the district administration is careful to steer the case away from itself, to emphasize that there is no involvement of any of the concerned officials in the incident. This is contrary to the 2013 Act which mandates that responsible public servants should be prosecuted. The Civil Rights Directorate, Karnataka, also has issued a circular stating that in cases of manhole deaths, not only the perpetrator but even officials of the district administration should be charged as accused. Not surprisingly, the circular has been filed away, and forgotten.

While FIRs have been filed in manhole deaths for the last several years, no reports have been received about anyone being convicted.

**Official measures**

Generally, the response of the district administration to an incident of death is one of denial: to assert that according to their survey, no manual scavenging exists in the area. When pressed for their response to the incident of death, the administration refuses to accept responsibility on the ground that the deceased was not a powrakarmika (safai karamchari) employed by the municipal, and hence his family is not entitled to compensation. It is for this reason
that in some cases, families have been compelled to refuse handing over bodies to the police for postmortem investigation until due compensation is paid. When relief measures are announced after the death, they are mostly limited to the following:

- **Immediate relief:** In a few cases, a token ex-gratia payment is made to the family towards hospitalization and medical aid.

- **Compensation:** Ranging from a few thousand rupees to Re. 1 lakh in earlier cases, but later increasing to Rs. 5 lakh, and now in most recent cases, after the Supreme court judgment of January 2014, up to Rs. 10 lakh. But often, compensation is promised by the private party/ the municipality but is unconscionably delayed. No compensation is given to the injured workers, nor any attempt made to rehabilitate them from the occupation.

- **Collusion:** In many incidents of death, state agencies, especially at the district level (the police, the municipal commissioner etc) collude with the private contractor in different ways(defective FIRs, refusing to identify the victims as manual scavengers etc) in order to let the contractor off the hook by steering the case away from the offense of manual scavenging and minimize their own responsibility for the death despite being mandated by law. This collusion is in consonance with the state’s unwillingness to acknowledge the practice of manual scavenging.

**Rehabilitation**

Under Rehabilitation schemes, a house under Ashraya scheme and a job for one member of the family are sanctioned. What is notable is that, after the incident of death, no attempt is made by the district administration
to rehabilitate the community in the area as a whole by moving them out of a degrading and inhuman occupation. No steps have been taken towards provision of gainful employment to these workers. Hence, the affected family, after the death of the worker, is left with no other option except to go back to the same occupation. When jobs are promised to a member of the family, it is within the same category (as e.g., sweeper powrakarmikas), that too, on a temporary basis. All this goes against the spirit of the 2013 Act, viz., to secure the complete and universal liberation for sewage workers and to restore their dignity in a time-bound manner.

Hence, after such an incident, the immediate community, inured to such calamities, continues in the same occupation (sewage cleaning, street sweeping) as before. Thus, the community remains trapped in the same occupation. Even the co-workers involved in the incident go back to their occupation, since the district administration is indifferent to the plight of the surviving co-workers and does not attempt to rehabilitate them.

It should also be noted that the death of the person engaged in manual scavenging comes at the end point of a prolonged process of social, economic, and cultural subordination and a life which in every phase has been marked by humiliation both of the person who was hired for manual scavenging and his family. The enormity of the tragedy consists in the fact that often, the rest of the family does not even know that the head of the family was employed for manual scavenging, and it’s only his death which reveals this fact. The death of the main breadwinner has severe implications of the economic security of the family, and the family which was eking out a precarious existence is even further compromised in its ability to carry on living.
The structural nature of the problems which caused the deaths of over 23 workers in Karnataka (during 1995-2011) is highlighted by an important Report of a Committee Appointed by the Karnataka High Court. In response to a Writ Petition in 2009, (W.P. No. 30221/2009), the Karnataka High Court constituted a Committee which submitted its report on the conditions of powrakarmikas and sanitation workers, titled “Report filed by the Member Secretary, KSLSA, Bangalore. Chairman of Committee constituted by the High Court of Karnataka in W.P. 30221/09 (GM-RES) (Public Interest Litigation)” dated 28/03/2011. Given below are salient points of the Report:

- In 56 ULBs, there is underground drainage system ranging from 10% to 90%, while in 66 TMCs, 13 CMCs and 62 TPs there is no underground drainage facility (page 7 of the Report)

- In most ULBs and Bangalore city, where there is no underground drainage system, the sewage, including human faeces, is collected in septic tanks/soak pits attached to the houses, commercial buildings, all government and private institutions. There is a staggeringly large number of septic tanks in the various urban local bodies. There are approximately 3,15145 septic tanks across the State. However, this information is incomplete since the number of septic tanks/soak pits for various urban local bodies have not been provided.

- Bangalore city does not have 100% UGD coverage and vast areas are yet to be provided with UGD (pages 4 and 5)

- Only 2 ULBs in Karnataka have 100% UGD coverage (Annexure-1; page 23); 56 ULBs have between 10% to 90% coverage (Annexure-2; page 24), while 141 ULBs do not have any UGD at all (Annexure-3, 4 and
5) (page 7); only in 5 ULBs construction of UGD is in progress (Annexure-20; page 62).

- In regard to septic tanks, the Committee has found that Septic tanks are being used in 85 ULBs (page 8), and as per the two circulars placed on record, cleaning of these manually is illegal and prohibited.

- There are 60 ULBs which do not have any UGD and only have septic tanks. They do not have any cleaning machines. In fact, Harihara, which has 9165 septic tanks, does not have any machine. Therefore, it is clear that these tanks are being cleaned manually which is downright inhuman.

- The Committee has found that 63 ULBs have some form of cleaning machines. But no records have been produced in regard to the routine maintenance and handling of emergency situations (page 9)

- The Committee also found that no information was forthcoming on steps taken by the government to address the various occupational diseases (page 11) nor was there any information in regard to protective equipment and other gear provided (page 11). It also found that there are no separate hospitals provided for workers (page 15)

- The Committee has recommended as follows:
  - Provision of machines to do the said work on a war footing (page 12)
  - The employment of services of private contractors needs to be done away with (page 12). Workers employed by contractors need to be absorbed forthwith or rehabilitated (page 14 and 19).
  - Septic tanks have to be cleaned by machines, and not manually (page 12)
• The Employment of Manual Scavengers and Prohibition of Dry Latrines Act, 1993 has to be implemented fully. (page 12)

• Sufficient funds for the purchase of machines are required to be provided. (page 15)

• Steps to be taken to prevent blocking of sewer lines (page 16).

• Awareness camps should be conducted on waste management across the state (page 17)

• Studies of sanitation system of other countries need to be undertaken towards modernization (page 18)

• Uniform wages and equal pay for equal work (page 18 and 19)

• A Helpline for workers to be established (page 20)

• Labour department to enforce all concerned labour laws (page 20)

• Duty of the State to mechanize and ensure that sanitation workers do not manually do the work of cleaning (page 22)

• The Committee has held that Powrakarmikas have the fundamental right to life, which also includes within its fold right to health, safe working conditions, and right to livelihood (page 21), and that there shall be no violation of the basic right life of workers engaged in maintenance of sewerage systems (page 10).

The Karnataka High Court and the State Government accepted the Report and the State Government has committed itself to its implementation. The High Court has passed several interim directions in regard to the
implementation of the Report, including directing the state government to submit periodical status reports. However, the petition has since been disposed.
CHAPTER IV

The Constitutional And Legal Framework
Redressing Manual Scavenging

The Relevance of the Constitution in addressing Manual Scavenging

The law in pre independent India was complicit in the oppression of people engaged in manual scavenging. In fact, it was Ambedkar who, for the first time, drew attention to this fact, through his analysis of municipalities' legislations. In the United Provinces, the law punished the "customary sweeper" who failed to "perform scavenging in a proper way," and in Punjab the law punished the contract sweeper who discontinued house scavenging without fourteen days' notice. Ambedkar comments:

In Provinces like the United Provinces, refusal to do scavenging by sweeper is made an offence. The United Provinces Municipalities Act II, 1916 contains the following provisions:

Section 201(1).—Should a sweeper who has a customary right to do the house-scavenging of a house of building (hereinafter called the customary sweeper) fail to perform such scavenging in a proper way, the occupier of the house or building or the board may complain to a Magistrate.

(2) The Magistrate receiving such complaint shall hold an inquiry and should it appear to him that the customary sweeper has failed to perform the house-scavenging of the house or building in a proper way or at a reasonable
intervals, he may impose upon such a sweeper a fine which may extend to ten rupees, and upon a second or any later conviction in regard to the same house or building, may also direct, the right of the customary sweeper to do the house scavenging the house or building to be forfeited and thereupon such right shall be forfeited.

An exactly similar provision is to be found in Section 165 of the Punjab Municipalities Act, 1911. The Punjab Act is an advance over the U. P. Act, in as much as it provides for punishment of a sweeper who is not a customary sweeper but a contract-sweeper. The Punjab Act adds:

"(3) Should any sweeper (other than a customary sweeper), who is under a contract to do house-scavenging of a house or a building, discontinue to do such house-scavenging without fourteen days' notice to his employer or without reasonable cause, he shall on conviction be punishable with a fine which may extend to Rs. ten."

Every order of forfeiture under Section 165 shall be subject to an appeal to the next superior court, but shall not be otherwise open to appeal.47

Ambedkar went on to make the comparison to slavery. As he noted:

People may be shocked to read that there exists legal provision which sanctions forced labour. Beyond doubt, this is slavery. The difference between slavery and free labour lies in this. Under slavery a breach of contract of service is an offence which is punishable with fine or imprisonment. Under

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free labour a breach of contract of service is only a civil wrong for which the labourer is liable only for damages. Judged in the light of this criterion, scavenging is a legal obligation imposed upon the Untouchables which they cannot escape. 48

The first normative challenge to a thinking and practice embodied in the municipality legislations as pointed out by Ambedkar emerged with the coming into force of the Indian Constitution. The idea of equality is the foundation stone on which the Indian Constitutional edifice was erected. The Objectives Resolution moved by Jawaharlal Nehru made it clear that the new nation was to be founded on equality of status and of opportunity and promised “liberty of thought expression, belief, faith, worship, vocation association and action to all the people of India”. 49

The Objectives Resolution transmuted into the Preamble of the Constitution which promised to all the citizens of India

JUSTICE, social, economic, and political;

EQUALITY of status and of opportunity;

FRATERNITY assuring the dignity of the individual.

While this was the pledge, the difficult question was how was one to grapple with the challenge of actualizing the norm of equality in a society that had existed for centuries by grouping persons hierarchically based upon the caste they belonged to. The Indian Constitution, if it was to be meaningful, had to deal with the societal reality of caste.

The social reality of caste manifested itself in a system of graded inequality. As Ambedkar put it:

48 Ibid.
49 http://cadindia.clpr.org.in/constitution_assembly_debates/volume/1/1946-12-13 (Last accessed on 27 March, 2019)
In the system of graded inequality there are the highest (the Brahmans). Below the highest are the higher (the Kshatriyas). Below the higher are those who are high (Vaishya). Below the high are the low (Shudra) and below the low are those who are lower (the Untouchables). All have a grievance against the highest and would like to bring about their downfall. But they will not combine. The higher is anxious to get rid of the highest but does not wish to combine with the high, the low and the lower lest they should reach his level and be his equal. The high wants to over-throw the higher who is above him but does not want to join hands with the low and the lower, lest they should rise to his status and become equal to him in rank. The low is anxious to pull down the highest, the higher and the high but he would not make a common cause with the lower for fear of the lower gaining a higher status and becoming his equal. In the system of graded inequality there is no such class as completely unprivileged class except the one which is at the base of the social pyramid. The privileges of the rest are graded. Even the low is a privileged class as compared with the lower. Each class being privileged, every class is interested in maintaining the social system.  

The Indian Constitution sought to address this societal reality of graded and hierarchical inequality through the following provisions. Since the fundamental rights are universal and guaranteed to all persons/citizens, they are also ipso facto available to Dalits. As such the generic provisions of the Constitution such as the right to equality(Article 14), the right to freedom of opinion and expression (Article 19), and the right to life and personal

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liberty(Article 21) have great relevance, especially when we see how these rights are denied to those at the bottom of the socio-economic hierarchy.

While the Constitution guarantees universal rights to all persons, it specifically addresses the question of caste in some key provisions. Article 15 prohibits discrimination on specific markers, including on grounds of caste. In a further specific recognition of the way caste operates at the ground level, Article 15(2) specifically prohibits any citizen being subject to any liability, restriction, or condition with regard to access to public spaces including shops, restaurants, and the use of wells, roads etc on grounds of caste.

While constitutional recognition of discrimination on grounds of caste is a response to the social reality of caste, arguably it is not enough to achieve the goal of equality. The Constitution envisages a more proactive role for the state in achieving the goal of equality through its reservation provisions for scheduled castes in educational institutions (Article 15(4) and (5)) and public employment. (Article 16(4)).

The Constitution also criminalizes the practice of untouchability in Article 17 and the practice of bonded labour in Article 23. In particular, Articles 17, 23, and 15(2) address the key fact that the heart of discrimination faced by Dalits is the prejudicial attitudes which permeate society. If caste is truly to be tackled, then it would be important to tackle societal mindsets. As Gautam Bhatia argues, Article 17, Article 15(2), and Article 23 should be seen as a golden triangle:

Each of these articles protects the individual not against the State, but against other individuals, and against communities. And at the heart of the triangle lies Ambedkar’s revolutionary insight:
that the denial of human dignity, both material and symbolic, is caused not only by public power, but by private power as well – and the task of constitutionalism is not limited to satisfactorily regulating public power in service of liberty, but extends to positively guaranteeing human freedom even against the excesses of private power. 51

Article 14 and Article 15: Setting in Place the Norm of Equality

By guaranteeing that “the state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India,” Article 14 sets in place the norm that the state has to conduct itself in such a way that in its functioning it cannot deny any person the right to equality before the law or equal protection before the laws. Under Article 15 (1), “the state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth, or any of them”. Article 15(2) specifically prohibits the subjection of the citizen to any restriction in access to public places like shops, restaurants, roads etc. on grounds of caste.

Article 14 sets in place the norm of equality and Article 15 contextualizes the norm within an Indian society in which discrimination on grounds of caste, sex, place of birth, and religion are a reality. Article 15(2) in particular prohibits what is the societal norm of a caste-based order, namely the restriction, if not prohibition, in the use of public facilities by the Scheduled Castes.

This idea of equality as embodied in Articles 14 and 15 is deeply antithetical to the caste-bound nature of Indian society. When Ambedkar decided to draw water from the Chawdar tank in defiance of caste Hindu prohibitions as part of the famous Mahad satyagraha, he categorically announced said “We are resorting to this Satyagraha not because we believe that the water of this particular tank has any exceptional qualities, but to establish our natural rights as citizens and human beings.” 52

The historical analogy he used for this assertion of equality of status was the French revolution’s assertion of equality in 1789. As Ambedkar put it:

This Conference is held to unfurl the banner of Equality and thus may be likened to the National Assembly in France convened in 1789. Our Conference aims at the same achievement in social, religious, civic and economic matters. We are avowedly out to smash the steel-frame of the caste-system. 53

The norm which Article 14 and Article 15 are setting in place might not be an exceptional in some parts of the world. However, in Indian society in which the norm of the unequal treatment of persons on the grounds of caste is sanctified by social, cultural, and religious practices and beliefs, this norm has a radical potential to change a society’s conception of itself. Thus, Ambedkar rightly calls attention to the revolutionary significance of the assertion in Mahad of the untouchable’s right to equality. This norm of equality, which was the product of the Dalit struggle, now

53 Ibid.
finds its Constitutional recognition through Article 14 and Article 15 of the Indian Constitution.

**Article 15(4) and Article 16(4): Altering the Caste-based order**

While the assertion and the enshrinement of the norm of equality as part of the Indian Constitutional order is important, the mere enshrinement of the norm may not do much to transform the social order. To bring about active societal transformation, it's important not just to lay down the norm of formal equality but also to make provisions to achieve substantive equality.

The concept of reservation for scheduled castes and tribes, in both educational institutions and public employment, as embodied in Articles 15(4) and 16(4), is one constitutional path prescribed to achieving substantive equality. As the Supreme Court observed in *State of Kerala v. N.M. Thomas*:

> Equality under Article 16 could not have a different content from equality under Article 14. Equality of opportunity for unequal's can only mean aggravation of inequality. Equality of opportunity admits discrimination with reason and prohibits discrimination without reason. Discrimination with reasons means rational classification for differential treatment having nexus to the constitutionally permissible object. Preferential representation for the backward classes in services with due regard to administrative efficiency is permissible object and backward classes are a rational classification recognised by our Constitution. Therefore, differential treatment in standards of selection are within the concept of equality.  

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54 *State of Kerala v. N.M. Thomas* AIR 1976 SC 490
Thus, in the understanding of the Supreme Court, reservation is a mode the state can adopt in order to achieve the constitutionally-mandated objective of equality. Reservations are arguably the most important single step the Indian state has taken to remedy centuries of discrimination. The spin-over effects of over 60 years of reservation include a visible Dalit presence in the government bureaucracy, educational institutions, political parties, civil society etc.

While the policy of reservation has undeniably contributed to the growth of the Dalit middle class, it also has to be noted that the policy has failed to take into account the nature of the caste system as described by Ambedkar, i.e. a graded and hierarchical system of inequality. This failure to comprehend the nature of the caste system has meant that it is the higher castes among the Dalit communities which have become the beneficiaries of the reservation policy. Thus, the majority of the benefits of reservation have flowed to the Holeyas in Karnataka, Malas in Andhra Pradesh, the Mahars in Maharashtra, and the Jatavs in Uttar Pradesh. This has led to a prolonged struggle for sub-reservation led by the Madigas in South India, with dissatisfaction rife among those at the bottom of the Dalit hierarchy, including the Madigas in Karnataka and the Arundatiyars in Tamil Nadu.

If the Constitutionally-mandated policy of reservation is looked at from the perspective of sanitation workers of India, it is clear that they have overwhelmingly not been the beneficiaries of the policy. This realization by those at the bottom of the caste hierarchy that they have not benefited from the policy of reservation led to a prolonged agitation in Andhra Pradesh which finally resulted in the Andhra Pradesh Government passing a legislation that subdivided the reservation quota among the scheduled castes proportionately.
The classification among the scheduled caste communities by the Andhra Pradesh legislation was based upon a report by the Justice Raju Committee which noted practices of discrimination inter se among the Scheduled Castes. The Raju Committee recommended that the reservation quota available for the scheduled castes be so divided that the benefits were equally available to all 57 castes, and were not disproportionately cornered by a few castes.

This sub-division of the reservation quota was challenged in the Supreme Court in *E.V Chinnaiah v. State of Andhra Pradesh* where the Court struck down the legislation which sought to ensure that benefits were evenly distributed. J. Sinha held that

As the Constitution itself treats the members of the scheduled castes as a single integrated class of most backward citizens, it is not competent for the legislature of a State to subdivide them into separate compartments with a separate percentage of reservation for each resulting in discouraging merit as well as the endeavour of individual members to excel – vide fundamental duty under Article 51-A(j).  

This decision has been roundly criticized for its sociological blindness and inability to appreciate how caste actually works in the Indian context. What the judgment was blind to was the fact that, as K. Balagopal observed, “within the scheduled castes there is a local hierarchy of social status, worth, value (and even touchability), and also that the scheduled caste reservation is being taken disproportionately by two of them, namely, the Adi Andhras and Malas”.

If it is found that some untouchables are untouchable for other untouchables, then why should they not be

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55 E.V. Chinnaiah v. State of Andhra Pradesh and Ors. AIR 2005 SC 162
classified separately within the list of untouchables, what would be unreasonable about it? 56

In short, this judgment is blind to the reality that “caste is a graded and hierarchical system of inequality in which each layer has a stake in the continued existence of the caste system”. This judgment has put a judicial imprimatur on the de facto exclusion of sanitation workers from the benefits of reservation.

**Article 17 and Article 23: Criminalizing the Practice of Untouchability and Forced Labour**

While Article 14 lays down the norm of equality at its most abstract, Article 15 seeks to contextualize the equality provision within Indian society with the specific recognition that caste is a barrier to achieving equality. Article 16(4) and Article 15(4) recognize that to achieve equality, the state will have to make special provisions like reservation. However, as has been demonstrated, Articles 14, 15 or 16 are not specifically concerned about the plight of the worst of among the Scheduled castes. To find this constitutional concern with the plight of the worst off, we will have to traverse to Article 17 and Article 23. Article 17 and Article 23, if read together, indicate the contours of a constitutional right against exploitation. Read together, they indicate that the plight of the worst off was not outside the contemplation of the founding fathers.

In a speech in 1930 at the First Round Table Conference, Dr. Ambedkar first articulated the idea that untouchability should be considered a criminal offence.

First of all, we want a Fundamental Right enacted in the Constitution which will declare "Untouchability"

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to be illegal for all public purposes. We must be emancipated from this social curse before we can at all consent to the Constitution; and secondly, this Fundamental Right must also invalidate and nullify all such disabilities and all such discriminations as may have been made hitherto. Next, we want legislation against the social persecution to which I have drawn your attention just now, and for this we have provided certain clauses which are based upon an Act which now prevails in Burma in the document which we have submitted. 57

Sixteen years after the idea was first articulated by Dr. Ambedkar, the “practice of untouchability” was criminalised, with the Constituent Assembly passing what was to become Article 17 of the Indian Constitution.

Article 17 reads:

“Abolition of Untouchability

‘Untouchability’ is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of ‘Untouchability’ shall be an offence punishable in accordance with law.”

The Constitution did not define “untouchability,” with that task being left to future legislation. However, the constitutional recognition of “untouchability” quite obviously included within its ken the heinous treatment of people employed for manual scavenging who were confined to the employment of cleaning of excreta and subjected to a host of disabilities based upon their work.

Article 23 reads: (1) “Traffic in human beings and begar and other similar forms of forced labour are prohibited

and any contravention of this provision shall be an offence punishable in accordance with law”

Article 23 was based on a recognition of the realities of Indian society which harshly penalized those on the outer reaches of the caste order. The practice of begar by which individuals were made to work without payment was a particularly invidious manifestation of the Hindu caste order. The communities associated with manual scavenging, were expected to clean excreta from the houses of the upper castes without payment. Even if persons sought to leave their traditional occupation, they would be forced to continue. Manual scavenging is thus a form of “begar” or forced labour, and the Constitution contemplates the punishment of this practice through Article 23.

Manual scavenging was a customary occupation among certain castes. As ordained by custom, those who performed the labour of cleaning excrement were not even given wages, but given left-over food as a recent report by Human Rights Watch documented:

Women who clean dry toilets in rural areas sometimes receive little or no cash wages, reflecting long-established customary practices, but instead receive daily rations of leftover food, grain during harvest, old clothes during festival times, and access to community and upper caste land for grazing livestock and collecting firewood—all given at the discretion of the households they serve. After collecting and disposing excrement from each household, they still return to each home to collect leftover chapatis or rotis (unleavened bread) as compensation. In areas where untouchability practices are intact, food is dropped into their hands or thrown in front of them. 58

58 “‘Manual Scavenging,’ Caste, and Discrimination in India”
The expectation among the upper castes was the mandatory performance of this labour, with any infraction of this customary duty being met by severe punishment by the upper castes. In some cases, the extra-legal coercion of the upper castes was supplemented by the legal coercion of colonial law. As noted above, it was Ambedkar who drew attention to this heinous practice in the form of the municipalities legislations in the United Province which punished the “customary sweeper” who failed to “perform scavenging in a proper way,” and in Punjab, where the law punished the contract sweeper who discontinued house scavenging without fourteen days’ notice.

Article 23 marks a revolutionary normative transformation as it clearly mandates that the practice of manual scavenging comes within the understanding of “begar” and is form of forced labour. The Constitutional mandate of Article 23 is unambiguous. i.e. the practice of manual scavenging should be made a criminal offence.

**Conceptualizing Manual Scavenging as a Caste Atrocity**

While manual scavenging may be seen as one of the worst manifestations of the caste system, there were progressive attempts by parliament to conceptualize it as an atrocity and provide adequate punishment as well as ensure that the rights of the victim were protected. This journey of the law went from the Civil Rights Act, 1955 to the 2015 amendment of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act.

Operationalizing Article 17: The failures of the Protection of Civil Rights Act, 1955

While recognition in the Constitution of the practise of untouchability as a crime was normatively significant, for this Constitutional prohibition to have any impact, it would need to find statutory expression. The Bill which was moved in Parliament to actualize the Constitutional vision was the Untouchability Offences Bill in 1954. The law which was finally enacted, had the title of Protection of Civil Rights Act, 1955.

Dr. Ambedkar, during the parliamentary debate on the bill, expressed his discomfort with calling the statute, Untouchability Offences Bill and said he preferred the title to be, Civil Rights (Untouchables) Protection Act. The reason for this is because the original title of the Bill:

> gives the appearance that it is a Bill of a very minor character, just a dhobi not washing the cloth, just a barber not shaving or just a mithaiwala not selling laddus and things of that sort. People will think that these are trifles and piffles and why has parliament bothered and wasted its time in dealing with dhobis and barbers and ladduwallas. It is not a Bill of that sort. It is a Bill which is intended to give protection with regard to Civil and Fundamental rights...^59

Thus, the conceptual basis of the statute has to be clearly articulated, for it is not dealing with “trifles and piffles” but rather with “civil and fundamental rights” and the legislation must articulate a constitutional vision of protecting citizens from discrimination from their fellow citizens.

To actualize this vision, Dr. Ambedkar, in fact, argues that the statute should move away from the language

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of untouchability and move towards conceptualizing offences perpetrated on the body of the Scheduled Caste person. As he puts it, referring to Shri Kailash Nath Katju who tabled the Bill, “I don’t know why he should keep on repeating Untouchability and Untouchables all the time. In the body of the Bill, he is often speaking of Scheduled Castes. The Constitution speaks of the Scheduled Castes, and I don’t know why he should fight shy of using the word Scheduled Castes in the title of the Bill itself.”

While Ambedkar’s intervention effects a change in title, the Act is limited by having to prove that all the offences it creates have to be committed on “grounds of untouchability”. Proving that a person suffered a disability in accessing a public service on grounds of untouchability became a high burden to discharge. In the convictions that happened under the Act, the judges were apt to view it as relatively minor infringements and the accused were let off with a small fine. Further, the Act did not specifically conceptualize the range of offences that were perpetrated on the body of the Scheduled Castes, and focussed instead on outlawing discrimination in access to public facilities, shops, and places of worship.

It was only in 1976 that the government amended this legislation which hitherto had focused on discrimination to get in the question of scavenging. Section 7A read:

7A. Unlawful compulsory labour when to be deemed to be a practice of untouchability

(1) Whoever compels any person, on the ground of “untouchability”, to do any scavenging or sweeping or to remove any carcass or to flay any animal, or to remove the umbilical cord or to do any other job of a similar nature shall be deemed to have enforced a disability arising out of “untouchability”.

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60 Ibid. 231.
However, the legislation was hobbled by the fact that the punishment was very light. For violating Section 7A, the punishment was “imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees”.

The punishment provisions of the Untouchability Offences Bill were inadequate as they prescribed a maximum punishment of six months or fine. Ambedkar is scathing on the question of the Bill fighting shy of prescribing a punishment commensurate with the gravity of the offence. In a debate on the Bill in parliament, he observed:

My Honourable friend was very eloquent on the question of punishment. He said that the punishment ought to be very very light and I was wondering whether he was pleading for a lighter punishment because he himself wanted to commit these offences. He said, “let the punishment be very light so that no grievance shall be left in the heart of the offender.”

The SC/ST Atrocities Act, 1989: Moving from “Discrimination” to “Atrocity”

The gaps pointed out by Dr. Ambedkar in the Untouchability Offences Bill, 1954 were only rectified in the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, a full thirty four years after the Protection of Civil Rights Act, 1955.

The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 marked an advance from the Protection of Civil Rights Act, 1955 as the legislation now moved beyond discrimination to conceptualize the idea of “atrocity”. To the primary focus on discrimination in

access to services in the Protection of Civil Rights Act, 1955 was added a specification of the forms of atrocities committed on the SC/ST population. The listing of the nature of offences perpetrated on the SC/ST population reads like an anthropology of the way caste discrimination and caste atrocity are perpetrated on the bodies and lives of the SC/ST population.

The offences range from those perpetrated on the body such as forcing the SC/ST members to eat inedible substances, to forcibly removing their clothes and parading them naked. It also includes electoral offences, gender based offences, and other offences which injure their dignity.

This listing, however, did not specifically note “manual scavenging” as an atrocity. The only way manual scavenging would figure under this legislation was through an interpretation of Section 3(1) (vi), which identifies an atrocity as committed by a person who, not being a member of a Scheduled Caste or a Scheduled Tribe, compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do “begar” or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government. As noted before, “begar” includes the heinous practice of manual scavenging, and hence manual scavenging is criminalized under the Atrocities Act.

The Act also took the question of the atrocity seriously as it made offences under it of a non-compoundable nature, thereby trying to address the fear that those who filed the case will not have the wherewithal to sustain a lengthy prosecution or pressure from the perpetrator majoritarian and might go in for a compromise. The Act indicated its seriousness through the gravity of punishments which
went right from six months’ imprisonment to even the death penalty. 62

However, inspite of these changes, the conviction rate with respect to offences under the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989 is less than 1%. This is largely due to the failure to implement a law which in the ultimate analysis still goes against a prevalent public morality. As a PIL filed with respect to implementation of the 1989 Act made clear, there are many ways in which a counter-majoritarian law can be subverted in its implementation.63

SC and ST Atrocities Amendment Act, 2015: Criminalizing Manual Scavenging as Atrocity

The experiment in conceptualizing an ideal counter-majoritarian law continues with the latest avatar being the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. In the definitional section under Section 3, it increases the number of offences that can be committed against SC/ST persons from fifteen

62 The PUCL as well as other human rights organizations oppose the death penalty for any offence and have long argued that India should eliminate the death penalty as a punishment from the statute books.

63 Some of these failures are listed below.

(1) FIRs are registered without reference to proper sections of the Act
(2) chargesheets are invariably filed late
(3) accused are not arrested and allowed to roam free
(4) investigations are often not done by the Deputy Superintendent of Police but by junior officers, rendering acquittal on grounds of improper procedure
(5) victims are forced to turn hostile on threats of economic and social boycott.

to twenty nine. The dignity offences are also elaborated in greater detail, including offences of "garlanding with footwear or parading naked or semi naked", forcibly committing on SC/ST acts such as removing clothes from the person, removing moustaches, painting face or body, or any other similar act that is derogatory to dignity. One of the additions to the offences that can be committed against SC/ST persons is making a person who is SC or ST do manual scavenging. Under Section 2(1) (bf), manual scavenging is defined as having the same meaning assigned to it in clause (g) of sub-section (1) of Section 2 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

Section 3(1) states:

Whoever not being a member of the Scheduled Caste or a Scheduled Tribe,-

...........

(j) makes a member of a Scheduled Caste or a Scheduled Tribe to do manual scavenging or employs or permits the employment of such member for such purpose.

Under Section 3 the prescribed punishment is for a term which shall not be less than six months but which may extend to five years and with fine.

The 2015 amendment thus for the first time includes manual scavenging as an atrocity explicitly. This is also a shift from conceptualizing manual scavenging as a form of forced labour alone to seeing it as an atrocity. The 2015 amendment also includes provisions which though general in nature have a specific application to the context of deaths during manual scavenging. Section 2(1) (bb) defines dependent as "the spouse, children, parents, brother and sister of the victim who are dependent wholly or mainly on such
victim for his support and maintenance.” Under Section (ec) victim includes not only individuals who fall within the definition of scheduled Castes and Tribes and who have "suffered or experienced emotional or monetary harm" but also "the relatives, legal guardian and legal heirs" of the victim. This expansive understanding of both victim and dependent will be crucial in taking forward the relief and rehabilitation provisions of the Act.

**Specific Legislations targeting the Many Facets of Manual Scavenging**

The next step by the parliament was to target the issue of manual scavenging through specific legislation. If manual scavenging had a specific history and specific features, it needed to be addressed in its specific manifestations. This took the parliament down the route of defining dry latrines, manual scavenging etc. As with the legislative framework on atrocity, the parliament, in the course of the two legislations in 1993 and 2013, tried to refine its understanding of manual scavenging by moving from defining dry latrines to insanitary latrines, and moving from mere criminalisation to looking at rehabilitation. Arguably, this framework, too, like the framework on atrocities, has to be modified, based on new and emerging concerns at the ground level.

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

The enactment of the **Employment of Manual Scavengers and Construction of Dry Latrines(Prohibition) Act, 1993** marked the first-time the parliament sought fit to devote sustained legislative attention to what the former Prime Minister, Manmohan Singh described as a “national shame.” While the intention of criminalizing the practice of manual scavenging and the construction of dry latrines was a laudable one, almost all commentators are of the
opinion that the law failed its objective of eliminating the practice of manual scavenging. Among the major criticisms of the Act is the fact that it focused almost exclusively only on criminalizing the practice of manual scavenging and the construction and maintenance of dry latrines. Such an approach failed to take into account the fact that the issue of manual scavenging had deep roots in the socio-economic structure. In particular, the practice of manual scavenging is a traditional occupation limited to certain castes, and this socio-economic reality finds no reflection in the legislation. It’s intriguing that the preamble of the Act, while it references dignity, does not reference Article 23 and the practice of “begar,” which is the root reason why manual scavenging persists. The Act is not only blind to the reality of the caste system but is also blind to the desperate economic situation in which people who are forced to take part in manual scavenging find themselves, which make the liberation from manual scavenging difficult. It makes no provision for alternative employment for those liberated from manual scavenging.

The imperative of the Act is to deal with manual scavenging and the construction of dry latrines through criminal law. As such, it aims to punish both these practices, and going by the theories of punishment, the purpose should at the least be to communicate the state’s intolerance for these practices, and deter both these practices through the fear of “punishment”. However, even if the Act is judged within its narrow parameters of dealing with manual scavenging as a criminal offence, it fails this objective. This is due to the following three reasons:

Firstly, the framers of the legislation have set in place barriers for the enforcement of the criminal law provisions. Under Section 17(2), no prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the Executive Authority. Under Section 17(3), no
court shall take cognizance of any offence under this Act, except upon a complaint made by a person generally or specially authorised in this behalf by the Executive Authority.

Secondly, the deterrent effect of a legislation is based upon the fact that the offence is dealt with a measure of gravity through exemplary punishments. Under Section 14, the punishment for failure to comply with the Act is a fine of maximum of two thousand rupees, or imprisonment of a maximum of one year or both.

Thirdly, because of the difficulties of implementing a legislation that goes against a deeply ingrained majoritarian viewpoint, there have been no convictions reported under this Act in its entire history.

Finally one should note the limitations of a legislation which does not in its title or its text connect the issue of dry latrines and manual scavenging to dignity. It is worthwhile to recall Ambedkar’s powerful remarks noted earlier about how one cannot see the prohibition of untouchability legislation as being ‘a Bill of a very minor character, just a dhobi not washing the cloth, just a barber not shaving or just a mithaiwala not selling laddus and things of that sort.’ He goes on to note that the Untouchability offences Bill’ should be called a Civil Rights Protection Act as the heart of the bill was not to deal with ‘trifles and piffles’ but rather to ‘give protection with regard to Civil and Fundamental rights’. Similarly the Employment of Manual Scavengers and Construction of Dry Latrines(Prohibition) Act, 1993 should have made a connection between the acts prohibited and the reason for this prohibition, namely the violation of the right to dignity, which is the heart of the Indian Constitution. In its absence, the impression that it’s a trifling legislation, dealing with minor matters of little import will be hard to shake off.
The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013

Almost 20 years after the first legislation that specifically sought to address manual scavenging, the parliament enacted the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013. The preamble to the legislation acknowledged that the problem of “the dehumanising practice of manual scavenging,” arose “from the continuing existence of insanitary latrines and a highly iniquitous caste system”. The legislative acknowledgment of the deeper roots of manual scavenging, as compared to the 2003 legislation, was a welcome development. The reasons for the persistence of manual scavenging was not just the fact that dry latrines continue to exist, but, as the preamble noted, its roots lay in the “highly iniquitous caste system,” and this legislation aimed to “correct the historic injustice and indignity suffered by the manual scavengers”.

The Supreme Court, in Safai Karamchari Andolan v. Union of India (2014)64, observed that “the 2013 Act expressly acknowledge[s] Article 17 and Article 21 rights of the persons engaged in sewage cleaning and cleaning tanks as well as persons cleaning human excreta on railway tracks”.

Key definitions

The legislation also showed a rooted understanding of the new forms that manual scavenging took in contemporary society. It was not just the cleaning of dry latrines, but in the contemporary context, a form of labour which involved the cleaning of human excreta from modern institutions, including railway tracks, sewage treatment plants, underground drains, manholes etc. As such, the definition had to reflect the range of ways in which human excreta continue to be handled manually. To encompass

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64 Safai Karamchari Andolan v. Union of India (2014) 11 SCC 244
this diverse form of labour, the legislation defined three key terms:

- A broader definition of manual scavenging, under Section 2 (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 insanitary 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 spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

- The term insanitary latrines replaced the term dry latrines. Insanitary latrine is a broader concept which was defined in Section 2(e) as, "a latrine which requires human excreta to be cleaned, or otherwise handled manually, either in situ, or in an open drain, or pit into which the excreta are discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed."

- Under Section 2(d), the Act defines "hazardous cleaning" by an employee, in relation to a sewer or septic tank, as manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices, and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder”.

These three definitional provisions are very important in laying out the scope of the legislation and also in adapting
the notion of manual scavenging to modern times. Or, to put it differently, these provisions acknowledge the new forms that caste oppression takes in contemporary society, and the new ways in which the insidious practices of caste continue to play out.

Punishment

The offence of employing a person for manual scavenging or constructing an insanitary latrine under section 5 is punishable with a year's imprisonment or a fine of Rs. 50000. The offence of employing a person for hazardous cleaning of a septic tank or sewer under Section 7 is punishable with imprisonment which may go up to two years and a fine which may extend to Rs. 5,00,000. All offences under this statute are cognizable and non-bailable, and there is no requirement of any sanction by an Executive Authority before prosecution is commenced under this Act.

Some of the case law since the Act came into force indicates that the Courts have dealt with the issue of manual scavenging under the new legislation with a measure of seriousness. In *National Institute of Rock Mechanics v. Assist Commissioner* 65, the petitioner challenged an order of the Karnataka State Safai Karamchari Commission that a FIR was to be filed in the case of manual scavenging. The basis of the challenge was that there was no hearing given to the petitioner before the FIR was registered. The court unequivocally observed that there is no need for a hearing before a FIR is registered, and that is not the legal schema of the Manual Scavenging Act, 2013. In *K. Sekar v. State*, the accused under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, moved a petition for their anticipatory bail application to be heard on merits on the same day that they were to

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surrender before the Sessions Court. The High Court observed that, "in normal circumstances, this Court will direct the concerned Court of Sessions to consider the bail application on the same day if an offence had been committed under the Atrocities Act alone. But since a crime has been committed both under Section 7 of the 2013 Manual Scavenging Act and Section 3(1)(vi) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, 1989, the High Court was reluctant to interfere. The Court went on to observe:

In order to stop persons from manual scavenging, the Government of India has enacted a separate Act, called The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (in short the Manual Scavenging Act 2013), with the assent of the President of India, received on 18.09.2013, which clearly stipulates that no person shall be permitted to employ either directly or indirectly any person for hazardous cleaning of a sewer or a septic tank. It is also made clear in the Act that notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and non-bailable. Thus, it is vividly obvious that under this Act, offence committed by any company or person, can be proceeded and punished.  

However, inspite of these improvements, there has been still no conviction under this Act. One should also note that a sole focus on punishment of individual perpetrators might miss out on the larger context of the way caste operates. As Mark Galanter notes, "anti-disability (caste) offences by their very nature involve assertions of caste

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66 https://indiankanoon.org/doc/147539382/ (last accessed on 3.04.19)
solidarity. Such offences in many cases are not acts of individual offenders but are the expression of patterns which are maintained by the active and passive support of one or more caste groups.” 67

Rehabilitation

A key difference between the 2003 Act and the 2013 Act is that the 2013 Act focused quite strongly on what it called rehabilitation of people forced into manual scavenging. To do so, the Act has put in place elaborate provisions for identification of people employed for manual scavenging, with the onus for identification being placed on the Chief Executive Officer of the Municipality. The Chief Executive Officer has to undertake a survey to identify people engaged in manual scavenging. People who are employed for manual scavenging are also empowered to apply to the Chief Executive Officer to be identified as “manual scavengers.”

Once the identification of a “manual scavenger” is completed as per the procedure under the Act, and the final list is prepared, then as per Section 13:

(a) he shall be given, within one month, —

(i) a photo identity card, containing, inter alia, details of all members of his family dependent on him, and

(ii) such initial, one time, cash assistance, as may be prescribed;

(b) his children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) he shall be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;

(d) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;

(e) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

(f) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

The rehabilitation provisions of the Act have been sought to be actualized through civil society intervention. Very often the local authorities deny that there are any manual scavengers working in their jurisdiction. So the identification of beneficiaries is a key first step. To take one instance, the work of the Karnataka Safai Karamchari Kavalu Samithi in conducting a survey resulted in the identification of 156 families in manual scavenging in the city of Davangere. On this being brought to their notice, the city corporation wrote a letter to the National Safai Karamchari Finance and Development Corporation asking that the Corporation provide all benefits under the
legislation to the identified beneficiaries.\textsuperscript{68} As one can see, the process of ensuring that the rehabilitation provisions into ground level action is long and complicated and demands a measure of commitment.

**Evaluating the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**

The success or failure of the 2013 Manual Scavenging Act can be judged on four parameters.\textsuperscript{69}

*Does the legislation clearly enunciate public policy regarding the practice of manual scavenging?*

The legislation is successful in enunciating a clear public policy regarding manual scavenging. The lack of definitional clarity has been removed about the question of who is a manual scavenger by expansively defining the practice to include both its traditional and modern forms. This includes railways, armed forces, STP’s etc.

*Does it promote new patterns of behaviour?*

As noted earlier, manual scavenging has deep roots in the Indian social structure. There have been changes in the forms that manual scavenging takes in the modern era which have been recognized by the 2013 Manual Scavenging Act.

In this context of a traditional practice that has taken modern forms, are there ways the state can act to promote new forms of behaviour? Compliance with the legislation can only be achieved, if the large majority change their behaviour in accordance with the mandate of the Act.

The state has a heavy responsibility to facilitate this change in behaviour. It does it through providing financial

\textsuperscript{68} On file with the PUCL-K.

\textsuperscript{69} As identified by Mark Galanter in judging the efficacy of the Untouchability Offences Act, 1955.
assistance for the building of flush toilets and the expansion of the underground drainage network. It can also be done through educational campaigns on the need to move out of insanitary toilets to flush toilets as well as campaigns which promote the idea of equality and dignity as enunciated in the Constitution.

*Does it deter offences?*

The deterrence effect of a legislation can only happen, if, in its design and scheme, the legislation aims to deter the said offence. The fact that the Act does not impose any restriction on the filing of a FIR for offences committed under the Act, and the fact that the punishments are onerous indicate that the legislative design is focussed on deterrence. However, successful deterrence in the end is based upon successful prosecution. There have been no reported successful prosecutions either under the 1993 or 2013 Act. It’s imperative that the state take steps to ensure successful prosecution.

*When offences occur, does it provide an efficacious remedy for the aggrieved persons?*

The *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013* in fact moves beyond the question of prosecution to the question of both compensation and rehabilitation. The intervention of the Supreme Court has meant that in case of death, the victim’s families are entitled to compensation of Rs. 10,00,000. This is a relatively efficacious remedy. However, the fact that criminal prosecutions have been unsuccessful and that the rehabilitation provisions have not been fully or even partially actualized, indicates that the Act is still a dead letter in substantive portions.
Role of the Supreme Court and the High Courts in targeting Manual Scavenging

This statutory scheme, as noted above, has been given a judicial imprimatur through the decision of the Supreme Court in *Safai Karamchari Andolan v. Union of India* in which the Court held:

(i) The persons included in the final list of manual scavengers under Sections 11 and 12 of the 2013 Act, shall be rehabilitated as per the provisions of Part IV of the 2013 Act, in the following manner, namely:

(a) such initial, one time, cash assistance, as may be prescribed;

(b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) they shall be allotted a residential plot and financial assistance for house construction, or a ready built house with financial assistance, subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;

(d) at least one member of their family, shall be given, subject to eligibility and willingness, training in livelihood skill and shall be paid a monthly stipend during such period;

(e) at least one adult member of their family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on sustainable basis, as per the provisions of the relevant scheme;
(f) shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.  

The rehabilitation provisions of the Act address one key aspect of the situation of people who have been made to engage in manual scavenging, namely the economic conditions that compel them to see no alternative outside manual scavenging. As such, they are an important step forward in addressing the problem. However, the fact that manual scavenging persists both in its traditional and modern forms owes much to the “highly iniquitous caste system,” and this question cannot be frontally targeted through economic measures alone. While economic measures are a necessary part of addressing the problem, by themselves they may not be sufficient.

Compensation

The lack of respect for the life of the safai karamchari, rooted as it is in social and economic factors, is evident in the way deaths during manhole cleaning are treated by the state. A study by the Safai Karamchari Andolan reports that there were 1,340 deaths in the past 10 years across the country, and in Tamil Nadu 294 deaths were reported in the same period.

The question of compensation for deaths during manual scavenging has depended upon several factors such as the pressure put by those who are the victims, media coverage, and the sensitivity of the government. Thus, the value placed on the life of a safai karamchari has been arbitrary. The first time there was any standardization occurred in

70 Safai Karamchari Andolan v. Union of India (2014) 11 SCC 244
the judgment of the Supreme Court in *Delhi Jal Board v. National Campaign for Dignity and Rights* (2011).\(^{71}\)

The matter arose because the Delhi Jal Board challenged the payment of interim compensation of Rs 1.5 to 2.25 lakhs by the Delhi High Court to those who died while cleaning the manhole. The Supreme Court at the outset noted:

> We deprecate the attitude of a public authority like the appellant, who has used the judicial process for frustrating the effort made by respondent No.1 for getting compensation to the workers, who died due to negligence of the contractor to whom the work of maintaining sewage system was outsourced. We also express our dismay that the High Court has thought it proper to direct payment of a paltry amount of Rs.1.5 to 2.25 lakhs to the families of the victims.\(^{72}\)

The Supreme Court was moved by the plight of the manhole workers. Justice Singhvi observed:

> It is the duty of the judicial constituent of the State like its political and executive constituents to protect the rights of every citizen and every individual and ensure that everyone is able to live with dignity. Given the option, no one would like to enter the manhole of sewage system for cleaning purposes, but there are people who are forced to undertake such hazardous jobs with the hope that at the end of the day they will be able to make some money and feed their family. They risk their lives for the comfort of others. Unfortunately, for last few decades, a substantial segment of the urban society has become insensitive to the plight of the

\(^{71}\) *Delhi Jal Board v. National Campaign for Dignity and Rights* (2011) 8 SCC 568

\(^{72}\) *Ibid.*
poor and downtrodden including those, who, on account of sheer economic compulsions, undertake jobs/works which are inherently dangerous to life. People belonging to this segment do not want to understand why a person is made to enter manhole without safety gears and proper equipment. They look the other way when the body of a worker who dies in the manhole is taken out with the help of ropes and cranes. In this scenario, the Courts are not only entitled but are under constitutional obligation to take cognizance of the issues relating to the lives of the people who are forced to undertake jobs which are hazardous and dangerous to life. It will be a tragic and sad day when the superior Courts will shut their doors for those, who without any motive for personal gain or other extraneous reasons, come forward to seek protection and enforcement of the legal and constitutional rights of the poor, downtrodden and disadvantaged sections of the society. 73

The Supreme Court went on to note that:

What the High Court has done is nothing except to ensure that those employed/engaged for doing work which is inherently hazardous and dangerous to life are provided with lifesaving equipments and the employer takes care of their safety and health. The State and its agencies/instrumentalities cannot absolve themselves of the responsibility to put in place effective mechanism for ensuring safety of the workers employed for maintaining and cleaning the sewage system. The human beings who are employed for doing the work in the sewers cannot be treated as mechanical robots, who may not

73 Ibid.
be affected by poisonous gases in the manholes. The State and its agencies/instrumentalities or the contractors engaged by them are under a constitutional obligation to ensure the safety of the persons who are asked to undertake hazardous jobs.  

Based upon this concern, the Supreme Court ordered the enhancement of compensation amount from the Rs. 2.25 lakh ordered by the High Court and held that the High Court would have “done well to award compensation of at least Rs 5 lakh to the families of those who died due to negligence of the public authority like the appellant who did not take effective measures for ensuring safety of the sewage workers.”

The judgment of the Supreme Court in *Delhi Jal Board v. National Campaign for Dignity and Rights* was instrumental in putting in place a uniform compensation amount in cases of deaths while cleaning manholes. In fact in the litigation in Karnataka in *PUCL v. State of Karnataka*, the Supreme Court judgment was brought to the attention of the High Court to ensure that the state complied with the Supreme Court judgment and paid a compensation amount of Rs.5,00,000 to the survivors of the deceased victims.

However post the Supreme Court judgment in *Safai Karamchari Andolan v. Union of India*, the compensation amount has been increased to 10 lakhs. The Court observed that, “entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs.10 lakh should be given to the family of the deceased.”

74 Ibid.
75 Ibid.
76 *Safai Karamchari Andolan v. Union of India* (2014) 11 SCC 244
This aspect of the judgment of the Supreme Court is beginning to have its effects at the level of the High Courts as seen in the following judgments:

_P. Ayyaswami v. Chief Secretary_77, where the Madras High Court held that “the state shall identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs 10 lakhs for each such death to the family members depending upon them.”

In _Secretary to the Government v. Valaiyakka_ 78, the Madras High Court strongly reiterated the responsibility of the State government to pay compensation amount of Rs10,00,000 even if the deaths while doing manual scavenging happened on private premises. The Court held that in the light of the Supreme Court judgment, “merely because the death had occurred at the premises of private owners would not absolve the state Government from making payment and in turn to recover the amount from the persons liable”

In _K.M Ravichandran v. Commissioner_ 79, the petitioner was a Doctor who had employed, without the permission of the concerned Municipality, a contract worker of the Municipality to clean a septic tank on his premises. During the course of cleaning the septic tank, Chinnuswamy inhaled poisonous gases and died. On the death of the contract worker, Chinnuswamy, the petitioner had, on humanitarian grounds, deposited a sum of Rs. 1,50,000 in the form of a fixed deposit in the name of the son of the deceased in 2001. The respondent Municipality at Namakkal, subsequent to the judgment of the

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77  _P. Ayyaswami v. Chief Secretary_ (MANU/TN/1129/2015).
78  _Secretary to the Government v. Valaiyakka_ (MANU/TN/0667/2016)
79  _K.M. Ravichandran v. Commissioner_ (MANU/TN/0576/2016)
Supreme Court in *Safai Karamchari Andolan v. Union of India*\(^{80}\) directed the petitioner Doctor to pay the family of the deceased the sum of Rs 10,00,000. The petitioner denied his liability and pointed out the liability of the Municipality to pay the same. The Madras High Court held that, since the petitioner had engaged the services of the contract worker without the permission of the Municipality, he was liable to pay the remaining amount of Rs 8,50,000 as per the judgment of the Supreme Court.

The judgments of the Supreme Court, and the High Courts of Karnataka and Tamil Nadu in particular, have also played a role in ensuring that some aspects of the Act are implemented.

**New Challenges: Identification of People Engaged in Manual Scavenging, Stigma, and Aadhar**

Arguably, the one “lack” in the legislation is the failure to systematically follow through on the recognition in the Preamble of the 2013 Act, that the reason for the persistence of manual scavenging is the “highly iniquitous caste system” and the consequent failure to “correct the historical injustice and indignity”. The rehabilitation measures outlined in Section 13 for those identified as taking part in manual scavenging include measures that target the socio-economic vulnerability of the victim forced into manual scavenging through provision of cash assistance, allocation of residential plots, scholarships for children, provision of skill training, concessional loans for taking up alternative employment as well as a “any other legal and programmatic assistance as the Central Government or State Government may prescribe.” The Supreme Court, in *Safai Karamchari Andolan v. Union of India*\(^ {81}\), has directed

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\(^{80}\) *Safai Karamchari Andolan v. Union of India* (2014) 11 SCC 244  
\(^{81}\) *Ibid*.
the concerned local authorities to implement the socio-economic provisions embedded in Section 13.

The rehabilitation measures under Section 13 become operational once a person is identified as a manual scavenger under Section 12 of the Act. Unfortunately, the process of identification itself can be one in which the person in manual scavenging is exposed to further humiliation. Especially when the practice is something the law strives to eliminate, there is a contradiction when the person identified as a manual scavenger is expected to prove that he is a manual scavenger to be eligible for benefits. The language of the 2013 Act in Section 2(g) defines “manual scavenger” as opposed to defining “manual scavenging”. This subtle but important distinction means that as per the act itself, it sees a link between profession and identity, thereby reinforcing a casteist philosophy based on linking person to profession. This link between profession and identity compromises the dignity of the person engaged in manual scavenging by labelling him or her as a “manual scavenger” as opposed to merely recognizing that he or she is a person who is engaged in manual scavenging.

Interestingly, in the Supreme Court judgment, which upheld the constitutionality of the Aadhaar (Targeted Delivery of Financial and other Subsidies, benefits and services) Act, 2016, the issue of stigma as linked to the identity of being a manual scavenger was addressed.

As Justice Chandrachud presciently observed in his dissent in Puttaswamy v. Union of India:

When Aadhaar is seeded into every database, it becomes a bridge across discreet data silos, which allows anyone with access to this information to re-construct a profile of an individual’s life. It must be noted while Section 2(k) of the Aadhaar Act excludes storage of individual information
related to race, religion, caste, tribe, ethnicity, language, income, or medical history into CIDR, the mandatory linking of Aadhaar with various schemes allows the same result in effect. For instance, when an individual from a particular caste engaged in manual scavenging is rescued and in order to take benefit of rehabilitation schemes, she/he has to link the Aadhaar number with the scheme, the effect is that a profile as that of a person engaged in manual scavenging is created in the scheme database. The stigma of being a manual scavenger gets permanently fixed to her/his identity. What the Aadhaar Act seeks to exclude specifically is done in effect by the mandatory linking of Aadhaar numbers with different databases, under cover of the delivery of benefits and services.82

Thus the identification of the "manual scavenger" under the 2013 Act combined with the requirement of the Aadhar for access of any benefits under the Act reinforces the stigma of being a manual scavenger. Unwittingly, the Act may end up affronting the dignity of the person engaged in manual scavenging. Since dignity is a core constitutional value and is central to addressing the question of caste based discrimination, these concerns around the operation of the 2013 Act, in the context of the Aadhar, need to be addressed.

**Conclusion**

The past 70 years since the coming into force of the Constitution have involved a slow but continuous effort to refine the legislative focus upon those at the bottom of the very socio-economic hierarchy. How do we now evaluate

82  https://indiankanoon.org/doc/127517806/  (Last accessed on 3.04.19)
the working of the Constitutional framework as it applies to manual scavenging?

While undoubtedly the caste system is very much alive, there have been significant changes in the rigour with which the caste system is enforced. Galanter observes that as early as 1967, “disabilities have declined more in urban than in rural areas; they have declined more in public and occupational life than in social and family matters.”

However, even then it was clear that, “the higher groups among the untouchables are the greatest beneficiaries of these changes; their disabilities have declined more than those of the lower groups, especially the sweepers.”

The fact that legislation has progressively begun to focus on manual scavenging indicates that the state is finally responding specifically to the worst manifestations of the caste system. However, the fact that it was only in 2013 that the state deemed fit to comprehensively address a problem signposted by Ambedkar during the partition period itself indicates that the state has failed to grapple with the implications of a key reality of the caste system, i.e. that it is a graded and hierarchical system of inequality.

In the period going ahead, one will have to continue to contextualize the working of the legislative framework within the larger reality of a caste-bound society. The difficulty of implementing both the provisions relating to the offence of manual scavenging as well as the rehabilitation provisions is that such implementation lies mainly in the hands of those who may not be sympathetic to the aim of redressing manual scavenging in toto. In fact, as many argue, real and lasting change can only come when “caste as a state of mind” changes. Till such time, all


84 Ibid.
change will be merely superficial. However, Mark Galanter argues that there is no reason to despair as the problem is not of a “change of heart” but rather of “changing specific behaviours that have their roots in a variety of attitudes about pollution, hierarchical grading, indignity of manual labour etc.:

There is no reason to conclude that patterns of caste interaction are exempt from the general human capacity for acting at variance from belief. Also, there is evidence of great pliability in caste behaviours in the past and at present. If caste will not break, it is known to bend. The question is, how can law be used to induce it to bend more quickly and without inordinate cost?  

In the case of manual scavenging, in spite of the fact that there is no change of heart, our field work reveals that the legal framework can be mobilized by workers to bring about a change in behaviour. As is depicted in our chapter on the powrakarmikaperspective, BWSSB contract sewage workers refused to address sewer blockages when residents practiced untouchability. This was largely because of their political and legal empowerment, because they were organized into a union, and had received extensive legal education. For example, we outline how an upper caste couple in an upscale Bangalore neighbourhood disallowed workers from entering through the front door, even as their toilet was overflowing into their living quarters. The workers refused to unclog their drainage until they were allowed to enter through the front door.

Mark Galanter observes about how the law can be a tool which facilitates mobilization. Perhaps, the greatest “enabling” feature of the anti-disabilities legislation is its general symbolic output. This legislation has an enabling
effect on the morale and self-image of untouchables, who perceive Government action on their behalf as legitimating their claims to be free of invidious treatment. By providing an authoritative model of public behaviour that they have a right to demand, it educates their aspirations. More generally, such legislation promotes awareness of an era of change in caste relations. Specifically, it provides an alternative model of behaviour; it puts the imprimatur of prestigious official authority upon a set of values which are alternative to going practice. Thus it presents a challenge to social life based upon hierarchic caste values. 86

The effectiveness of penal legislation depends upon several conditions. These conditions are, first, that the victim of the offence will have widespread community sympathy- or at worst indifference- and that he will be able to invoke the law without being subject to community sanctions. Second, that the offender will be an identifiable and isolable individual who will, as a result of his infraction, be subject to community censure and isolated from community support. Third, that the enforcing officials will be independent of the accused and his supporters and that the total outcome for the enforcing officials will be positive. 87

In the case of manual scavenging, there is a difference between rural and urban areas. In rural areas the issue of manual scavenging is something which has community support and enforcing authorities are not independent of the accused. In some urban areas, especially in recent times following court interventions and media and activist pressure, the accused is isolated, the community is either indifferent to his fate or is for a successful prosecution. It is in situations such as this that prosecutions for the employment of people for manual scavenging stand a good

86 Ibid.
87 Ibid.
chance of conviction. Again, this building up of pressure against the practise is a relatively recent development and it’s important that this change in climate be leveraged towards successful prosecutions under the 2013 Act.

Seen from this perspective, the 2013 Act needs to be seen as an enabling legislation, necessary but not sufficient. It has to be put into practice such that the gap between the law in the books and the law in operation is reduced. A mobilized community of persons in manual scavenging can utilize the symbolic and material power of the legislation to bring about a change in behaviour, ensure punishments, and take advantage of rehabilitation provisions under the Act.

The Constitutional framework within which the key legislation addressing manual scavenging, namely the 2013 Manual Scavenging Act should be seen from an intersectional perspective. To redress the socio-economic basis of the practice, one will have to approach the legislation as embodying a range of strategies. The criminal provisions are a response to the deep-rooted nature of the caste system and the practices of untouchability. The socio-economic and welfare measures seek to redress the economic marginalisation of those in manual scavenging. The overall approach has to be based upon acknowledging the reality of graded inequality in the continued existence of manual scavenging and take forward specific strategies that focus on the disempowerment and marginalisation of those at the bottom of the hierarchy.
CHAPTER V

The State And Manual Scavenging: Implementation Of The Constitutional Promise

As the architect of the Indian Constitution, B. R. Ambedkar's signal achievement was to transform the negative identity of "untouchables," a historically stigmatized community within the Hindu social order, into "Dalits", a political minority, based on their historical antagonism towards hegemonic Hinduism and their struggle to achieve political self-hood by emancipation from caste stigma.

The Indian constitution of 1947 inaugurates a new moment of law-making that overturns what Ambedkar called "the illegal laws of Hindus," and redresses the historical discrimination against the Dalits by three radical measures:

1) The constitutional classification of Dalits as "exceptional subjects", i.e., simultaneously as a community susceptible to continued discrimination and violence at the hands of a dominant minority and as an emerging body of citizen-subjects claiming civic and political rights. This is instituted through policies of equalization and reparative justice (e.g. reservations).

2) A new civil rights regime that abolishes untouchability (Articles 17, 14, 21, and 32 of the Indian Constitution and the Civil Rights Act) by framing it as a distinctive form of violence collectively practiced on a stigmatized group. Under the Civil Rights Act of 1955, compelling any person on the ground of untouchability to do any scavenging constitutes a criminal offence punishable with imprisonment. Under the Indian constitution, the
abolition of untouchability becomes central to Indian civil rights.

3) Production of a new juridical category, “caste atrocity,” to apprehend and prevent anti-Dalit violence.

Ambedkar vested his faith in the post-colonial Indian state which, via legislation, allied with social activism, could effectively transform social relations and behaviour between the Dalits and the Hindus, leading to the annihilation of caste.

**Manual Scavenging: The Constitutional Mandate**

In the context of manual scavenging, what has been the role of the state in putting an end to this dehumanizing practice, and instituting measures of reparative justice for the Dalit community? Since independence, the state has struggled to come to grips with the fact that manual scavenging is an expression of untouchability that is entrenched in the Hindu social order. Partly under pressure from the civil society and partly as a result of the evolution of jurisprudence (case laws, court judgements, and directives etc.), central and state governments have enacted successive legislations towards

a. bringing manual scavenging under criminal law,

b. public sanitation programmes towards complete eradication of the practice, and

c. initiating social welfare measures to mitigate civic inequality.

**a. Enforcement of Criminal Laws**

In cases of sewer deaths (caused by entering blocked manholes and soak pits to clear excreta or undertaking repairs and maintenance work on the drainage system), successive criminal legislations such as the **Civil Rights Act, 1955** and **Scheduled Caste and Scheduled Tribes (Prevention**
of Atrocities) Act (1989 along with 2015 amendments) have impelled the state executive to acknowledge that the prohibited practice of manual scavenging is a caste-related offence ("caste atrocity") that invites stringent action against its perpetrators (including civic contractors and municipal officials). The Home Ministry, in a note on caste atrocity under the IPC, pertinentently observed:

Where the victims of crime are members of SC and the offenders do not belong to Scheduled castes, caste considerations are really the root cause of crime, even though caste consciousness may not be the vivid and immediate motive for the crime.88

The latest amendment to the 2013 Act in September 2017 makes contractors, along with state agents, liable for compensation to the victims' families in sewer deaths. The Supreme Court judgment on 27 March 2014 held that sewer deaths will be made a crime and liable for compensation of Rs 10 lakhs to the victims' families. Yet, effective implementation of these laws has been effectively blocked by bureaucratic tardiness and police refusal to file atrocity cases since it involves the arrest of officials (see below).

b. Eradication of Manual Scavenging

In Indian society with its caste ideas of purity and pollution, cleaning excreta has always been socially assigned and imposed upon certain untouchable castes of India. Hence, in order to achieve total eradication of manual scavenging, it is essential for the state to bring about a total elimination of insanitary latrines (of which there are two to six million in the country, according to a nationwide survey), since manual scavenging persists because of their continued presence. The state also needs to completely do away with

the further employment of sanitation workers to clean human excreta in other places, such as sewers, septic tanks, drains, on railway tracks and rail toilets etc. This, of course, calls for a modernization of the sanitation sector, including upgradation of sanitation technology, to bring about complete mechanization of all aspects of sanitation work. In a welcome measure, the Delhi state government on 22nd of August 2017 imposed a blanket ban on manual cleaning of sewers in Delhi. The banning of the practice of manual cleaning of excreta is important not only in the interest of public health and improvement but also for protecting the human dignity and self-respect of the most marginalized section of the Dalit community. Discontinuing the manual cleaning of excreta is vital.

c. Social welfare measures

In its report on Safai Karamcharis constituted by the Working Group on “The Empowerment of Schedule Castes-2012”, the National Safai Sub-group on Safai Karmacharis makes a useful distinction between persons engaged in manual scavenging on the one hand and persons engaged in sewage works and sanitation works on the other. For the former category of Safai Karamcharis, the report broadly recommended total eradication of the practice of manual scavenging, with release, immediate relief, and alternative rehabilitation programmes for persons engaged in manual scavenging, taking the family as a unit. For the latter category of persons engaged in sewage and sanitation works, the Sub-group recommended regularizing their services as full-time sanitation workers and bringing them under the purview of labour laws providing them with safety equipment and measures, including mechanization to conduct their work in a dignified manner; and effective welfare measures for their family as a whole, owing to the historical and social deprivation due to their caste status. Thus the issue of Safai Karamcharis is not only related to
eradication of manual scavenging but is one of liberation of an oppressed social group and their holistic development, leading to their integration with the rest of society, on the basis of dignity and equality.

In accordance with this rationale, the Supreme Court judgement of 2014 in response to the 1992 Writ Petition filed by Safai Karamchari Andolan, laid out a detailed programme of rehabilitation “based on the principles of justice and transformation” (Section 14, pp. 23 to 26). Reacting sharply to the low compliance by Central and state governments in implementing its orders under the various Acts, the Supreme Court observed:

Persons released within manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.

To what extent has the state carried out its constitutional mandate to remove manual scavenging and initiate measures to mitigate civic inequalities of the community as a whole? Overall, the story of state intervention has been one of comprehensive failure, whereby “an institutional thrust to eliminate manual scavenging has been accompanied by a counter thrust to drive it underground.”

**Implementation of the 2013 Act (with special reference to Karnataka): A Tortuous Story of “too little, too late.”**

The process of implementation of the 2013 Act by various state agencies (local authorities, Chief Executive Officers of Municipalities, Chief Executive Officers of Panchayats and other authorities at the local level, different government departments, the police etc.) has been marked by denial, executive tardiness, inaction, as well as policy failures. The failure of the Act with regard to its implementation is due to the inability or unwillingness of these entities to perform the responsibilities vested
upon them by the Act and reiterated by the Supreme Court in *Safai Karamchari Andolan v. Union of India* 89. This process, as it works out in practice, is described in detail below:

1. **Outright denial of manual scavenging:** Despite overwhelming evidence to the contrary, the state bureaucracy engaged in the implementation of the Act often denies the existence of the practice of manual scavenging altogether. In their submissions to the Supreme Court regarding the Writ Petition of Safai Karamchari Andolan, different state governments filed identical affidavits from the Chief Officers of rural and urban municipalities stating that “there is no practice of manual scavenging” in their respective municipal limits. The stock averments, identically worded, suggest that no prior survey had been done to verify the existence of the practice. Equally, there is a denial of sewage deaths which are rampant in urban areas. In the case of sewage death of a safai karamchari in Mandya in April 2013, which PUCL investigated, the District Commissioner told the PUCL team that the deceased was not a safai karamchari, and this was not a case of manual scavenging but merely an accident. Since the safai karamchari was not employed by the Mandya CMC, compensation would not be granted.

According to a *Times of India* report of 12 Sept 2017, in their submissions to the Supreme Court, Tamil Nadu reported just 144 deaths from manual scavenging, Punjab 18, Karnataka 57, UP 37 and Kerala 12. However, according to a report presented in Rajya Sabha, an appalling number of 22,237 people have lost their lives due to manual scavenging in urban areas. In response to an RTI filed by PUCL in Karnataka on 16.3.16, 38

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89 *Safai Karamchari Andolan v. Union of India* (2014) 11 SCC 244
rural and urban municipalities stated that there were no incidents of manual scavenging in their area, and no deaths had occurred. In actuality, according to a list prepared by PUCL and submitted to the State Human Rights Commission, in Karnataka, during the period 2008-16, a total number of 46 workers (18 in Bangalore) died and 6 were injured in manhole accidents. No response was received from 14 municipalities.

The signal exception was the municipality of Robertsonpet, Kolar, which witnessed 3 deaths of people employed for manual scavenging on 24.10.11, resulting in a huge public outcry and in the media. The Robertsonpet municipality responded to our RTI with details of criminal action taken against the owner of the septic tank during the cleaning of which the 3 deaths had taken place; sanctioning of ex-gratia payment and compensation to the next of kin; steps taken to prevent such incidents in the future (campaign in the media and public awareness drive); and results of a resurvey undertaken by CMC (due to a wide gap between the RGI report and the enumeration of people employed for manual scavenging conducted by the state government) as well as follow-up measures (identification of people engaging in manual scavenging and self-identification, appointment of Vigilance Committee and so on).

2. Executive tardiness:

   a. Insufficient funds allocation, utilization and release: For rehabilitation of persons in manual scavenging, the 2013 Act provided a comprehensive financial plan under the Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), covering provision of capital subsidy, loans, skill development training, and
placement in alternative occupations. Out of the funds allocated under this scheme, a sum of Rs. 938.41 lakh was released as of Feb. 2016, benefiting only 927 people engaged in manual scavenging, according to a Press Release by the Ministry of Social Justice and Empowerment. At a review meeting held in July 2016, the National Commission for Scheduled Castes (NCSC) observed that “expenditure for the last three years is negligible” under the SRMS scheme. The budgeted amount for SRMS for 2015-16 was Rs. 470.19 crore. The actual expenditure was “nil”. The Central government, which runs the SRMS and makes payment directly to the beneficiaries through Ambedkar Development Corporation, has reduced funds from Rs.448 crore in the 2014-15 budget to Rs.5 crore this year. Under the Modi regime, which claims sanitation to be high on its agenda, the five-year budget outlay to rehabilitate people who have been forced into manual scavenging was drastically reduced to Rs 10 crore in the 2016 budget, from Rs 4,656 crore that was allocated in 2013 when the Act was passed. The reason stated by the Ministry of Social Justice for such a drastic reduction was that the previous years’ funds had remained unused. While it is true that high allocation in the past has not meant substantial or effective utilization, the government, instead of remedying the lack of utilization of allocated funds, has seen it fit to trim the outlay, which is reflective of the commitment of this government towards victims of manual scavenging. This trimming of the budgetary allocation for rehabilitation of people forced into manual scavenging goes hand in hand with the
allocation of an exorbitantly high amount for Modi government’s pet scheme, Swachh Bharat Abhiyan.

Again, while the Supreme Court has ruled in its 2014 judgment that the families of all workers engaged in manual scavenging who have died in sewage work since 1993 be paid a compensation of Rs 10 lakh as well as a job to the surviving family member, the civic agencies show tardiness in releasing money for relief and compensation to victims and their families. In this regard, state governments have not been submitting six-monthly progress reports. In a consultative meeting with the National and State Commissions for Safai Karamcharis, convened by the Ministry of Social Justice and Empowerment on August 30, 2017, it was revealed that different states were not ready to provide the complete list of the people who died in the sewer or septic tanks, as they did not want to give everyone the compensation. In Gujarat, according to a report in Counterview, between 1993 and 2017, 165 people died in gutters, but only 10 widows have received compensation (and no interest paid for the period after the Supreme Court order). In Karnataka, according to Safai Karamchari Kavalu Samithi, 63 people have died in sewage work since 2010. In ten cases, compensation of Rs. 10 lakhs have been granted. Usually, the administration limits itself to giving interim relief, and forgetting about the case.

b. Improper enumeration and identification: Since identification through enumeration of people engaged in manual scavenging is the first step towards rehabilitating them, state agencies are required to collect reliable data on the total number
of dry latrines (that require manual cleaning) as well as the number of people engaged in manual scavenging in their jurisdictions. However, data given by State governments show a mismatch between the number of dry latrines and workers who clean them. For instance, the survey results submitted by Himachal Pradesh showed 854 dry latrines but “nil” people employed for manual scavenging. Chhattisgarh reported 4,391 dry latrines but only three workers who clean them. Madhya Pradesh’s numbers were 39,362 and 36 respectively. Bihar reported only 11 people employed for manual scavenging, while Haryana reported “nil” for both dry latrines and people employed for manual scavenging. Karnataka reported 24,468 dry latrines but only 302 people employed for manual scavenging (the actual figure of dry latrines, according to an independent survey, is 15375 – The Hindu report of 5.4.2016). In its latest survey, the State Government of Karnataka has identified only 732 people employed for manual scavenging, as on 17 Dec. 2017 (Min. of Social Justice and Empowerment website), whereas the Census of India 2011 pertaining to the state showed that it had 51,449 latrines where either excreta was removed by humans (7,740) or the latrines were open pit (43,709) requiring human intervention. In another 61,802 households, the excreta was being disposed off in open drains, again requiring manual cleaning (cited in Thamate: Centre for Rural Empowerment website). (In response to an RTI filed by PUCL, a list of 226 ULBs in 25 districts of Karnataka having insanitary latrines yielded a total of 52666 insanitary latrines, including 5549 “service toilets” i.e., where excreta is removed manually,
and the remaining those latrines where excreta is disposed into open drain). The discrepant figures of insanitary latrines and people employed for manual scavenging given above not only point to the lack of reliable data from government sources, but more importantly, considering the ratio of the number of reported dry latrines to the number of reported people employed for manual scavenging, it would be a near impossibility for so few people to maintain so many latrines. This shows that the state governments are grossly underreporting the number of people in their employ who are forced into manual scavenging.

According to Karnataka State Safai Karamchari Commission, despite the proliferating construction of sanitary (flush) latrines under the Swachh Bharath Abhiyan (which is essentially and solely a toilet construction programme), there still exist, in various urban and rural areas of the state, a large number of insanitary latrines that have not been converted into sanitary individual and community latrines. The process of conversion of dry latrines into sanitary latrines calls for comprehensive coverage of the Underground Drainage (UGD) system in urban areas and provision of jetting and sucking machines in rural areas. But this process has yet to take off in Karnataka. The BWSSB claims that most core areas in Bangalore have 100% UGD coverage, but this is not true. Equally, most rural areas in Karnataka have not yet been provided with jetting and sucking machines.

The mismatch between the numbers of dry latrines and those of people employed for manual scavenging points to the failure of the State governments to identify the people employed
for manual scavenging, who doubtless exist, as attested by the existence of dry latrines, as well as by the census data. In spite of a legal obligation to do so, State governments have not shown any initiative to demolish and rebuild old facilities lacking sanitation, or conduct a full census of both the latrines and the people engaged in clearing such waste. It was pointed out by various state karamchari commissions (in the consultation referred to above) that the state governments do not give the actual data, since under the 2013 Act it is an offence to have people continue to work in manual scavenging.

c. **Tokenism in implementing administrative measures:** On the issue of State Monitoring Committees and District Vigilance Committees to oversee the implementation of the Act, Manhar V. Zalail, Chairperson, National Commission for Safai Karamcharis, has stated that as of 30 August 2017 (4 years after the promulgation of the 2013 Act), “only 12 state governments have confirmed the appointment of Monitoring and Vigilance Committees in their states.” Even where the committees have been appointed, they do not meet regularly to monitor the implementation of the Act. In Karnataka, only 3 meetings of the state Monitoring Committee, chaired by the Social Welfare minister, have taken place in the last 4 years, and about 12-13 trainings of district-level officers (PDOs) have been conducted so far. With no follow-up to expedite processes of monitoring progress, Monitoring Committees at the state level, and Vigilance Committees at the district level and below, have been rendered practically non-functional.
A Concept Note prepared by a Bangalore support group on manual scavenging reported the following findings with regard to the implementation of the 2013 Act in Karnataka:

i) **Survey and Eradication of Dry Latrines:** The 2013 Act had prescribed that within two months of its notification, all local authorities should carry out a survey to identify dry latrines in their area and in the next six months these identified dry latrines were to be either demolished or converted to sanitary latrines, but across the state, in flagrant violation of these clauses, not a single ULB has moved forward on this front.

ii) **Identification of Persons working as Manual Scavengers through Self-Identification:** The survey process carried out in 2013 by the State government was an exercise in eye-wash rather than honestly identifying persons employed for manual scavenging. Despite this, across several districts, many persons have come forward to self-identify as having worked or currently working in occupations falling under manual scavenging as per the 2013 Act. Yet not a single DC has registered them on the basis of these self-declarations.

iii) **Rehabilitation of already identified persons:** Out of the 726 persons identified in Karnataka, as on 31.07.2017, only 390 have been provided one-time cash assistance. As the table below shows, so far only 143 have been given training for alternative employment.

iv) **Enforcement of the Criminal Provisions of the Act:** Since the passing of the Act in 2013, at least 28 deaths occurred in Karnataka in cases of manual scavenging as per the list maintained by Safai Karmachari Kavalu Samithi-Karnataka and People's Union of Civil Liberties-Karnataka. In most of these cases, it usually
<table>
<thead>
<tr>
<th>Number of people identified as &quot;Manual Scavengers&quot;</th>
<th>Provided one time cash assistance</th>
<th>Self Employment Projects Sanctioned</th>
<th>Capital Subsidy Provided</th>
<th>Skill Development Training</th>
</tr>
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<tbody>
<tr>
<td>726</td>
<td>390</td>
<td>224</td>
<td>190</td>
<td>223 143 0</td>
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takes a protest to first get an FIR registered under the provisions of the Act and then another to get arrests made. In none of these cases have there been even charge-sheets filed making the criminal provisions of the Act redundant.

v) **Preventive policy intervention:** Even as the existing provisions of the Act have been ignored, upcoming policy interventions in the fields of environment (STP) and building of toilets (Swachh Bharat Mission), without concomitant policy for regulating sewage disposal without manual intervention, are threatening to increase cases of manual scavenging in the future. (see section on *Bharat Swachh Abhiyan* below)

**Indifference towards Safai Karamchari Safety**

The Supreme Court judgment of 2014 expressly prohibits involving workers entering manholes without safety gear while undertaking drainage maintenance and repair work, but this practice continues unabated in urban municipalities. Municipal officials who are mandated under the Act to be present to supervise such hazardous work and prevent mishaps are conspicuous by their absence at the work site, especially when the work is contracted out to a private contractor, which often leads
to deaths of Safai Karamcharis during work. Even during sanitation work requiring the use of safety gear (such as gum boots, ropes and gloves), such safety equipment is not provided to the workers. While civic agencies claim they provide safety equipment but the workers do not use them, the workers find that the safety equipment they are provided with is often clumsy and unsuitable for their use (loose gloves, flimsy mask etc.). Though Karnataka has an elaborate “Safety manual for workers involved in underground drainage/septic tanks construction and maintenance” (notified in 2013), applicable to all urban local bodies, there have been several instances of its violation even in the state capital. Municipalities respond slowly to sewage complaints from citizens. This further encourages the engaging of workers for manual clearing of human excreta.

It has to be pointed out in this connection that there is, in the 2015 Act, a misplaced emphasis on using safety gear to the exclusion of the need to outlawing manual cleaning of sewer or septic tanks altogether and to mechanize the whole operation, as required under the new law. A Raja, MP Rajya Sabha, during the passage of the new law, rightly said that “Manual scavenging cannot be justified with the provision of so-called protective gear and safety measures”. As Sathyasheelan has argued, “provisions like ‘protective gears’ and ‘safety measures,’ would only serve to continue the practice and also for the perpetrators to justify the ongoing practices.”

Flawed Technology

According to Obalesh, Convener, Safai Karmachari Kavalu Samithi-Karnataka, in case of a blocked manhole or a sewage pit, jetting and sucking machines, especially in smaller town and village panchayats, are not easy to access. Some do not have engines, some do not have
drivers, and there is a lack of awareness on how to use these machines. The sewage system itself is inefficient, requiring constant maintenance, consisting of the open drain system, requiring manual cleaning, or the closed drain system, which is improperly designed and allows flow of fecal matter into storm water drains, also requiring manual clearing. All this points to the fact that sufficient attention has not been paid to technological issues and the need for developing suitable technology for Indian conditions, as well as training the workers and officials in order to familiarize them with the new technology. As Bezvada Wilson has pointed out, "technological upgrading is badly needed as part of overall efforts to end various forms of manual scavenging, and in particular, to protect sewer workers, but such efforts have been neglected by the government."

In contrast to the continued use of flawed technologies by civic agencies, there is the example of a Scheduled Caste community in Tamil Nadu using technological innovation successfully, leading to reduction in incidents of manual scavenging in their area. Two human rights activists, V. Ramaswamy and V. Swamy, have reported that a community associated with manual scavenging in Tamil Nadu purchased de-sludging vehicles that are widely available in that state, relying on informal lending agencies, including money lenders, and undertook mechanical de-sludging of their services in a spirit of entrepreneurship. It is reported that through this mechanization, these de-sludging operators have significantly contributed to the reduction in the incidence of manual scavenging in their area, though the practice continues to exist.

**Police Inaction**

Despite the clear and documented involvement of civic officials and private contractors in forcing workers to work
in hazardous conditions, leading to manhole deaths, the police all over the country have shown a persistent refusal to register such cases under the 1993 and 2013 Acts as a caste atrocity, and to hold private contractors and civic officials equally and criminally liable. In response to an RTI filed by PUCL on 21 Jan. 2016, requesting information on cases filed till date in Karnataka under the 2013 Act, including details of the incident, the victim, and case details (FIRs, charge sheets etc.), the Director General of Police, Karnataka, stated on 17.3.16 that there was no record of death of persons who died while performing manual scavenging in the state and no cases were filed under the 2013 Act. This response, which flies in the face of publicly reported facts, is in consonance with the state's unwillingness to acknowledge manhole deaths as deaths due to the prohibited practice of entering manholes. Instead, cases of manhole deaths are often registered as accidents or as deaths due to negligence, and charges are framed not under provisions as envisaged in the 2013 and 1993 Acts but under sections 337, 338 and 304-A of IPC. PUCL has extensively investigated incidents of deaths due to the prohibited practice of entering manholes in Shimoga, Mandya, Raichur and Peenya and other places, and in each of these cases, what is an offence under the 1993 and 2013 Acts is converted to an accidental death or death due to negligence. Since 2013, only after popular protests, FIRs are being registered under the Act and arrests made. But not a single charge sheet has been filed since 2013, making the provisions of the Act redundant. In the Doddballapur incident of 3.4.2016 where 4 people died (including two labourers trapped in a clogged manhole and 2 passers-by who rushed to the rescue them), cases were filed against the contractor and his supervisor, but not against the principal employer, namely concerned officials of the local civic body. It is only in recent years
that cases have been filed against civic officials. But as they get bail easily, there is little fear of the law. According to K.B. Obalesh, convener of Safai Karamchari Kavalu Samiti, despite scores of manhole deaths, not a single civic official has been arrested under the law. Chairman of Karnataka State Commission for Safai Karamcharis Narayana feels that only jailing such officials for 3 months will act as a deterrent. But the police close these cases saying that there was no provision to prosecute the contractors and officials. On repeated occasions, the police, municipalities, and other state and non-state actors collude to absolve each other of responsibility in the light of any incident.

**Flawed Implementation of the 2013 Act**

a. **Exclusive focus on providing relief and refusal to rehabilitate:** In recent months, the Karnataka state government has acted on the Supreme Court judgment of 2014 and has shown a belated promptness in giving out compensation even in past cases of manhole deaths—in fact, all such past cases reported so far have been cleared for payment of compensation. The current practice on providing compensation is that in all cases where the FIR on the manhole death is recorded, the district Social Welfare Officer immediately makes payment to the beneficiary’s account and then it is recovered from the ULB. This is a welcome departure from the earlier bureaucratic tardiness, but, as the findings from the RTI filed by PUCL show, when it comes to rehabilitation under the various sections of the 2013 Act, implementation is seriously lagging.

b. **Paying exclusive focus on mechanism of implementation of the law:** While most municipalities at the district and local level have appointed Vigilance Committees and Inspectors for each district, there has been no attention paid to the total eradication of the
practice in respect of demolishing dry latrines and rehabilitating people engaged in manual scavenging.

c. **Placing persons engaged in manual scavenging in jobs within the traditional occupational structure:** After rehabilitating people engaged in manual scavenging from the practice, many state governments continue to re-employ them in jobs traditionally performed by the community, such as clearing garbage and sweeping, rather than training them for dignified jobs outside the structure. The 2013 Act identified many such alternative occupations: Plumbing, electrical repairs and services, driving, cooking and serving of food in midday meals in schools, and so on. As the Safai Karamchari Andolan Sub Group has pointed out, the emphasis in state policy on manual scavenging is on sanitation and not on human dignity. In other words, policy implementation fails in understanding this as a human rights issue.

d. **Limitations of State Pollution Control Boards (SPCB):** SPCBs are responsible for running sewage treatment plants but only from an environmental and pollution point of view. They have no guidelines for preventing manual cleaning of pits. Ironically, 2 persons died this year while working in a sanitation treatment plant (STP) in Bangalore.

e. **Schemes of liberation and rehabilitation have been fragmented/disaggregated and then distributed between government functions.** For example, the subject of conversion of dry latrines has been transferred to Urban Development Ministry, and only the welfare component of the rehabilitation scheme has been retained by the Ministry of Social Justice and Empowerment. Such fragmentation leads to further
dilution of the implementation process, leading to further tardiness and reduced impact.

**Flawed Policies betraying a Casteist Bias**

a. **The contract system and manual scavenging:** The major policy failure in implementing the 2013 Act has been the continuance of the contract system in sanitation work which has led to exploitative labour practices (sub-minimum wages, wage theft--with the contractor often paying just half the salary allocated to the workers by the municipality--, no job security and no protection of labour laws), thereby forcing safai karamcharis, who are mostly from the dalit and advasi communities, back into manual scavenging to supplement their income. Civic agencies implicitly rely on this form of labour without any concern for the lives, safety, and working conditions of the workers. Sanitation work, including construction, administration, and maintenance of the UGD, which is the obligatory function of civic agencies, is carried out with extreme negligence by the contractors who allow the worker to perform sewage work without any safety precautions, often leading to death of the workers. This allows the state agencies to escape responsibility for any major accidents in sewage work. In October 2013, there occurred the deaths of 2 powrakarmikas in Peenya, Bangalore, when they were made to enter the manhole chamber of the rajakaluve (storm water drain). The workers had protested that they could not enter the manhole without safety equipment, including masks or safety belts, but the private contractor (from Larsen and Toubro) overruled their plea and made them enter. The civic officials shrugged off their responsibility for the deaths on the contractor.
As a result of struggles against manual scavenging in the last decade, safai karamchari workers, in association with civil society organizations in Karnataka, such as Thamate, Safai Karamchari Kavalu Samiti, AICCTU, and PUCL, scored a major victory in Sept. 2017 when the state government announced the abolition of the contract system and regularized 11000 powrakarmikas working across different municipal bodies. Nevertheless, much depends on the political will of the state and the role of bureaucracy with its entrenched caste and class bias.

b. **State agencies are some of the worst perpetrators of manual scavenging:** The practice of manual scavenging is often sanctioned by the state agencies which employ workers to manually scavenge, not only in gram panchayats and rural municipalities which lack mechanised equipment like jetting and sucking machines, but even in the nation's capital by state agencies like the Delhi Jal Board and the municipal corporation. The most notorious case is of Indian Railways, which is the largest employer of people for manual scavenging who clean railway tracks and open railway toilets that dump faeces onto railway tracks. Only around one-third of all coaches have been fitted with modern bio-toilets thus far. The work is outsourced to private contractors who pay them sub-minimum wages, make them work long working hours, with unsuitable safety gear. (Report in *The Hindu*).

c. **Caste Practices in state agencies:** Though this is not well documented, there is caste bias at work in choosing dalits exclusively for sanitation work. Many cases have been reported of educated dalits (“untouchables”) being denied promotions and other entitlements. Two examples have been reported in the media: the
Coimbatore municipality denied white collar jobs to dalit graduates and instead offered them sweeper jobs; Sunil Dutt Yadav, an M.Phil from TISS, Mumbai and working towards Ph.D, till recently recently worked as a safai karamchari.

**How Bureaucratic Proceduralism Trumps The Law**

Despite the explicit mandate of the 2013 Act, the state’s implementation process, as the section above shows, is marked by a studied administrative indifference and refusal to acknowledge the persistence of the practice of manual scavenging. This bureaucratic blindness seems baffling, even infuriating, unless we probe a deeper bureaucratic malaise that frustrates all attempts to eliminate the practice, a malaise that we might term “bureaucratic proceduralism.” In the context of the 2013 Act, “bureaucratic proceduralism” might be defined as the ritualized application of the law, which, rather than dismantling caste power, becomes complicit in polishing it with a liberal veneer. For this reason, we need to undertake a more intimate critique of the kind of practices, across departments and bureaucracies and their interrelations at the local level, that subvert the ideal functioning of the law, and how these subversions are built into its implementation. This kind of inquiry allows us to engage with governance in a more practical sense, as the questions we ask of those in government will not be, “why isn’t the law being implemented better?” but, “why is the law being implemented in this particular way?” This will enable us to look at the social relations of power undergirding procedures of delivering justice.

The specific form that bureaucratic proceduralism takes is best illustrated by two incidents of this practice that we came across in our work for this study. In October 2017, three workers representing the powrakarmikas
of Gangavati taluk in Koppal district testified in front of the Karnataka Safai Karamchari Commission, accusing their employers of enforcing manual scavenging upon the sanitary workforce. Photographic evidence showed female workers clearing excreta off of the floors of public latrines and carrying filled vessels on their heads, and male workers digging out excreta from storm water drains connected to dry latrines (see image). One worker, an elderly woman, gave a brief but vivid account to our team before the hearing:

The owner (yajamana) who supervises all the drains gives his ‘collection’ (money) to our bhattaru (caste name that may also refer to a supervisor). After money falls into their hands, both of them perk up as if a scorpion bit them (‘chelu kadangeaadake attbuttare’) and pretty soon they are making us carry shit on our heads. We dig it out of the drains in the morning and haul it into a cart in the evening, we haul it daily. We don’t get one paisa for this. It’s considered to be part of our duties.

Not surprisingly, the administration exercised plausible deniability. During the hearing, members of the commission questioned a representative from the local administrative office. They asked her why the dry latrines in the town had not been labeled “insanitary” and demolished, as per the law, and why the workers had not been given implements. She claimed that while the administration had given out safety implements, the contractor had not distributed them. Perhaps, the representative speculated, the workers themselves did not want to use them. On the issue of dry latrines, she claimed that administrators had sent notices to the entire town ordering their demolition.

These notices, we later found, were slips of paper that the administration had haphazardly handed to the workers to
distribute during their scavenging routes. In her testimony before the commission, one worker explained how humiliation was reinforced by an administration which preferred to place the burden of enforcing prohibition on the scavengers themselves:

When we women go to haul garbage in the afternoon, the headman (yajamana) sends us into the drains (charandi) to clean. One day we took photos of us working and brought it to the officials (adikaarigalu). Not the commissioner, but the ones who win votes, the members. We took it to their office and asked them, ‘how can we do this kind of work? What if germs rot us away, and we keel over and die (janth biddu hultogi negadbiddu hodre henge)? What are our children supposed to do?’ They saw our photos and said, ‘Come on, amma, take these dirty photos off of our table! Why do you bring all of this here?’ The headman makes us haul shit daily without pay and these officials can’t even bear to look at our photos.

This brief vignette reveals how customary caste humiliation, based on notions of purity and pollution, is translated into administrative disinterest. In such a context, particular testimonies and forms of evidence—photographs of men and women cleaning shit—become too profane, too abject, to be placed on an official’s table. Far from facilitating a deliberation of civic affairs, the caste relations that elect representatives into power absolve them from acknowledging, much less addressing, the injustice wrought upon a section of their constituencies. In a way, the customary untouchability experienced at the headman’s house is reproduced at the local administrative office. Such humiliation is adept at channeling exploitation in excess of its economic register, inducing a social performance of shame and piety that infiltrates the discourse of local politics and administration.
Our second vignette relates to the administrative process of enumeration survey of people employed for manual scavenging mandated by the 2013 Act. As we were trying to gather manual scavenging statistics across administrative bodies in Karnataka, we noticed that there were tremendous discrepancies. A 2013 survey across all local administrative bodies in the state calculated a total of 726 people employed for manual scavenging, 424 in rural bodies and 302 in urban bodies, even as an earlier Socio-Economic Census conducted in 2011 had showed 16,362 people employed for manual scavenging. We questioned an official at the Directorate of Municipal Administration (DMA) as to why there was no follow-up enumeration to either address the discrepancy or to guide implementation of the prohibition.

The official responded by stating that “the implementation is guided by self-declaration after the initial enumeration and no one has come out to declare themselves since the enumeration ended.”

We asked the official, “doesn’t the law specify that it is the responsibility of the administrative bodies to facilitate such a declaration?”

Mulling over the question for a moment, she replied, “people are not engaging in manual scavenging anymore, so there is nothing to facilitate.”

Startled at her statement, we asked, “then why was there news footage of manual scavenging outside of Vidhana Soudha a month ago? (Public TV, September 22, 2017)”

“I don’t know,” she responded, “because we have given all of our urban and rural local bodies jetting and sucking machines and distributed the compensation amount to all of the registered manual scavengers.”
Clearly, one assumes, an official whose portfolio includes the implementation of the 2013 Act would be aware of the plethora of news reports on the persistence of manual scavenging.

However, it is a mistake to blame, as is often done, such ignorance simply on bureaucratic malaise. The official’s reaction to our queries reveals how the legal prohibition of manual scavenging, under administrative malfeasance, facilitates, despite itself, the contours of its reinvention. Testimonies and news reports confirm how government enumeration was delimited by a rigid definition of what a “manual scavenger” was. For example, municipal contract powrakarmikas and gram panchayat jaadamaalis were deliberately excluded from the survey, which, according to local news reports, was not being sufficiently publicized. In the rare instances that people were empowered to file a self-declaration, officials allegedly asked that they provide documentary proof of their employment in manual scavenging, along with government identification.

The true meaning behind the DMA official’s response cited above is the following—the “manual scavenger”, as constructed by legal and bureaucratic procedure, indeed does not exist. This is because the figure of the “manual scavenger” that such repetitive procedural work brings into being assumes the properties of legal fiction, largely untethered from reality. As an administrative category, it is so abstract as to be largely inaccessible by actual people engaged in the practice. For, to gain the legal recognition of a “manual scavenger,” one has to: a) exercise a considerable amount of public literacy to learn about an unannounced survey, b) furnish official identification and proof of employment as a scavenger to the same people who often collude to push you into scavenging, and c) not be a contract sweeper or sanitation worker. Only a superhuman can fulfill such a list of qualifications.
Hence, under its auspices, the bureaucratic apparatus transforms the legal prohibition on manual scavenging into a procedural prohibition on the self-identification of the “manual scavenger.” This makes it clear why municipal, state, and central governments overwhelmingly fail to recognize people as being forced into manual scavenging, and, if and when they do, only at the moment of death, at the moment when a person’s selfhood faces annihilation.

Why does this matter for the prohibition of manual scavenging? Let us look at two facts as signposts. First, as examined earlier in this chapter, the central government reduced its budget for the rehabilitation of people employed for manual scavenging from Rs. 448 crores in 2014-2015 to a meager Rs. 5 crores in 2015-2016. This drastic reduction was approved after the commissions in charge of rehabilitation sent the vast majority, if not all, of the funds allocated in 2014-2015 back to the government. According to an RTI filed by The Wire, the Modi government, since it came to power in 2014, is yet to spend almost half of the funds that had been released by the previous UAPA government. And during its reign, it has not released (until Sept. 2017) a single rupee for the rehabilitation of people forced into manual scavenging. Second, an enumeration of people employed for manual scavenging during a 1992 census survey had recorded 5.88 lakh people employed in manual scavenging in India. In 2002-2003, this number increased to 6.76 lakhs, according to the Ministry of Social Justice and Empowerment. It was later revised to 7.70 lakhs. But a 2013 government survey, commissioned soon after the passage of the 2013 prohibition law, calculated the number of people employed in manual scavenging to be a mere 13,639 from 121 districts of the over 600 districts in the country. The most recent survey results have tabulated the number to be 53,000 people employed for manual scavenging, of whom states have officially accepted only
6650 as people employed for manual scavenging. In both cases, the implementation of the 2013 law sets up impediments that have, in quite critical ways, hindered the recognition and rehabilitation of people forced to manual scavenging. In fact, it is in these structural impediments that we find the symptomatic truth of manual scavenging, as a caste-based practice.

In both these vignettes described above, what unfolds is a progressive breakdown of prescribed procedure under the pressure of caste power that fills the empty letter of the law, hiding behind the latter’s form. As caste power can no longer find an overt refuge in “custom” and customary ritual, it begins colonizing routine legal and bureaucratic procedure, manifesting itself in everyday forms of state-making and administration. Simultaneously, the social power of caste is actively channeled by others who act with relative impunity to frustrate law and enables manual scavenging to continue even amidst urbanization and opportunities for technological upgradation. In this context, the interpretive category of “untouchability” can be reinterpreted to clarify the workings of caste power in an urbanizing India, and to clarify how a social caste law is in intimate conversation with state law. Previous scholarship has pointed to how untouchability, as an intricate social code, was irrevocably transformed in form when it entered into a relationship with the modern legal and state apparatus, just as the latter quickly had to change and adapt to complex mechanisms of caste sanctions, hierarchies, and arbitration.

Conclusion

Many discussions of bureaucracy’s failure to effectively implement the Act see it arising from a combination of administrative negligence, lack of oversight, and jurisdictional confusion. Such an understanding transforms what is a deliberate caste atrocity (under the terms of the
2013 Act) into a mere lapse in governance. As our fact-finding team witnessed the complexities of sewerage work unfold in real time, we were simultaneously struck by how the legal, technical, and bureaucratic discourses referring to manual scavenging often functioned by systematically cleansing the practice of any specific content. In other words, a detailed study of such discourses would reveal little to nothing about the existing social relations that sustained the practice or the multifarious forms it assumed. For example, we were hard pressed to find any serious study of the elaborate contract system that underpins manual scavenging across Karnataka or how it is mobilized to maintain sewage systems, septic tanks or insanitary latrines. No mention was made of how social actors made use of their particular kin, trust, and rural networks to recruit laborers for manual scavenging. There was little elaboration of how the local authorities and engineers were closely enmeshed in forms of contract labor. And no careful audit of how effective existing technologies were in preventing human intervention, or how useful they were in resolving sewerage issues in real time. (See our chapter on "The Powrakarmika Perspective" for a detailed description of the social dynamics underlying urban sanitary infrastructures.) It was as if the legal, bureaucratic, and technical apparatus that informed both state and civil society actors wanted to distance itself as much as possible from the actual dilemmas of maintaining an intricate sewage system while enabling decent working conditions. Such dilemmas were left to be resolved, at the expense of those bodies working most closely with shit, by a more shadowy, more insidious set of relations. These particular relations thrived in silence, but it did not by any means make them less real. In fact, these obscure set of relations were much more effective in maintaining the practice of manual scavenging, in all of its shapeshifting forms, than
the explicit letter of the law, and the bureaucracy that was charged with voicing it, was in abolishing it.
CHAPTER VI

Interventions by Civil Society

Civil society, according to its foremost theoretician, Antonio Gramsci, is a public sphere of action that lies outside “political society” (viz. the State and its apparatuses—the legal system, the police, the army etc.). Gramsci claims that the modern bourgeois state rules through force plus consent: political society is the realm of force, and civil society is the realm of consent. By civil society, Gramsci means the informal network of social and political movements, social and community activists, the media, and citizenry, as well as certain state agencies tasked with promoting social welfare and rational consent. The state allows certain demands made by civil society to be met, a hegemonic process that turns civil society into a site of political struggle between dominant ideologies (caste, class, nationalism etc.) and transformative discourses of social and political change. In other words, the state engages in “passive revolution”, a strategy by which promises of radical reform (e.g. eradication of caste practices) are at once partially fulfilled and displaced, thwarted, leading to a renewed continuation of the given social order. The state draws in subaltern social classes in its program of social and legal reform, while pursuing its own model of economic and social development.

In the context of manual scavenging, the question arises: What has been the role of civil society in eliminating this age-old practice? How has it positioned itself vis-a-vis caste society, which perpetuates the practice, and the state, which claims to eliminate it? Following the Gramscian terms of analysis, this chapter argues that civil society has played a
dual role—bringing out the enormous social exploitation and violence underlying the practice while also generating consent to the reformist agenda of the state, which leaves the social order sanctioning the practice intact.

Since the continuing practice of manual scavenging serves the interests of the dominant caste society, it’s not surprising that the issue has been largely ignored by both the state and society. However, in the midst of the silence of wider society, there has been a section of civil society which has persistently raised the issue of manual scavenging as a human rights concern. If today manual scavenging is recognized as an egregious violation of human rights by both law and the state, this recognition is the outcome of a sustained civil society intervention. The arc of civil society intervention which has sought to transform the condition of people forced into manual scavenging can be traced from the initial work of Ambedkar to contemporary efforts to address this problem.

In this section, we’re looking at the work of three seminal figures, Babasaheb Ambedkar, I.D. Salappa, and Bezwada Wilson (all, significantly, from the Dalit community), who critically engaged with the state, in different ways, to transform the condition of workers engaged in manual scavenging. We also examine the mobilization of powrakarmikas in Karnataka that took place in the last two decades. This is followed by testimonies of a number of community activists in Karnataka who formed a loose network of civil society activists in order to lend support to the struggle of the powrakarmikas on issues of wage security, contractualization, and working conditions, especially of women powrakarmikas. Then, we turn our attention to the role of the media in the civil society struggle to end manual scavenging. The chapter concludes with a critical examination of the record of National Safai Karamchari Commission, a state-appointed body vested
with the responsibility of giving systematic attention to the problems faced by the safai karamchari community, including those engaged in manual scavenging, as well as measures of their rehabilitation.

**Ambedkar as the Foundational Civil Society Activist**

Undoubtedly, the foundational thinker on the issue of manual scavenging has been Dr. Ambedkar. If one looks at the historical record of the period, the only person who brings up the dignity concerns and human rights of those engaged in manual scavenging is Babasaheb Ambedkar.

As noted earlier, during the partition riots, on 18 December, 1947, Ambedkar writes a letter to Nehru raising the issue of how the untouchables in Pakistan are affected by partition as they are not allowed to leave Pakistan. As he puts it:

> The Pakistan Government are preventing in every possible way the evacuation of the Scheduled Castes from their territory. The reason behind this seems to me that they want the Scheduled Castes to remain in Pakistan to do the menial job and to serve as landless labourers for the land holding population of Pakistan. The Pakistan Government is particularly anxious to impound the sweepers whom they have declared as persons belonging to Essential Services and whom they are not prepared to release except on one month's notice.⁹⁰

What the letter indicates is the unwavering political commitment of Ambedkar to address the suffering of those at the very bottom of the caste hierarchy. The letter can be read as embodying an initial Ambedkarite strategy with respect to manual scavenging, i.e. to make visible the suffering of those involved in manual scavenging. The

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importance of this strategy cannot be underestimated as the "invisibility" around manual scavenging persists even till today. The deaths from manual scavenging which occur regularly (according to a Scroll report, once in every 5 days throughout the country) merit at most a few lines in the newspapers and are quickly forgotten. In this context of "invisibility," activists till today strive to break the silence around manual scavenging. In doing so, they are legatees of Ambedkar.

However "visibilizing" as a strategy has limitations and one must go beyond merely casting a light on the issue. One needs a conceptual language in which one can understand the suffering inflicted on those involved in manual scavenging. Ambedkar formulated the concept of "graded inequality", which is central to the contemporary understanding of caste and makes an important contribution to the struggle to abolish manual scavenging. As Ambedkar put it,

Students of social organization have been content with noting the difference between equality and inequality. None have realized that in addition to equality and inequality there is such a thing as graded inequality. Yet inequality is not half so dangerous as graded inequality....The system of graded inequality prevents the rise of general discontent against inequity, it cannot therefore become the storm centre of revolution.... It is a system full of low cunning which man could have invented to perpetuate inequity and to profit by it. For it is nothing else but inviting people to share in inequity in order that they may all be supporters of inequity. 91

Through putting forward the notion of "graded inequality" as distinct from "inequality," Ambedkar invites us to understand that the durability of the system of oppression is due to the fact that every layer above those in manual scavenging, be it the dhobis, the barbers, or the cobbler, are complicit in the practices of untouchability. Those engaged in manual scavenging are at the very bottom of the socio-economic hierarchy. As the Salappa Committee Report, in a chapter titled, "Social Conditions," observed:

The other Scheduled Castes also have developed a kind of not only contempt but also disgust at their own brethren who are attending to this important work. 92

Thus, the people who are forced into manual scavenging are subject to the practice of "untouchability," not just from the upper castes but even from those just one level above them in the hierarchy. If we understand the position of those in manual scavenging from the viewpoint of "graded inequality" and not "inequality," then the strategies to target this form of "untouchability" must also be specific and directed. Activists who work on the question of "internal reservation" embody an understanding of the caste system as a system of "graded inequality," in which those at the bottom are discriminated against by all, including by those who are one level above in the Hindu caste hierarchy. Similarly, in the demand for internal reservation is an implicit reliance on the Ambedkarite notion of graded inequality. In the demand for a specific legislation to address the problems of manual scavenging is implicit an understanding of "graded inequality". In short, in order to succeed in any intervention to address the problem of manual scavenging, one should understand the

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unique challenges posed by manual scavenging as system of “graded inequality”.

So, if we radically reinterpret untouchability as a relationship of differential power produced by graded hierarchy, we can surely apply it to the context of manual scavenging. As our fieldwork demonstrates, urban sewage work produces its own graded inequity that quite closely mimics caste hierarchy namely, that between supervisors and workers, between contract and permanent workers, between contract workers and subcontract workers, etc. While these aren’t exactly mapped onto caste identity (that would be too simple and easy to identify), they do largely map onto caste relations of power.

The creation of the normative framework of fundamental rights as embodied in the Constitution is another strategy which flows from the seminal work of Ambedkar. It was due to Ambedkar’s insistence that the practice of “untouchability” in Article 17 stands criminalized, and begar and forced labour under Article 23 stand criminalized. As noted earlier, the idea of a law to criminalize the practice of “untouchability” was first articulated by Ambedkar in a speech in the First Round Table Conference, where he underlines the importance of criminalizing the practice of “untouchability” by saying that, “We must be emancipated from this social curse before we can at all consent to the Constitution.” Civil society activism which demands the effective criminalization of manual scavenging and the practice of “untouchability” is following the Ambedkarite path of “norm creation.”

However, norm creation is only part of the battle, with the post-independence period witnessing sustained civil society engagement to actualize the norm. Again, the inspiration for the battle to actualize a norm which goes against a majoritarian morality is Ambedkar. One has only
to note his sustained contributions to the thinking on the legal elements which should form part of the Civil Rights Act. It was Ambedkar who articulated the notion that a legislation on the prohibition of untouchability should be conceived as not merely as a Prohibition of Untouchability Act but as a Civil Rights Act. It was Ambedkar who made the argument that the offences should be non-compoundable, since if it was compoundable, the victim would be pressurized to compromise. It was Ambedkar who argued that the punishments should be more serious, keeping in mind the gravity of the offence. Activists who today work towards ensuring that the legislations targeting the practice of manual scavenging are successful are all legatees of the Ambedkarite strategy of working towards actualizing the norm against manual scavenging.

In an unpublished manuscript titled, "Untouchables or children of India’s ghetto," there is embedded a third Ambedkarite strategy. Ambedkar is the first thinker to advert to how colonial law was complicit in the oppression of those engaged in manual scavenging. Ambedkar pointed out, through an analysis of municipalities’ legislations, that in the United Provinces, the law punished the “customary sweeper” who failed to “perform scavenging in a proper way,” and in Punjab, the law punished the contract sweeper who discontinued house scavenging without fourteen days’ notice (see page 141).

In Ambedkar’s understanding, this form of subjugation must be resisted. He refers to:

[A] Conference of the Untouchables which met in Mahad resolved that no Untouchable shall skin the dead animals of the Hindus, shall carry it or eat the carrion. The object of these resolutions was two-fold. The one object was to foster among the Untouchables self-respect and self-esteem. This was
a minor object. The major object was to strike a blow at the Hindu Social Order. The Hindu Social Order is based upon a division of labour which reserves for the Hindus clean and respectable jobs and assigns to the Untouchables dirty and mean jobs and thereby clothes the Hindus with dignity and heaps ignominy upon the Untouchables. The resolution was a revolt against this part of the Hindu Social Order. It aimed at making the Hindus do their dirty jobs themselves. 93

Vijay Prashad notes that, “Half a century ago, Ambedkar offered a slogan which is not heard much these days, “Bhangi Jharoo Choro” (Bhangi, Leave the Broom). He believed that the first step toward liberation was to be a permanent and collective withdrawal of dalits from menial occupations.” 94

Ambedkar’s response to the question of manual scavenging is a radical response. The untouchables must refuse to do the job of manual scavenging for two reasons. Firstly, by refusing to do jobs which Hindu society considers dirty, the untouchable asserts his or her dignity. Secondly, by refusing to do the job considered dirty, he is revolting against the Hindu social order and asserting that “the Hindus do their dirty job themselves”.

This radical act of not doing what the Hindus consider dirty, Ambedkar characterizes as the beginning of a revolt. As he put it, “This is a brief summary of the history of the revolt of the Untouchables against the established order of the Hindu. It originated in Bombay. But it has spread to all parts of India.”

This radical Ambedkarite strategy is best seen in contemporary times in the post-Una Dalit revolt. In July of 2016, in Una taluk in Gujarat, seven members of a Dalit family in Gujarat were beaten by gau raksha (cow protection) activists for skinning a dead cow. The anger generated by this horrific incident resulted in the initiation of the Dalit Asmita Yatra from Ahmedabad to Una under the leadership of a 35-year old lawyer-activist, Jignesh Mevani. "Gai nu puchdu tamey rakho, amne amaari jameen aapo" (Keep the cow’s tail for yourself, but give us our land back) and "Chalo Una" became the rallying calls of a journey that wound its way through 400 kilometres of Gujarat. In every village, men and women, young and old, swore never to pick up animal carcasses or clean the gutters, or do manual scavenging. "The cow is your mother, you take care of her when she dies," they told the gaurakshaks. The carcasses lay on the roads and no gaurakshak came to pick them up.\(^95\)

Another report indicated that:

 Thousands of Dalits congregated at Acher ground in Sabarmati area here on Sunday in protest against Una brutalities and pledged to break free from shackles of the centuries-old practice of disposing of animal carcasses. They also took an oath not to clean the underbelly of cities by getting into manholes.\(^96\)

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It has been argued that, "the Una incident went on to become a defining moment in Dalit self-awareness, another instance on the journey to renewed Dalit activism". However, it's important to remember that the beginning point of this journey was made by Ambedkar when he authored the work, "Untouchables: or Children of India's ghetto" and made the argument for boycotting occupations which Hindu society considered "dirty". The politicisation around the Una incident is a perfect example of an event politicizing a subaltern community and radicalizing civil society, rather than civil society doing managerial work for the state.

The Salappa Committee Report

In a country replete with Committees and Commissions, the issues facing people forced into manual scavenging has received relatively scant state attention. The Barve Committee Report of 1949, the Malkani Committee Report of 1966 (Maharashtra), Kaka Kalelar Commission of 1953, Central Advisory Board for Harijan Welfare in 1956, Pandya Committee appointed by The National Commission on Labour (1968-69) and the Salappa Committee Report of 1976 (Karnataka) are some of the responses to the practice of manual scavenging. With all their limitations, these reports are important in making the conditions of people forced into manual scavenging a state concern. Of seminal importance in these series of reports was the I.D. Salappa Committee Report of 1976.

The Salappa Committee was constituted in the year 1976 by the then Chief Minister of the State of Karnataka, D. Devraj Urs. It is important to note that the Salappa Committee was constituted in a social and political context

of significant mobilization of the “Depressed Classes” that brought the Devaraj Urs government into power. It brought firebrand members from Dalit and Bahujan communities into administrative power. Of particular importance is the role of the “Boosa incident” sparked by the remarks of revenue minister B. Basavalingappa, who claimed that most Kannada literature up until that point was “cattle feed” (Boosa) as it did not address issues that concerned dominated castes and classes. The uproar against his remarks was met with forceful agitations in support of his comments, agitations that soon led to the formation of the Dalita Sangharsha Samiti (DSS) and the flourishing of Dalit literary expression and activism in Karnataka. B. Basavalingappa, along with other members of the Urs administration, were instrumental in furnishing I.P.D Salappa with the proper governmental support required for a detailed report.

The Committee was constituted to look into the “living and working conditions of all sweepers and scavengers working in various Municipalities, Town Panchayats and other places and make recommendation to the Government as to the special provision which may be made by the Government for their advancement”.

Among community activists, the Salappa Report is regarded as a landmark report that makes an important political intervention in the movement for liberation of the powrakarmikas. This report draws its strength from the fact that it was the first report produced by a member of the community. (I.D. Salappa’s parents were themselves powrakarmikas in Ballari, and hence he had an intimate experience of the discrimination faced by the powrakarmika community and the inhumanity of the practice of manual scavenging.) It follows up on documentation of the inhuman working and living conditions of the powrakarmikas by laying out a well-thought out plan for
the rehabilitation of the community to enable them to join
the mainstream. It dwells on the measures of health, work
safety, education, housing, job security, wage security and
generous allowances compensating for the hazardous work
undertaken by people engaged in manual scavenging. It
goes into meticulous detail on matters like decent housing
(including spaces for rearing cows and growing vegetables),
crèches, nurseries, recreation facilities (for example, a park
for every 500 people), and working equipment ("sweepers
must be given long-handled brooms to enable sweeping
without bending"). The report also pays attention to the
cultural and intellectual life of the powrkarmikas and
recommends measures to improve the same. As a member
of the community, Dr Salappa was able to grasp the subtler
aspects of powrkarmikas' lives, and understood how self-
dignity and self-worth were essential to any project for
their liberation. For this reason, the report uses the term
"powrkarmikas" (meaning civic workers) in place of the
existing terms "sweepers" and "scavengers," as according
them a "dignified status".

After a prolonged struggle, the Powrakarmika movement
(see the following section on the movement) in Karnataka has
succeeded in ensuring the implementation of the following
recommendations in the Salappa Committee Report, which
is improving their situation in concrete ways.

1. **Maternity Benefits:** The Salappa Committee for
the first time recommended that the women
Powrakarmikas were entitled to Maternity Benefits.
With the implementation of this recommendation, all
women Powrakarmikas in Karnataka are now entitled
to maternity benefits.

2. **Working Hours:** Based on the Salappa Committee's
recommendations, the working hours have been fixed
for the Powrakarmikas in two batches. They work
between 6 am and 2 pm. Then in very few areas, there is a second shift from 2 pm to 8 pm. They have a break between 10.30 am and 11 am, where they are given meals by BBMP, the quality of which however needs to be improved.

3. **Regularization and Direct Payment from Urban Local Bodies:** The Salappa Committee recommended regularization of all the Powrakarmikas in Karnataka, and abolition of the contract system. Powrakarmika unions have fought relentlessly for the implementation of this recommendation, which resulted in the Government of Karnataka recently issuing an Order (dated 07/08/2017 in Government order bearing no. NaAaEe 126TMS 2016) directing an immediate abolition of the contract system and direct payment from the Urban Local Bodies. Implementation of the Order is yet to follow.

4. **Fixation of Minimum Wages:** The Salappa Committee recommended that the Powrakarmikas must get fixed wages, along with the wage slips. It was based on this recommendation that after a prolonged struggle by the Powrakarmika Union, the Karnataka Labor Department through a notification dated 04/08/2016 fixed a minimum wage of Rs 14,040/- to the workers. However, the Minimum Wages provision exists only on paper as it is not being implemented. The workers, after issuance of the Government order, had to go on several strikes and protests forcing the Government to issue notification after notification for payment of minimum wages, with direct payment to their bank accounts.

5. **Celebration of Powrakarmikas Day:** The Salappa Committee’s suggestion for celebration of the Powrakarmika Day has been accepted, with the day
involving distribution of awards to the workers, voluntary blood donations by Powrakamikas, and other events. This day is marked by by different Municipalities in the month of September, every year.

6. **Constituting ICC in BBMP:** After an incident of sexual harassment in Ward 55 in October 2017, the Powrakarmika Union held several protests which resulted in the BBMP constituting a sexual harassment redressal committee, where the complaint was lodged.

**A Continuing Struggle: Non-implementation of Several Recommendations**

However, there are several important recommendations made by the Salappa Committee which are yet to be implemented:

1. **Basic Facilities:** The Salappa Committee recommended that basic facilities were to be provided to the powrakarmikas, including a pair of rubber hand gloves, masks for face protection, and gum boots to be given to workers who attend to clearing, cleaning and disposing human waste, work in manholes, chambers, open drains, gutters, refuse dumping yards, collectors in lorries and other vehicles that transport human waste and rubbish. However, these basic facilities are rarely provided to the Powrakarmikas, even though the Government has sanctioned money to the BBMP to allot it for basic facilities. Corruption is rampant in the present solid waste management of the BBMP, and the funds allotted for the purpose of betterment of Powrakarmikas are being used by the mestrises and the health inspectors of the concerned wards for their personal benefits. For this reason, most of the Powrakarmikas do not get any basic facilities like mask, brooms, etc. which they are entitled to. However, even when they are provided with these
facilities, they are of cheap quality which are not fit to be used at all.

2. Medical Checkups: The Committee specifically recommended that protective clothing and foot wear, along with free medical aid and check-ups, once in every 3 months, must be provided by Local Bodies for the Powrakarmikas. However, no health checkups are being organized by the local bodies, but are being conducted by private bodies like the Rotary Club and other NGOs. Instead, as reported by the powrakarmikas, doctors just visit wards and conduct health checkups in a pro forma manner. The Powrakamikas are also not provided with clean protective clothing and footwear, even though there has been allocation of budget for the basic facilities to be provided to them.

3. Powrakarmikas Welfare Board: It was recommended by the Salappa Committee that a Powrakarmika Welfare Board was to be established. The main function of the Board was to look into specific issues affecting powrakarmikas and to work on implementing this report’s recommendations. This proposed Welfare Board is similar to the presently established Board for construction workers, which has enabled the construction workers some kind of employment protection along with security of wages.

4. Facilities like crèches and schools: As per the recommendation of the Salappa Committee, the government must construct crèches, nurseries and primary schools in localities where powrakarmikas live and provide suitable scholarships to their children with periodical educational tours outside the state. However, no action has been taken on this recommendation.
It is almost 30 years since the publication of the Salappa Committee Report that its recommendations, which were not considered seriously by the then government, are now being framed as policy measures and are being implemented as government orders. The recommendations made by the Committee are ground-breaking, and have significantly changed the status of the Powrkarmikas, by considering them on par with all other government employees. However, several other important recommendations made by the Committee are yet to be considered by the Government. Again, the government is yet to address the Committee’s radical recommendations addressing various social issues, including eliminating the caste system and bonded labor, establishing gender inequality, providing educational, health facilities, and improved housing facilities in areas where the Powrkarmikas lived, and many other pioneering suggestions made by the Committee. Nevertheless, the pressure from the powrkarmika workers’ unions, various other civil society organizations, and from other groups has compelled the Karnataka Government to implement certain major recommendations of the Report, such as abolition of the contract system, fixation of the minimum wages, regularization of the employment of the workers, basic working facilities, better service conditions, and many others.

Conclusion: The Salappa Committee Report: Articulating Subaltern Consciousness

Though the Salappa Committee Report was commissioned by the then Devaraj Urs government, it goes beyond the confines of a government report, and forms the basis of a fundamental critique of the state’s failure to guarantee basic rights to those at the lowest rung of the socio-economic hierarchy. In this context, it is important to recall the example of the Factory Inspector Reports, produced in nineteenth century England, which were the basis of
Marx’s searing critique of capitalism and also the basis on which state legislation was introduced setting legal limits to the hours a worker could be made to work. Upendra Baxi has rightly identified the Factory Inspector Reports as articulating a “subaltern consciousness”. Though emanating from the state, such documents have a voice that is very different from that of the bourgeois state, and in fact question its very credibility. In Gramscian terms, such critiques have a counter-hegemonic thrust, and contain the seeds of a democratic transformation of society.

**Bezwada Wilson and Safai Karamchari Andolan: Bringing National Attention to Manual Scavenging**

Civil society activists have played a foundational role in efforts to transform the status quo and ensure the dignity of those in manual scavenging. One of the key contributions of civil society is the initiation of legal change. As noted above, even the key provisions of the Constitution, especially Article 17, emerge from Ambedkar’s articulation as a part of civil society. Legal change has often been the result of sustained civil society activism. Some of the landmarks at the national level include the enactment of the 1993 and the 2013 enactments on manual scavenging as well as the judgment of the Supreme Court in *Safai Karamchari Andolan v. Union of India*. In Karnataka, civil society action has

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98 Karl Marx, *Capital Vol 1*, Penguin Books, London, 1990. pp.340-416. For example, it is the Report of the Commissioners which Marx cites which make the case against the abuses in the pottery industry. To quote from one such Report cited by Marx, ‘The potters as a class, both men and women, represent a degenerated population, both physically and morally. They are, as a rule, stunted in growth, ill-shaped, and frequently ill-formed in the chest; they become prematurely old and are certainly short lived’. Ibid. p.355.


100 *Safai Karamchari Andolan v. Union of India* (2014) 11 SCC 244
resulted in both improving the working conditions of the powrakarmikas as well as bringing attention to the continuing tragedy of the deaths of manhole workers.

The work at the national level was initiated by Bezwada Wilson. Bezwada Wilson, a Dalit rights activist hailing from the scavenger community, took up the daunting task of liberating those involved in the practice in 1986. Wilson grew up watching his parents, sisters, and brothers doing manual scavenging in Kolar, Karnataka. He faced humiliating discrimination at school because of his caste identity. Out of anger and frustration and the will to change the condition of his community, as a teenager, he started asking his community members to stop doing manual scavenging, something nobody wanted to do since they did not have any other option or the opportunity to earn their livelihood. Wilson has said in many interviews that the notion of serving the nation as Safai Mata was also fed to his community of mostly illiterates, which made them continue with the dehumanizing occupation. As he became more and more aware of his caste identity, and begin interacting with members from his own community and started reading Dr. Ambedkar, he became motivated to challenge the systemic oppression meted out to his community.

He wrote a letter to the Bharat Gold Mines operating in Kolar, Karnataka, but the company denied the existence of dry latrines in the area. Following this denial, he sent pictures of these latrines to the company, the Prime Minister, and all Dalit members in the Parliament. The process of sustained activism initiated by Wilson, led to the enactment of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

In 1995, Wilson set up the Safai Karamchari Andolan (SKA), which has consistently worked to eradicate the practice
completely and ensure rehabilitation to those involved. The SKA has organized yatras to demolish dry latrines, lobbied politicians, and conducted awareness campaigns.

The limitations of the 2003 Act soon become apparent and the SKA began to bring to light the problems posed by the narrow definition of manual scavenging in the Act, which limited its applicability to dry latrines. It did not bring other insanitary latrines within the scope of the Act, and neither did it envisage rehabilitation of those engaged in manual scavenging. It was this sustained advocacy on the limitations of the Act that resulted in the enactment of the 2013 legislation that broadened the definition of “manual scavenger,” defined hazardous cleaning, and moved from the definition of dry latrine to insanitary latrine as well as including rehabilitation as a key aspect of the legislation. The thinking embodied in the 2013 Act was the undoubted result of the passionate engagement of the SKA as well as other civil society actors with the issue of manual scavenging.

In 2003 Bezwada Wilson filed a PIL in the apex court which brought out the issue of people being employed for manual scavenging by all states in India as well as other departments, including Defence, Railways, Education and Judiciary, in gross violation of the 1993 Act. This petition brought to the notice of the Supreme Court the fact that manual scavenging was a violation of both Articles 17 (Abolition of Untouchability) and 21 (Right to Life with Dignity) as enshrined in the Indian Constitution. In 2008 the Supreme Court passed an order directing SKA to produce evidence to prove the existence of manual scavenging. This led to a nationwide network of SKA volunteers conducting surveys all over the country on the practice of manual scavenging and the presentation of detailed records of numbers of people employed for manual scavenging, their socio-economic status, family members dependent on them,
and details of their employers. Photographic evidence was also produced, which sought to provide irrefutable proof of the existence of manual scavenging and of dry latrines.

The Supreme Court decision in *Safai Karamchari Andolan v. Union of India* was a seminal decision as the Supreme Court directions made the rehabilitation provisions of the 2013 Act legally enforceable. The judgment of the Supreme Court has provided a boost to the campaign to eliminate manual scavenging and is often cited by activists before state authorities to move a recalcitrant state to eliminate manual scavenging. Due to the direction of the Court, the payment of a compensation of Rs 10 lakh each to the families of sewage workers who died on the job has now become the norm. The significant landmarks, be it the 1993 legislation, the 2013 legislation, or the positive judgment of the Supreme Court were the result of sustained civil society activism.

The SKA was also clear that it was not only the state that was the target of their activism. The Andolan initiated the historic “Bhim Yatra”, a 125-day yatra across the country to educate the wider public about the rights of people in manual scavenging. It culminated in Delhi on April 14th, 2016 (Ambedkar Jayanthi) with activists calling upon Prime Minister Modi to take action to abolish the practice. More recently, SKA held a protest following the deaths of eleven persons in manual scavenging in the span of seven days in September of 2018 in the capital city of India.¹⁰¹

One of the reasons for the success of SKA and Bezwada Wilson in raising the profile of the issue has been the gradual politicization of the community involved in manual scavenging. Former scavengers and surviving

¹⁰¹ https://www.youtube.com/watch?v=nR8tLVXl_bA This is a video of community members involved in SKA protests (Last accessed on 31 March, 2019)
families have become powerful activists and taken on leadership roles within the SKA.

According to Wilson, the politicization happens through the involvement of women who are in manual scavenging in the demolition of dry latrines and in the burning of baskets in which excreta is carried. By doing so, the women assert that "baskets and dry latrines are symbols of shame." As Wilson put it, the empowerment and the assertion of the community is more valuable than any government action. In fact, in Wilson’s opinion, the biggest change that has happened is the change in the attitude of those in scavenging, even while mainstream society continues to be indifferent to their problems.¹⁰²

SKA also throws a challenge to Indian intellectuals by critiquing the silence of Indian intellectuals on the question of manual scavenging. In an insightful conversation with Slavoj Zizek, SKA members make the case of intellectual disregard of manual scavenging as an issue worthy of serious intellectual inquiry and implore Zizek to begin articulating the issue as a global intellectual and activist concern.

The Powrakarmika Movement in Karnataka

There is documentation to show that sanitation workers in India have organized and demanded the betterment of their working conditions ever since 1929, when the sanitation workers of Calcutta organized a strike to improve their working conditions. In Delhi, as well, there

¹⁰² https://www.youtube.com/watch?v=N9tmXs51wi4 This video is one of SKA members in conversation with Slavoj Zizek and S. Anand. In this video, SKA members, along with Bezwada Wilson, explain in detail what their mobilization strategies are and how they politicize members of the community. (Last accessed on 31 March, 2019)
are documented struggles of sanitation workers even in colonial times.

In Karnataka, it is in the early 1990s that one sees the emergence of what may be called a Powrakarmika movement in Karnataka. This period marks the beginning of neo-liberal labor reforms, and the advent of the contract system in the municipal service sector. Prior to that, the BMP used to employ permanent workers for the task of solid waste management. On the ground that the operations were becoming prohibitively expensive (consuming 40-50% of the municipal budget), the BBMP decided to privatize the work of garbage clearance in 1995, and started outsourcing the task to private contractors, many of whom were from the Reddy community who hired their own contract labor in a majority of Health Wards in the city. 80% of these contract laborers are Dalit women working under extremely exploitative conditions. They were paid a sum of Rs 500/600 per month from 1992 till 2000, and Rs 900/1000 till 2003.

Contracting garbage clearance to private parties by BBMP is in violation of the Contract Labor Act, 1970, which stipulates that any work may not be contracted out by an employer if it is of a perennial nature and is a core activity of the organization. Obviously, keeping the city clean is a perennial and core activity of the municipal body. Since the passing of the Essential Services Maintenance Act, 2013, sewage and waste management have been notified as an “essential service”, thereby prohibiting sanitation workers from striking. Thus, though the state considers the work of sanitation as “essential”, it is contracted out.

Even within the scope of the Contract Labor Act, the law has been repeatedly transgressed. According to the Act, if the work carried out by a contract worker is identical to work by a permanent employee, the contract worker
should be given the same wages and benefits. During this period, while nearly 5,000 permanent powrakarmikas of BBMP were paid wages around Rs 5,000/6,000 a month and benefits of health care, leave, and retirement benefits, nearly 8,000 contract powrakarmikas were paid wages of Rs. 500-600, with no other benefits—not even a weekly off. The disparity of wages has widened since then.

In order to mobilize contract powrakarmikas to fight the evils of the contract system, *Bangalore Mahanagara Palike Guttige Powra Karmika Sangha* (BMPGPKS or GPKS) was formed in 2001 under the leadership of 3 labor activists, Com. Balakrishna, N. Anjaneyalu, and B.A. Keshavamurthy. The immediate occasion for their struggle was the termination of services in July 2001 of 58 workers in Sivahalli because of their union activities. The GPKS conducted discussions with officials of BMP, Labor Commissioner, and Labor Department, and organized a number of protest demonstrations, public meetings, press conferences, and other activities to highlight their main grievances. Conciliation proceedings were held at the Labor Commissioner’s office with the the representatives of the GPKS and the contractors’ association to discuss the issue of minimum wages. This was followed up with a protest campaign with the slogan, “We clean your city, you clean your administration!” The demands of the campaign were:

1. Implementation of the Labor Commissioner's Order of 14.8.2001 regarding the fixation of minimum wages at Rs. 2146.

2. Equal wages for men and women.

3. Action to be taken against the contractors violating the Contract Labor Act.

4. Uniforms, gumboots, gloves, and badges to be provided for the workers.
5. Workers who were dismissed because of their union activities to be reinstated.

The GPKS held a dharna before the Corporation office announcing that unless the terminated workers were reinstated, the Sangha would go on strike.

It was at this time that Guttige Powrakarmika Samiti (GPS) was formed as a support group of civil society activists in order to facilitate the struggle of the GPKS. This initiative was formed by civil society groups like PUCL, Alternative Law Forum, Vimochnaa, and Sangama, which started meeting individual contract safai karamchari workers on a regular basis, and enrolling them as members of the GPKS.

The objectives of the Samiti were:

1. Lobbying with the state for recognition of rights of powrakarmikas,

2. Dissemination and media publicity for issues affecting the community

3. Enrolling powrakarmikas as members.

The Samiti was keen on enabling a collective leadership to emerge from the community, many of whom, though not all, were from the madiga community. Its activities included addressing petitions to the MLAs and the government, bringing out fact-finding reports about the powrakarmikas’ working conditions and the hazards of their occupation, and protests and rallies. In 2004, the Support Group brought out a fact-finding report entitled, “Swaccha Bengaluru”: Cleansed by the Sweat of the Poor. The report set out in detail the working conditions of powrakarmikas, including service conditions, legal entitlements, and the role of government agencies.

The campaign ended with a measure of success when 58 workers who had been illegally removed from service by
the contractors were reinstated. But the struggle continued since the private contractors continued to withhold payment of minimum wages and other benefits due to the workers, even though the BBMP was disbursing the amount to the contractors. The struggle finally bore fruit when the Karnataka Government issued a Gazette Notification in August 2002, declaring minimum wages for all categories of workers not covered by earlier orders. When the contractors went to the court challenging the notification, the notification was upheld by the courts. The minimum wage was fixed at Rs 1800 per month as an interim measure till the government fixed the minimum wages under the Minimum Wages Act, 1948. Following the notification, the BBMP decided to scrap the existing contracts and issued fresh tenders for municipal cleaning. The tenders came into effect in June 2003. Under the new tender, facilities to be provided to the powrakarmikas at work included: as per Workers’ Compensation Act, medical aid to be provided to the workers who suffer bodily injuries, in and out of work; provision of all necessary personal safety equipment, such as gloves, gumboots, masks etc.; provision of toilet, office, and uniform facilities to the workers.

The contractors responded to the notification about minimum wages by refusing to hire more than 7,000 workers, though they had collected wages for 10,000 workers, thereby siphoning off Rs 175 lakh from the government allotment. It was also an attempt to remove unionized workers and bring in new workers who would not be conversant with labor laws and labor rights. Many powrakarmikas were paid less than Rs 1800, and no facilities were provided. An estimated 1000 powrakarmikas were dismissed from their jobs, especially in areas where the GPKS was strong. All this was made possible by a nexus of contractors, municipal corporators, and bureaucrats.
The GPKS organized a People’s Court, following which the government announced that the Minimum Wages would be paid with immediate effect. While this was a major victory, the contractors coerced their workers, under threat of dismissal, to return Rs. 200-400 on the next day. Outside Bangalore, the situation was worse, where workers continued to be paid Rs. 900-1000 for women and Rs 1000-1200 for men.

Finally, in August 2016, following a decade-long struggle by the powrakarmika movement, the Government announced a minimum wage Rs 14400 for the powrakarmikas along with benefits such ESI, PF, as well as provision of drinking water, toilet facilities, midday meals, safety equipment etc. However, these new measures have still to be fully implemented.

Despite frequent setbacks, the struggle of the powrakarmikas for minimum wages has continued with increasing intensity in the past decade, and has brought in significant improvements in the working and living conditions of powrakarmikas in Bangalore. Currently, the powrakarmika movement is also drawing in the struggles of contract powrarkarmikas in the BWSSB, many of whom are involved in manual scavenging, besides sanitation workers in enterprises like H.A.L, B.H.E.L., B.E.M.L., KIAL Airport, BBMP libraries, NIMHANS, and other government and private hospitals, shopping malls and hotels, bus terminals, and railway stations and so on. All of these workers have been employed on contract work and are denied living wages and decent working and living conditions. Most of these contract sanitation workers belong to the Dalit community and experience a degree of privation that aligns them with the manual scavenging workers.
The protracted struggles of the BBMP Guttige Powrakarmikara Sangha, including massive protests on June 12th and 13th, 2017, finally bore fruit when the State Government took a cabinet decision on 12th July 2017 giving its approval for abolishing the highly exploitative and corrupt contract labour system, cancel all contracts, to make direct payment of wages to powrakarmikas, and regularize all powrakarmikas. Thereafter, the Government of Karnataka issued Government Order bearing No. NaAa 126 TMS2016 dated 07.08.2017 directing the immediate end to the contract system and enforcement of direct payment of wages to the workers from the Urban Local Body, which has also been mandated in the Office Order issued by the BBMP bearing No. A.A.Sha/PSR/2250/2017-18 dated 26.10.2017 and 22.12.2017.

The BBMP Guttige Powrakarmikara Sangha has also waged a struggle against the sexual harassment of women workers, which resulted in the formation of the Internal Complaints Committee in the BBMP, which is taking complaints from workers who have faced sexual harassment.

While the government’s decision to end the contract system is a major victory for the powrakarmika movement, it must be noted that while the government has decided to regularize the employment of 11,000 powrakarmikas in Karnataka, no process has been put in place to identify which of the workers will be regularized. There are about 18,000 powrakarmikas in Bangalore alone, and the government has decided to regularize only 4,000 of them.

Moreover, it is only sweepers who are being paid directly by the BBMP. Other workers like auto drivers, lorry drivers, helpers, loaders, and unloaders are still working under the contract system. Hence, a movement is being launched to ensure that they too come under the direct payment system.
Another negative consequence of the government’s decision to abolish the contract system is that in an attempt to identify “real” powrakarmikas who can be directly paid by the BBMP, it has begun to administer daily attendance in the form of biometric system. Not only is the process of identifying powrakarmikas arbitrary, workers who have been employed by contractors for several years and were paid by hand/in cash have lost out on their jobs due to lack of documents. The biometric system malfunctions often, which results in loss of a day’s wage, and even though the workers are being directly paid by the BBMP, the salary they receive every month is less than before due to the malfunctioning of the biometric system. This is also due to the interference and conspiracy of the contract mafia in ensuring that the direct payment system fails, and the contract system is reinstated.

The Role of PUCL in the Powrakarmika Movement: It was at the height of the contract Powrakarmika struggle for better labor conditions in the early 2000s that PUCL-K began its involvement in the powrakarmika issue by forming a Slum Joint Action Committee, under the auspices of Prof Hasan Mansur and Prof. Rajendra, to look into issues affecting the slum population in Bangalore. As part of this Forum, it was decided to take up the issue of manual scavenging as well.

The Slum Joint Action Committee organized a massive rally in Feb. 2002, protesting the BBMP’s failure to prevent injustices against powrakarmikas. The campaign received the support of PUCL and the Slum Federation as well as eminent civil society activists such as Prof. Babu Matthew, Prof. Hasan Mansur, Prof. Rajendra, G. Ramakrishna, and many others.

Another group to emerge in this struggle for justice for powrakarmikas was the Safai Karamchari Kavalu Samithi
which organized a ‘Jagruti Jatha’ with the support of PUCL-K and other organizations. The objective of the jatha was to create wider awareness about human rights violations of powrakarmikas as well as persons in manual scavenging in the state. Two major demands put forth by the Safai Karamchari Kavalu Samiti were the abolition of the contract system and the regularization of the services of powrakarmikas.

The Jatha started from Bangalore and toured twenty districts and culminated on 31.03.16 in Bangalore with over 5,000 people from all over the state participating in the protest. The Chief Minister invited the delegation team consisting of K.B Obalesh, Ramachandra, Padma, and others for a discussion meeting in which he promised that the contract system would be abolished.

The PUCL-K strategy with regard to mobilization of powrakarmikas has been to enable the groups to begin to articulate their own problems and take forward their own struggles. Through association with the PUCL-K, the Safai Karamchari Kavalu Samithi began conducting fact findings etc., and eventually to take a leading role in the powrakarmika struggle.

While the Slum Joint Action Committee had noted manual scavenging as a priority area of work, the urgency of the matter was underlined by the Savanur incident in 2010 when desperate Dalits who were issued an order of eviction from their houses smeared excreta on themselves so as to compel both the state and the media to focus on the survival issues they would face if evicted. This incident led the PUCL-K to produce an interim fact-finding report, and, henceforth, the work of PUCL-K on manual scavenging took on a renewed urgency.
PUCL-K v. Union of India: Manhole Deaths, Civil Society, and Judicial Monitoring

While the powrakarmikas movement articulated the issues facing those working in the sanitation sector, it did not specifically address the question of death of manhole workers. One of the reasons for this relative lack of sustained attention may be due to the graded nature of the caste system which ensures that even within marginalized groups, the interests of those at the bottom of the socio-economic hierarchy are ignored.

The deaths of manhole workers began to get a higher profile, following the case filed by the PUCL in 2009 in the Karnataka High Court arguing that these deaths violated the fundamental rights of manhole workers. A key role was played in strategizing the litigation by Clifton Rozario, Maitreyi Krishnan, and S. Raghupathy who were then in the Alternative Law Forum. The PUCL-K litigation was argued by Senior Advocate Ravi Verma Kumar who appeared pro bono in the matter. The petitioner in the case was Prof. Y. J. Rajendra, who who was the then Vice President of PUCL-K.

The case was filed after ground-level work by the PUCL-K and ALF, which had conducted over eleven fact-finding exercises to address incidents of deaths of manhole workers. Four fact-finding reports were submitted to the State Human Rights Commission. A ground-level presence by civil society groups at the scene of the “accidents” ensured that the families of the victims were compensated by the state authorities. The reports themselves spanned a period of about a year, during which the documentation regarding manhole deaths was systematically built up. This was used to make a representation before the Chief Secretary, Government of Karnataka, the highest ranking bureaucrat within the state of Karnataka, in relation to
such deaths. The representation urged the Government to take measures to ensure that its street sweepers did not die in the course of performing their duty.

Field-level investigations showed that the so-called safety facilities that the government claimed to have set up failed to prevent manhole deaths. Thus, the government policy was one of continued neglect of the working conditions of manhole workers, combined with a failure on the part of the state agencies to even implement their own safety measures. Faced with this situation of state failure, a Public Interest Litigation (PIL) was filed before the High Court of Karnataka. With PUCL-K as the petitioner, the PIL was filed well over a year after the first fact-finding report, with the objective of compelling the state to fulfil its constitutional obligations.

The case obtained some measure of success with the court issuing a series of interim orders that have brought about changes in the status quo. The High Court constituted an Expert Committee to delve into the various issues raised by the petition. The Committee was formed in part by representatives nominated by the petitioner, and thereby allowed the petitioner to suggest ways through which this practice could be phased out. The Committee members nominated by the petitioner were Mr. S. K. Kanta (Former Minister for Municipal Administration), Prof. Jogen Shanker (Dept of Sociology, Bangalore University), Mr. Alakatti (Trade Union Leader), Mr. Ambanna Arolkar (Dalit Activist and Singer) and Dr. Sarasvati (Writer and Activist).

After the report was submitted to the High Court by the Committee, the High Court ordered that machines be procured by the Bangalore Water Supply and Sewerage Board within six months to ensure that, for routine work, workers would not go into the manholes. Furthermore,
when manhole workers continued to die during the course of the petition, and such deaths were brought to the notice of the court by the petitioners, the High Court issued orders directing the payment of compensation.

As a result of the PIL filed by PUCL-K, the court became a forum for making visible the hitherto largely invisible issue of manhole workers. What was previously, at most, a three-column article in a newspaper now has a salience that directly reached the government. The court has, through a series of interim orders, forced the government to acknowledge the existence of the problem. The state government has in turn begun to take steps to address the issue. Admittedly, this process is slow, and does not admit of any easy solutions. The court from 2009 to 2014 did not post the matter for final arguments and for laying down the law on the point. Rather, it continued to exercise a supervisory jurisdiction over the matter. This has allowed for continuous monitoring of the progress made by the state towards complete prohibition of the entry of sewage workers into manholes to physically handle the filth. The fact that it is an ongoing matter allowed for claimants to continue to file applications for compensation with respect to deaths of manhole workers. The PUCL-K case on manhole workers was used to put pressure on the state to fulfil its obligations, through a series of interim orders and a continuing supervisory jurisdiction.

However, post the Supreme Court decision in Safai Karamchari Andolan v. Union of India, the PUCL-K petition was disposed by the High Court. One of the questions thrown up by the disposal is the role expected by the Court in cases such as this. Arguably, a continuing and supervisory Court jurisdiction would have been of immeasurable value as compared to the Safai Karamchari Andolan v. Union of India decision, which merely reiterated the government’s obligation to implement the 2013 Act.
Narratives of Community Activists

_Du Saraswati, Dalit and human rights activist, researcher and writer_

The 1980s was the Golden Age of the DSS movement. It was a period that marked the rise of a number of progressive movements (including the farmers' movement), which gave a lot of support to the DSS. The Dalit movement gave a sense of dignity and self-respect to the Dalit masses for the first time in their history. In my own case, I used to hide my caste identity before I came under the influence of the DSS. However, the Dalit movement has not addressed questions of gender and sexuality, and not even of manual scavenging among members of their own community. The Left has not addressed the issue either, due to its narrow-mindedness and the refusal to go into the roots of the issue of caste.

It was in 1999 that the Powrakarmika movement came up, supported by civil society groups from the outside. It was formed as a link between the community and civil society with multiple objectives: lobbying with the state, bringing publicity to bear on the issue, fund raising, and so on. We wanted to build a collective leadership within the community, but failed.

Caste, I feel, is a social problem to be fought not only by Dalits but by everybody else who is concerned about the health of society. This aim has been fulfilled in a large measure due to the concerted efforts of a lot of activists who worked hard to highlight, champion and so on. I feel one should read Shamila and Urmila Rege's study for a deeper understanding of the roots of the problem.

Persistence of manual scavenging: How to address it? Rehabilitation as a concept is of doubtful value, and smack of charity. It should really be complete restoration
of what was taken away from the community. Don't give relief and compensation as an act of charity but as giving back to them what is their due.

How to understand the caste system? It is difficult for upper castes and men, unless they put themselves in the place of the other, which can only happen only through ceaseless self-critique and self-reflection. It has to be accepted that caste is embedded in the psyche of the individuals in the state and civil society. Unless self-transformation of the individual happens, there can't be change.

Equally, the Madiga community has been oppressed for so long that they accept that they're inferior. Hindu religion and *varnashrama dharma* says that we all have to perform our duty before we die.

I've travelled for 20 years throughout Karnataka, and I've seen young people still trapped in this occupation, even while they dream of escaping it. The transformation should happen equally within the community. The only way out is for the dalit individual to feel that they too have dignity and self-worth. The caste system is thus a function of internalized attitudes within the community as well as broader social attitudes.

How has the dalit community survived centuries of oppression and stigma? It is a deep faith in their own community life, their festivals and rituals, their gods and goddesses, and above all, their philosophy of life, which is close to nature. For instance, among the Koraga community, new-born babies thrown away in the dust bin have been taken care of in a perfectly normal way. (In fact, the upper castes have adopted much of the dalit cosmogony as well as of others to make them their own.)

My own feeling is that there is a continuity between excreta and the food chain. In nature, excreta is not waste but is
part of the food cycle. However, due to the processes of urbanisation, excreta has become unhealthy, and hence a waste to be disposed off.

In the upper caste Hindu consciousness, there is a contradiction between pure and impure, the body sacred (the upper part) and the body polluted (the lower part), as posited by Manu. It is this ideology that has enabled them to shut all doors to dalits, and from every profession of society, and every walk of life.

The inhuman working conditions of the Madigas have also to do with modern urbanisation and industrialization. For instance, Koragas in Dakshina Kannada were adept at basket weaving and worked for upper caste landlords in their farms before they were taken along by the landlords when they moved to the city and assumed power in the local municipality.

There is a hierarchy among Madigas of sub-castes, and Kulas, among whom some do manual scavenging, some skin animals etc. Those who follow MS are at the lowest rung of the ladder. There are also priests among the Madigas, thanks to the influence of the caste system. This hierarchy comes from Manu's system of analogy, and ranges along those who do physical work (Manu's hands and legs) and those who do mental work (education).

There has been a lot of social mobility among the community due to the spread of education, but the upwardly mobile don't want to identify with other members of their caste. For instance, they won't call themselves neo-Buddhists (i.e. converted dalits) but simply Buddhists. Social mobility among the community does not partake of equality, which includes dignity and self-worth.

The DSS has not linked itself with the powraakrmikas (Safai karamcharis) and female sex workers (Devadsis).
DSS activists, who are educated, want madigas to give up this demeaning work and move to some other profession (e.g., coolie work etc.)

Change can come only when upper castes too take up this work, which will happen not only when working conditions in this occupation improve but also when they transform themselves by recognizing the dignity of all work.

Obalesh Bheemappa, convener, Safai Karamchari Kavalu Samiti

The Safai Karamchari Kavalu Samiti was formed after the Savanur incident in 2010. Prior to this, there were Powrakarmika sanghas to monitor the human rights violations of powrakarmikas, but there was no similar monitoring process for manual scavengers. All members of this Kavalu Samiti belong to the safai karamchari community who had always felt the need to probe this issue. While many groups participated in the protests following the Savanur incident, some of the Samiti members met the 14 affected families, and then contacted Y.J. Rajendra, of PUCL, who decided, as a matter of policy, to start documenting each such incident, e.g., Tiptur, Hasan etc. Rajendra was joined in this task by Chandrashekar Attibele of Jana Sahyog and T.K. Dayanand. The Kavalu Samiti assisted in this work by documenting the extent of the practice of manual scavenging in Karnataka. It was established that this practice is prevalent in 244 district towns of the state. In KGF, the Samiti detected 180 families following this occupation. It was then that the Samiti was formally launched, with the objective of initiating preventive and rehabilitative measures to end this practice. When three manhole workers died in KGF, the Chairman, Safai Karamchari Commission, Sriramulu, paid a visit. Sriramulu was a member of the community but he was also an RSS appointee. When the Samiti members talked
to him after the incident, he was evasive in his response to our queries.

The first task before the Samiti was to identify all the members of the manual scavenger community. They also started documenting cases of manhole deaths, following it up with interacting with the government officials. In the meanwhile, the NHRC, along with the Ministry of Social Welfare and Justice, decided to do a survey, based on the 2011 census, of 3,544 towns throughout the country where this practice was prevalent. Broad guidelines were formulated. When the Central govt team visited Karnataka, we thought we could register manual scavengers as a separate community. However, the govt departments, including DMA, refused to register them as a separate category, but only as powrakarmikas. Then we wrote to DMA. We also approached SHRC with self-declaration affidavits from the members of the community, identifying themselves as involved in manual scavenging. But SHRC didn't do much, and the matter is still pending.

After the KGF incident, we decided to form a state-level Kavalu Samiti, with its own by-laws. District-level monitoring committees were formed. Padma, Ramachandra, and I are the only full-time members of the Kavalu samiti. We have done fact-findings on manhole deaths whenever and wherever they took place, and have secured compensation for the victim families.

State govt officials in ULBs in this state are not implementing the provisions of the 2013 Act, which has mandated that dry latrines should be converted into flush latrines, and Vigilance committees should be formed. Karnataka hasn't done anything, nor implemented any schemes. Thousands of dry latrines still exist, especially in rural areas and small towns. The designated duty of the sweeper is still to clean dry latrines. Even govt offices have toilets that let their
sewage into open drains. Moreover, building flush latrines is not sufficient. Where will their sewage go without UGD, which is an essential part of the sewage system?

40 people have died since the Savanur incident (2010) that we have identified. The Supreme Court has declared that Rs 10 lakh be sanctioned in every manhole death case, but this has not happened, except in one case. FIRs have been filed in all cases that we've identified, but since we haven't done any follow-ups, no convictions have resulted. It's very difficult to keep track of surviving families. We are planning joint action with other powrakarmika organizations.

We have done a survey of jetting/sucking machines in the state, and have found that they are not easy to access—some don't have engines, some don't have drivers, and there is low public awareness about these machines. The municipal administration takes its own time to reach the spot to clean the blocked sewage pit, too late for the households to wait for.

We have repeatedly told manhole workers not to go down into sewage pits that are connected to sewage lines. We have provided safety equipment to 600 workers.

No effort has been made by the govt to shift workers in manual scavenging into other D group categories. The 2013 Act calls for identification and rehabilitation of all those specifically involved in manual scavenging, but the administration refuses to register them as manual scavengers. Even in the case of 302 workers who were registered as manual scavengers in 2013, they have not been properly rehabilitated, except to the extent that Safai Karamchari commission in Karnataka has promised loans to them up to Rs 15 lakh. The commission cites lack of funds for carrying out rehabilitation.
A few medical camps are being held in the community, but in a token way. There is no stock of medicines in PHCs. Local hospitals show caste discrimination towards powrakarmikas. Finally, families end up going to private hospitals for occupation-related ailments like asthma and breathing problems.

Many younger members of the community have studied up to 10th standard but have dropped out of studies due to financial pressure and have got into occupations such as cleaners, and safai karamcharis. We are carrying out schemes of providing alternative employment through skill development programmes, and have diverted about 60 youths into alternative employment. We've started coaching centres for children to prepare them for examinations. This should be extended to state-level exams too. Morarji Desai Vajpayee Kittur Rani Chennamma residential schools is a successful system of residential schools for SC/ST/OBCs. We have seen to it that 10% of all seats in these schools are reserved for powrakarmika children. There are 354 such schools/hostels in Karnataka, and they are better run than SC/ST hostels. We have sent 154 children to these hostels.

We have planned Youth Resource Centers for training and information about education, health and employment.

People, especially those working in contract employment, are getting awareness about the need to get their children out of this occupation.

*Padma, member, Safai Karamchari Kavalu Samiti, Kolar*

It was in 1888, during British rule, that members of madiga community were brought from Andhra Pradesh to work the mines. In 17 areas, 10x10 tenements (called "mines houses") were built for these families from madiga caste. But though members of the community followed the occupation of manual scavenging, it was kept a secret
because of shame, the social odium attached to it. Then in 2008, *Safai Karamchari Horata Samiti* was formed under the leadership of Kutty Prasad, himself a manual scavenger. Our objective in making him a leader was for the community to identify themselves as manual scavengers in order to bring out into the open the practice of manual scavenging, an occupation they had taken up out of poverty. Then, community organizations came up to show the extent of this practice. Officials had employed madigas for years as safai karamcharis, and involved them in street sweeping, cleaning block drains coming from dry latrines, and going down into manholes and clearing them with their bare hands. Now these officials had to accept it as a fact and deal with it.

The issue finally came out into the open with the deaths of three manual scavengers, Ravi, Nagendra, and Kutty Prasad in Nov. 2011 (on the day of Deepawali). Ravi was married but had no children. Nagendra's daughter was born just after his death. Kutty Prasad's family got compensation of Rs 5 lakh, and his wife has been given the job of a contract powrakarmika. His sons (16 and 12 yrs old), who are getting monthly scholarships of Rs 110 per month, are studying in the residential Navodaya school in Kolar. We've prepared a list of all the children in the area and are trying to persuade the families to send their children to this school. However, the children brought up in their families are hesitant to move out.

In Kolar, dry latrines continue to exist, and the attitude of the administration is one of neglect. Contract powrakarmikas, after their morning work, go out to do manual scavenging work in the afternoon, cleaning dry latrines in govt offices, public hospitals, hostels, police stations, and clearing blocked drains. In their work, they have to lift excreta with their bare hands. Two jetting/sucking machines are there, but they are always out of order. The machines can go only
go to the main road, and cannot reach smaller lanes. The machines can only remove the top layer of waste water, and the solid waste at the bottom has to be lifted in baskets by hand. Even when the machine is operating, three helpers have to use their hands in the cleaning operation. After the machine moves away, the manual scavengers stay back to clear the excreta. There are no minimum wages.

Recently, teenagers in the community, who find this occupation shameful, have taken to part-time jobs like painting etc. But still they end up helping their parents when needed in their manual scavenging. This work is essential to their survival and unavoidable.

The local municipality/panchayat declare that it is prohibited and will not be permitted, but they threaten manual scavengers that they will be sent to jail if they disclose their occupation since it is prohibited by law. When the survey was done in 2013-14, I was ready to take them to the team doing the survey and declare their occupation, but many families held back because of fear of losing their jobs. When I started preparing declaration affidavits from individuals, even the notaries hesitated to sign them. We submitted affidavits of 200 people from Tumkur, Kolar, and Bellary before the SHRC, but the SHRC didn't do anything to follow up on our information.

Problems faced by families in the community: The women have the sole responsibility of managing the family since the men take to drink and don't contribute much to the family. The women take up cleaning work in homes, hostels, churches, cleaning from outside since “the Telugukars/thotis” (as they are known) are not allowed inside homes. Catholics don't favour them, Pentecostals and baptists are better disposed towards them. Most children, boys and girls alike, study up to SSLC, and then take up the same occupation since it is ordained by tradition.
Originally, the community were in Andhra Pradesh and working as peasants and cobblers, even while they were regarded as untouchables. Then when mining started in Kolar, they moved to Kolar and took up this work of manual scavenging. When the mines closed down in 2001, many committed suicide. Many shifted out of Kolar into localities in Bangalore (e.g. Yelahanka), where they continue to follow the same occupation. In other words, they went looking around for wherever this work was to be found. They simply presumed that they couldn't do any other work than this, and hence settled down in such places to continue the same work. In the absence of the government's initiative to rehabilitate them, the people accepted their lot.

Village panchayats employ members of this community as jhadu madigaru (sweepers), thotigalu, kulavadigalu (drummers beating thammate drum), but the general perception is that they are workers who are will take up work what nobody else will do. In fact, there is an implicit convention that says only these people should be called for such work. The people also feel that they should take up this work uncomplainingly since it is ordained by tradition.

Activities of the Safai Karmachari Kavalu Samiti in Kolar: We are working on issues such as provision of ration cards, children's scholarships, and benefits for powrakarmikas. We organise dharnas, we give petitions to authorities, open bank accounts for them. We take their pending cases to Labour court for disposal. Besides Kolar, I also cover Mulbagal and adjoining areas. I am interested in working with engineering colleges to undertake multidisciplinary research on mechanisation and related aspects.

I have also had a case filed against me for sitting on dharna with respect to the issue of deaths of manual scavengers which has resulted in a lot of harassment for me.
Pushpalata, activist with Dalit Bahujana Chaluvali and member, Safai Karamchari Kavalu Samiti

I’ve been working for the last 4-5 years with workers involved in manual scavenging. Before the 2013 Act, I wasn’t fully aware of the pervasive reality of this practice. Once in Kengeri Satellite Town, I saw workers getting down into a manhole pit to clear excreta. I took a video of the scene and sent it to Y. J. Rajendra, the SK Commission, the Chief Minister, and the police, lodging a criminal complaint. But there was no reaction from the government. Shortly thereafter, a debate took place on TV in which Sankarappa of NSKCC took part. He said he didn’t know about the matter and promised further enquiry. We were disappointed. In another incident in JP Nagar, I happened to come across a worker entering a deep hole (10-20’ deep) in the middle of a busy traffic roundabout. My colleague Venkatesh and I took a video and went through the whole procedure of a police complaint. But the police didn’t even register an FIR on the basis of our complaint. The police filed a reply stating that no such incident took place, and closed the case. But our video convinced KSKC Chairman Narayan to reopen the case. He sent a notice to authorities. The state government filed an affidavit before the Commission denying the practice of manual scavenging.

Then I started examining the bureaucratic reluctance to face the issue. I met families of 302 workers and their families who came to Bangalore to register themselves under the Act. I used to visit each and every family, talk to them about the issue, and try to convince them that manual scavenging is not routine work, but a prohibited practice under law. When we talk to them about the hazards of this work, they say that they know how to protect themselves, they won’t die. The government registration drive was conducted without any publicity. Except for 2 Revenue Inspectors who managed to register 39 workers, no other
official bothered to go through the process. Under the 2013 Act, Identification cards should be issued to the workers within 6 months. But in these 3 years, no attempt by the bureaucracy has been made to contact the workers. The BWSSB maintains that they give the workers safety equipment, and then it’s their responsibility. The officials will have nothing to do with them. The KSKC is helpless. They register complaints against government officials, conduct periodical court hearings, summon concerned officials and pass orders, but beyond this, they can’t do much. In Hoskote, where a 23-year old worker died performing this work, the mother is seeking compensation and is also insisting on criminal proceedings against the concerned officials.

The majority of the workers are from the Madiga community. When we ask them why they do this work, their response is that they don’t know what else to do. In many cases, even children 12-14 years old go with their parents to do this work and continue the profession. Most workers are rural migrants from outside the state who don’t know Kannada. They have very little land, which is dry and with no irrigation. Once they come, they bring along others. There are many parallels between urban and rural life for the manual scavengers I work with. And caste is the connecting thread. Think of how a manual scavenger finds work when he first moves to the city. If a potential landlord doesn’t ask you about your caste directly, he asks you about the work you do. Either way, you will probably be denied housing. Then the only option left is to draw on people you know, a community of people that you have rural ties with. They are the ones that find you housing in slums, they are the ones that draw upon the their networks to find you a job. And these networks are operated by recruiters that know that they will be able to find manual scavenging in this or that, because these
settlements are clearly separated by caste. Hence they tend to cluster in colonies of about 100 residents, e.g., J JR Nagar on Mysore Road. In Hegde Nagar, Bangalore, there live a large number of sanitation workers in a colony in Hattu Mani Dari (meaning 10 houses exclusively inhabited by members of the community). Moreover, as existence in these slums is precarious and fearful, manual scavengers in the city are made invisible.

When I first started registering manual scavengers, I found them outside of municipal ward offices, dressed in khaki and with a bamboo spade in hand. Very conspicuous. Now there is certain fear inside many scavengers (avaralli bhayauttbutide) after the passing of the 2013 law. Some members of the public have resorted to shooting videos of scavengers and extorting money from them, threatening to file a case. Many scavengers don’t know the full details of the law. They don’t know that charges will be not be pressed against them but against their employer. This has forced them to go further into hiding. Now when I go to register, it’s more difficult. People will say, ‘no madam, we don’t do that work anymore’, but capitulate when someone comes and hires them at odd hours.

Caste feeling regarding the practice of manual scavenging continues to exist, but other communities are also entering the profession, for economic reasons. On a small scale, over the last 10 years or so, even lingayats and brahmins are to be found doing this work. (As for the contractors, once they were largely Reddys, but now even members of the Madiga community take up contracts, working as subcontractors to bigger contractors.) Non-Madiga manual scavengers explain that they’ve accepted this work because it gives them a livelihood. Extreme poverty among this section of society draws them into teams of Madiga workers. Yet, through this, a feeling of being brahmins persists, and keeps them apart from the rest of the manual scavengers.
Strangely, the Madiga workers feel that these brahmins are an exception and should be treated as such, and not to be talked to or fraternized with, because they belong to a higher caste. For the same reason, the driver of the BWSSB truck, if he is not an SC, will remove himself from the team and their work, whereas if he is an SC, he’ll don gloves and work with others in the team. Powrakarmikas in turn refuse to associate themselves with Madigas. In garbage pits, Powrakarmikas too engage in cleaning excreta from garbage pits, streets, and toilets, yet they don’t see their identity in terms of manual scavenging, and consider Madigas who are engaged in this practice as a caste apart.

Once I registered a work team of manual scavengers before the KSKC. Among them, there was a manual scavenger from the Naidu community who supervised the work of the team. While he worked alongside the team’s Madiga members, he also managed all of the money the team’s 11 members earned and negotiated the price for work. During registration, he asked me: “Will they push me out of the government’s benefits I will receive? Are the government’s benefits only for them (Madigas)? How can I join them? I am separate from them, they are separate from me (‘naanubere, avarubere’).” Despite scavenging for years, he did not recognize himself as a manual scavenger, mistaking the practice for a caste.

Later, I registered the team and submitted the forms to the KSKC. The government claimed that they sent the scavengers to a camp in Dharmasthala, where they participated in a sensitization program and received treatment for alcoholism. One day, I wanted to check on how the team was doing and called them up. They were about to go down another manhole. I sat down on the ground in distress. I was promised that they would be rehabilitated. What do I do now? Take more photos? More
registrations? Who is responsible for condemning them now?

There have been 10-12 deaths in STPs in various places in Bangalore, such as Shanthi Nagar, Hoskote, Dasarahalli, and so on. But no FIRs have been filed in these cases, and no criminal conviction. There's no difference between clearing excreta manually and in STPs. The same community is brought from outside by contractors to do this work, for wages of Rs 200-300. In non-UGD areas of Bangalore, there are still to be found dry toilets and pits where excreta is cleared manually in the same manner as in rural areas.

Civil society should file a lot of cases and get court judgments. Then, it will have an effect on bureaucracy. Only when manual scavenging becomes an issue of public interest will it compel the state to act. The public should insist on safeguards. NGOs and other social movements have refused to take it up as a caste issue. We in civil society give priority to formal education of the community rather than technical education and monetary assistance.

**Role of the Media**

The media is an important civil society partner in the struggle to prohibit manual scavenging. It is only when the media reports the deaths due to manual scavenging that basic information about the issue is disseminated. Thus, the media plays a crucial role in initiating civil society activism.

While the issue of manual scavenging was not unknown to the media in Karnataka before the Savanur incident, it was after this incident that the media began focusing on the issue with more frequency and seriousness.

Following the publication of the Savanur incident, many detailed articles have appeared about the daily realities and the legal context of the struggles of people forced
into manual scavenging. Some focus on the interplay between the persistence of this profession and class and caste issues, such as the two October 2010 articles in *Tehelka*. Some have highlighted the interplay between this profession and gender issues. Other articles have focused on what the government should be doing to prevent this kind of work and protect those who practice it. Still others focus on what can be done to eradicate this practice taking into consideration the failure of previous attempts to ban the practice. Some articles have focused on different legal options available to improve or replace the highly ineffective *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993*.  

While the increasing coverage of the issue of manual scavenging in the media is a positive development, the persistence of manual scavenging in Indian society has, on the whole, failed to elicit in the media the kind of critical attention that the issue calls for. Incidents of deaths from manual scavenging merit at most a few lines in the daily newspaper, after which the issue is quickly forgotten. The local newspapers do carry news of deaths of people undertaking manual scavenging, but there are no regular


104  Reuters, (gender included), March 2016  

105  *Times of India*, January 2018.  


107  *First Post*, January 2013.
follow ups to such reports, including details of the progress of the criminal investigation, provision of compensation, and rehabilitation of the survivors, and so on. The issues raised by the incidents of deaths are relegated to a trivial level so that they remain sporadic incidents, lacking a wider context of systemic caste discrimination. Even when the media takes up the issue for serious consideration, it tends to concentrate only on the visible activists working on the issue, and the voices of the actual people involved in the dehumanizing work are largely missing. Recently, the media attention has turned to the Modi government’s pet project Swachh Bharat Abhiyan, focusing largely on the number of toilets built, ignoring the project’s manifest failure to engage with the continuing practice of manual scavenging. Most important of all, be it vernacular or English media outlets, these reports do not critically engage with the systemic oppression of how caste law and the State law operate in tandem to perpetuate the practice of manual scavenging. The media’s failure to critically engage with this wider issue contributes to the larger community’s ignorance about the violence underlying the caste-based order of Indian society. Thus, the forgetting of the suffering of those engaged in manual scavenging is one with the forgetting of the historic violence faced by the Dalit community as a whole. In other words, the media shows a reluctance to challenge the caste law by which the practice of manual scavenging by the Dalit community is normalized in Indian society. This is not surprising given the caste composition of the media personnel and of the urban reading class. Pamela Philipose, in an article in The Wire (June 30, 2018), quotes Umakant, an aggregator of content on Dalit issues, as saying how “the caste-oriented mindset” of the Indian media pervaded the coverage of the issue of manual scavenging.
National Commission for Safai Karmacharis (NCSK)/State Commissions for Safai Karamcharis

The genesis of the demand for the establishment of The National Commission for Safai Karamcharis (NCSK) lay in a resolution of the Safai Mazdoor Sangh which articulated the need for such a Commission in order to give systematic attention to the problems faced by the safai karamcharis. The Resolution was followed by a relentless struggle which included a forty-four day dharna in Delhi’s Boat Club. Lakhs of Safai Karamcharis held huge rallies in support of the resolution. It was pursuant to this sustained agitation that the central government passed the National Commission for Safai Karamchari Act, 1993 with the NSCK itself being constituted in 1994. Various states then went on to pass similar state legislations. The Karnataka Safai Karamchari Commission Act was passed in 2002, leading to the constitution of the Karnataka Safai Karamchari Commission (KSKC). State Commissions have been established in Delhi, Madhya Pradesh, Maharashtra, Rajasthan, Uttar Pradesh, and Uttrakhand.

It may be pointed out here that in addition to NSCK, the National Commission for Scheduled Castes and Scheduled Tribes (NCSC/ST) has also been vested with the responsibility of looking into the grievances of the safai karamchari community, including those engaged in manual scavenging. However, the attention of the SC Commission (going by its annual reports placed before the Parliament) has been largely taken up by other issues like implementation of the reservation policy in various government departments, problems of SCs in obtaining caste certificates and scholarships, effective utilization of funds under the Scheduled Caste Sub Plan (SCSP), and so on. Moreover, even though the overwhelming majority

of safai karamcharis are Dalits and women, they are not adequately represented in the SC Commission. In fact, the National Sub Group Report constituted by the Working Group on the “Empowerment of Scheduled Castes” in its review of the SC Commission has concluded that “the SC/ST Commission is not proactively taking up the issue of safai karamcharis”, and has recommended adequate representation to the safai karamcharis in the SC Commission (p.14).

The NSKC was constituted in 1994 (under the NSCK Act 1993) as an advisory body under the Ministry of Social Justice and Empowerment (MSJE) with a broad mandate, namely: a) recommend to the Central Government specific programmes of action towards elimination of inequalities in status, facilities, and opportunities for Safai Karamcharis under a time-bound action plan; (b) study and evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of Safai Karamcharis, and make recommendations to the Central Government and State Governments for better co-ordination and implementation of such programmes and schemes; and (c) investigate specific grievances and take suo moto notice of matters relating to non-implementation of the programmes and schemes.

The Commission has claimed that one of its successes is ensuring payment of mandatory compensation in case of deaths while cleaning manholes. Manhar Valjibhai, Zala the Chairman of the National Commission for Safai Karamcharis, noted that the Commission had ensured payment of mandatory compensation of Rs 10 lakh to 100 families whose members died as a result of manual scavenging.109 Speaking at the launch of a report on people

109 “100 families given Rs. 10-lakh compensation for deaths due to manual scavenging” Financial Express, 4th October, 2018,https://www.financialexpress.com/india-news/100-families-
dying in the course of manual scavenging, Zala said nearly 600 cases involving manual scavenging related deaths have been reported during the past one and a half years, out of which the Commission was successful in ensuring 100 affected families got their due compensation.

Over the years, several state governments, such as Delhi, Rajasthan, Haryana, and Karnataka have set up Safai Karamchari Commissions at the state level. In Karnataka, the Karnataka State Commission for Safai Karamcharis Act, 2012 (which came into force w.e.f. 12.05.2014) set up the Karnataka Safai Karamchari Commission (KSKC). In discharging its mandate, the KSKC has been consistently monitoring the working of different state agencies in eradicating the practice of manual scavenging and has advocated measures towards effective implementation of the various Acts; has reported specific incidents of manual scavenging, including deaths, and intervened in each case to ensure that interim compensatory and relief measures are made available to the survivors, and cases under the 2013 Act are filed by the police; and has held workshops to raise awareness among state officials as well as civil society. In this, its efforts have been considerably augmented by the active involvement of organizations like Safai Karmachari Kavalu Samiti, labour unions, PUCL, and other support groups.

The first Chairperson of the KSKC, Mr. Narayan responded proactively to the issue of persons in manual scavenging and visited the spots where persons in manual scavenging died, visited police stations and directed social welfare officers to release the compensation amount. The second Chairperson, Mr. Venkatesh continued a similar form of support and directed the municipal authorities and the

given-rs-10-lakh-compensation-for-deaths-due-to-manual-scavenging/1337283/(Last accessed on 02nd April 2019)
district administration to conduct a survey of manual scavengers and issue identity cards.

Yet, despite their intentions, there are glaring limitations in the constitution and working of Safai Karamchari Commissions at the national and state levels that has prevented them from effectively carrying out their mission, and has affected their credibility in civil society:

1. **Limited powers:** Being an advisory body under the Ministry of Social Justice and Empowerment (MSJE), the NSKC is invested with no statutory decision-making powers. According to the present Chairman, the role of the Commission is merely to monitor the implementation of the Central Government’s schemes for welfare of safai karamcharis and former manual scavengers, and it has no scheme of its own. To enable it to discharge its responsibilities properly, the NSKC has asked for adequate executive/quasi judicial powers on par with S.C., ST. and B.C. Commissions, but the plea has fallen on deaf ears.

2. **Temporary body with limited tenure:** The NSKC was established on August 12, 1994 for a 3-year period, and its tenure has been periodically (and sporadically) renewed for another 3 years. According to the news scroll *Outlook*, as of Feb. 2017, the posts of Chairman and Members were lying vacant after their three-year tenure ended, and the routine work of the Commission (i.e. receiving complaints and forwarding them to other authorities) was being carried on only by the administrative staff (Secretary and other officials), with no scope for other activities such as field visits and awareness-building workshops. In the absence of office-bearers, the number of complaints has reportedly come down sharply in the recent past. According to the NSKC’s officials, all this has precluded any
purposeful planning on 1) time-bound demolition of dry toilets, 2) identification and rehabilitation of “manual scavengers”, and 3) support for their children. In fact, advocate Radhakanta Tripathy has filed a contempt petition before the Supreme Court seeking a further direction for reconstitution of the Commission and taking appropriate penal action against the respondents—the Cabinet Secretary and the Secretary of the Ministry of social Justice and Empowerment—for non-implementation of the court’s direction. Finally, on March 16, 2017, the central government appointed Manohar Valji Bhai Zala as Chairman of NSKC along with 2 Members.

3. **Lack of transparency in appointments of Members: The NSKC Act 1993** had mandated that at least one Member of the Commission be a woman and that all nominated Members (chairperson, vice-chairperson and five members) should be “persons of eminence connected with socio-economic development and welfare of safai karamcharis”. However, the appointment process is opaque, and according to officials in the Commission, it is controlled by non-dalits, and keeps out activists who have dedicated their lives to eradicating manual scavenging.

4. **Caste discrimination towards NSCK:** Researcher Agrima Bhasin, in a post about manual scavenging, has analyzed the reasons for what she sees as the deliberate downgrading of the status of the NSKC. She observes: “No different from the caste hierarchy in India, the National Commission for Safai Karamcharis (NCSK) enjoys a marginal status, at the bottom, in the power hierarchy of commissions.” She quotes Gurender Nath, private secretary to a Member of the Commission, who feels that it has faced systemic discrimination since its inception: “The Commission was sent to the
gallows before it was even born. Which other country would do that?...Those in power, responsible for appointments, are non-dalits. And the admin staff and I, we come from low-caste, dalit families. *Why would they want us to rise?*” In fact, addressing a Conference of Welfare Ministers of States in 1996, former Prime Minister Narasimha Rao, under whose government the NSKC was formed in 1994, was impelled to ask: “Why is it that the Commission for Safai Karamcharis is being subjected to the same discrimination as the safai karamcharis themselves? This is not something to be proud of.”

The deliberate downgrading of the status and powers of the Commission is rooted in the hegemonic process of the Indian state that, as stated at the outset in this chapter, allows certain ameliorative demands by the community to be carried out but only by withholding its powers to meet its radical demand for social transformation. This process takes the form of “bureaucratic proceduralism,” alluded to and described in the chapter on implementation of the 2013 Act. Despite the Supreme Court’s ruling in *State of UP and others v. NHRC and others* 110, that the state cannot treat the recommendations of the state commissions as merely opinions or suggestions that can be ignored with impunity, the Indian state has felt free to ignore the various recommendations and orders issued by the courts and state commissions. Instead, it has resorted to a routinized application of the law which, rather than dismantling caste power, becomes complicit in polishing it with a liberal veneer. (The chapter on the Powrakarmika perspective reveals concretely how the community perceives the true hegemonic intent of the Indian state and its intimate

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involvement with the social relations of power underlying the institution of untouchability.)

In this context, it is relevant to cite Vijay Prashad’s analysis of the state’s hegemonic role in establishing an anti-untouchability discourse and its effects:

The regime developed a discourse of anti-untouchability within a few years of political independence which it saw as a sufficient response to the atrocities against dalits. When an act of violence occurs against dalits, the state immediately condemns the violence, but it does not challenge the conditions which produce the violence. The leadership produced an established anti-untouchability which is itself a shell of the emancipation of the dalits promised during the deliberations of the Constituent Assembly. Behind this established anti-untouchability lies the might of the state, which the dalits know will be wielded against any counter-untouchability action mounted by them.  

In this chapter, we present an account of manual scavenging from the perspective of the community that has been forced into this inhuman practice. To bring out this perspective in all its concrete particularity, we have used the tools of ethnography, an approach that involves the close observation of everyday life, and an attempt to examine the crucial details of people’s practical life that would otherwise escape our attention. Historically, ethnography has been deployed at moments when all other forms of knowledge fail to clarify a problem—when there is no coherent archive to write a history, when communities are prevented from bearing witness, and when the laws and customs that govern a society obscure, rather than clarify, the actions of its members. The problem of manual scavenging fulfils all of these criteria. The persistence of this brutal practice hinges on the erasure of its record from all government documents, on the suppression and intimidation of those willing to identify perpetrators and bear witness, and on caste hegemony obscuring and diluting laws that seek to prohibit the practice.

The chapter explores, focusing on the specific context of manual scavenging, the role that caste hierarchy plays when it comes into contact with neoliberalism. It argues that caste power has undergone significant transformations in contemporary society, even as the point of the shift has been to reinstitute the same hierarchy in the context of modern governance. To understand how caste—which Ambedkar presciently conceptualized as a
system of “graded inequality”— transforms when it comes into contact with neoliberalism, we have to understand the techniques neoliberalism uses to produce precarious subjects. This section focuses on three techniques:

1) Neoliberalism financializes the expression of risk and insecurity—every aspect of manual scavenging from recruitment and abetment to retribution and intimidation is being monetized.

2) It exposes subjects to panoptic surveillance—in manual scavenging, the contractual and sub-contractual systems have produced a dual mechanism that installs, to rephrase Ambedkar’s analysis, a “descending scale” of pervasive monitoring and surveillance and an “ascending scale” of plausible deniability.

3) It makes subjects flexible so that their precariousness is de-territorialized, that is, not linked specifically to any particular rural or urban contexts. While forms of scavenging vary greatly across contexts, there is no technological or locational attribute that mitigates the likelihood of scavenging.

What do these transformations do to caste identity?

In the case of manual scavenging:

1) These transformations systematically prevent members of SC/ST communities from claiming their rightful constitutional rights when they are condemned to scavenging.

2) Urbanization has brought in impoverished sections of other caste communities and condemned them to scavenge, creating even more circumstances of untouchability.
3) It has exposed all scavengers to new forms of surveillance, risk, financialization, insecurity, and flexibility.

**Ritual Untouchability in the city**

We first met Satish and the work team in a quiet BWSSB center next to the electronic complaint kiosk, as they were resting after a day’s work. The center was located in one of the wealthiest neighborhoods in Bangalore, nestled amid spacious streets lined with greenery that rustled with the wind, in quiet contrast to the city’s dusty, clogged arteries. On both sides were multistoried residences that housed some of the most powerful politicians, professionals, and film personalities in Karnataka. The subterranean sewage network reflected the robust political, economic, and cultural nexus above ground. Many of the lines were laid in the 1970s and remained some of the city’s most well-planned and resilient, relatively undisturbed by the repetitive roadwork ubiquitous in other parts of Bangalore.

We would be wrong to assume that such substantial underground sewerage provided a modern corrective to caste sanctions, by somehow eliminating them. If anything, we found that the regular functioning of sewage systems, as well as their breakdown, simply re-conditioned both the repression and expression of caste sentiment among the residents. The day of our first meeting, Satish and his colleagues gave a vivid account of this phenomenon:

> There was one time, right here, next to this gate. We had to clear a blockage in between a sewage line and the septic chamber connected to the main toilet in the house. This was a few months back, when one of our boys on the work team was still alive—he had been suffering from cancer for a long time and passed away recently, unable to receive any treatment from the ESI (Employee
State Insurance). Anyway, the job that day was not formally registered in the kiosk here. The man who complained was a Maratha Brahmin. The MLA of this area also happens to be Brahmin, of one sort or another. This man filed his complaint using political networks, through the MLA. The day we went there, the toilet was overflowing into the hall (living room). We couldn’t stand the smell. But the man kept saying, “don’t come through the front, go to the back and bring the lorry around.”

This seemed a bit suspicious to us. We said to ourselves, “we are going in that house one way or another, it doesn’t matter if we delay this job for a month. Let them try to fire us.” Anna (brother) here rang the doorbell and knocked on the gate. The man’s wife came out. She asked, “what’s going on? Is there a problem?” and came out with a small vessel of what seemed like water. It was actually gaujala (cow urine). She had brought it to purify the gate. She poured it over the gate handle and started sweeping the floor that we were standing on. “What happened, where did you touch the gate?” she asked again. “You weren’t supposed to touch the gate, please finish your work out back, there is no need for you to come this way.”

We could have actually finished the job then and there and left, but after we saw them act out, we decided we have to strike down their arrogance (ahankaaraadugisabeku). We told them we have to enter the house, there is no other way to fix the blockage. They wouldn’t let us in, so we left.

This standoff lasted for an entire month. His living room was covered in shit, but he still didn’t want to give in. He started coming everyday to file a
formal complaint at our kiosk, telling the JE (junior engineer) present, “the workers have not addressed my complaint, they make one excuse after another”. Of course, we had decided to delay it indefinitely, so we made up some excuse to the JE, “sir, the truck isn’t operational today” or “sir, the man wants us to come out the back but there was a car parked there today so we couldn’t go in.” Despite all this, the guy still wouldn’t let us in! (the group guffawed) Who knows where he shat for a month? In his neighbor’s house?! At his in-laws’ (nentru mane) ?!

Then, and the entire team bears witness to this, he came one day and said, “appa, please, there is a poojari (priest) from the temple coming to our house today, can you clear our blockage?”

This was our chance to hit back: “Oy! Did that poojari fall from the sky? Did you fall from the sky? Your poojari is a thieving son of a bitch (kal nan maga) who takes your money. You prostrate in front of him. We wipe your shit (galijuna baachthivi) when we are ashamed to wipe our own kids’ asses (nammakkala tika toliyake nachkolthivi). And you see us and tell us to maintain distance and not touch anything. Go and complain to anyone you please. Go to the chief minister. But we won’t do your this job for you.

He said, “Sorry appa, it’s my mistake, I’ll fall at your feet. I’ll tell my wife to change, she is a bit old-fashioned.”

We told him, “Look, we are humans too, we are not only wiping our own asses but here we are cleaning yours. The stone and mud idols that you worship won’t come to unblock your toilet.”
We finished the job. As we packed up, the old man came up to us with some money. “We don’t want your money,” we said, “we are respecting your age and telling you that we delayed your job to teach you a lesson. We could have cleared the blockage that very day."

We still see him around. These days, he makes sure to stop and greet us every time we meet (“namskara, oota aaytha” antha keltane).

We were struck by the vivid manner in which the work team recounted the story to us, as well as the arcane and hysterical form the couple’s caste bias took. But we were most struck by how capable the workers were in bringing out the family’s deepest thoughts about fellow humans, beliefs that were crude, fantastical, and obscure, how adept the workers were at exorcising a doctrine of fear and mistrust out of people who otherwise chose to hide it under a thin garb of civilization, amidst neighborhood gulmohars or sampiges, evening walks in BDA parks, chiming temple bells, and Sunday drives to the neighborhood club. In their account, the workers indicated how they had to conjure out caste, in all of its twisted deformity, and make the couple recognize it as a “disease of the mind” (Ambedkar 1936) that afflicted two affluent residents of a 21st century metropolis. By refusing to attend to the job, the workers patiently applied righteous indignation, forcing the couple to confront their casteism head on and change their attitude towards the team.

Given that until 2013, these very workers were going down manholes and sewers in that very neighborhood, and doing so 5 to 7 times a day, given that their arms, legs, torsos, and shoulders were covered in the thick, pungent, viscous shit of those very residents, who covered their noses and looked the other way as they passed by.
the workers laboring in those very sewers, given that the workers had to go home and “ingest five raw onions a day to find their appetite, to forcibly pass the noxious sewer gas they had inhaled,” that their own children “would not eat morsels of food formed in their hands (kai thuttu), which were scrubbed and scrubbed again,” given that the residents did not flinch as they addressed a grown man as “boy” (huduga) after he cleaned their toilet, and given that this is a time when caste atrocities are both mundane and spectacular, that the laws protecting people against such deadly retribution are diluted or subject to uninformed scrutiny, this modest change in one corner of the city, in a state of mind and in a relationship between two parties, is not only significant. It is miraculous.

How were the workers able to achieve this? While many can speak out against caste discrimination, few can grapple with the conditions that produce it. This is because these conditions have been so routinized as to make prejudice a significant part of the social infrastructures that underpin our everyday life. So much so that people, those who are beneficiaries of such discrimination, but also often those who bear the brunt of it, can hardly imagine daily life without it. The fact that these workers did reimagine their laboring relationship demonstrates that they grappled with, understood, and intervened upon a set of social practicalities that most of us have made unconscious. In doing so, they point us to a way to consciously interrogate these practicalities, and how such practicalities implicate daily life in vicious forms of caste apartheid, of which manual scavenging is but one symptom.

What does it mean to make certain elements of our practical life unconscious? And how does this figure into our analysis of manual scavenging? As Satish and his colleagues demonstrated, people who want sewers maintained seldom feel the need to thoroughly interrogate
the specific set of relationships that are mobilized to get the job done. Generally, actors, such as the couple, but also the engineers and the MLA, operate within a certain economy of interaction. This means that each person engages with her/his social position by referring to a prevailing discourse that sets limits to what one can “reasonably” say and do. Each can only push so much before facing social censure and the rules vary for different actors. This system creates not only a division of labor, but also of thought and action. As Gangadhar, one of Satish’s colleagues, casually remarked to us:

The JE, she has to answer to her superiors, her superiors are answerable to politicians, and the politicians are answerable to the residents. We know how to unclog sewers, she knows how to manage us from a distance. Why would she say or do anything to upset them and bring her trouble? Similarly, many of us workers still think, “we get tips from residents, why would we confront them when they break the law?”

So, we don’t really ask what our JE does and she doesn’t know much about what we do. But the difference is she gets promoted for her ignorance.

Gangadhar’s lucid remarks point to how BWSSB approaches sewer maintenance in a partial manner. To have an extensive understanding of the infrastructure, and more importantly, to act upon such understanding, is to court trouble. Instead, one is relatively safe deferring the responsibility to act indefinitely, to someone down the hierarchy, to a contract worker whose ability to act paradoxically derives from his precarity and his inability to speak about his actions.

In the vignette above, the couple’s relationship with the practicalities of unclogging their sewage line is
unconscious because it is an indirect relationship, one of
deep motivation and not of direct social dialogue. They
are not getting their hands dirty and fixing the blockage
themselves, nor are they soliciting services by directly
contacting workers. Nor were they initially in touch with
the supervisory JE, the Assistant Engineer (AE), or the
Assistant Executive Engineer (AEE). So, in strange irony,
the couple’s relationship to their own clogged toilet is
mediated by multiple levels and actors across wide political
and bureaucratic bodies. Their first thought is to contact
an MLA, who, as a political representative, himself has an
indirect relationship with an urban infrastructural body
such as the BWSSB, which formally approaches state and
municipal representatives primarily for funding purposes.

Therefore, the practicalities of unclogging a sewer line
and a blocked toilet appear completely different to this
particular couple than it does for the workers, or say,
a family of more meager means. In fact, in the scenario
above, each party has a different relationship to the
social infrastructure that insures the smooth passage of
neighborhood sewage. By social infrastructure, we mean
the concrete nexus that develops among the engineering
bureaucracy, the permanent employees (i.e. drivers), the
residents, and the local representatives (MLA, councilor,
local party leaders). Each party comes with their own
perspectives, blind spots, and assumptions. But, and this is
the critical point, such positions are far from equidistant to
each other in this social infrastructure; they operate within
hierarchies of meaning and practice. In other words, these
formal roles provide the ideological mask for concrete
hierarchies which are developed through caste corporate
sentiment and patron-client relationships, well-oiled
by corruption. And these social hierarchies may not be
immutable, but they are definitive.
At this point, we can start to chart out the nature of social hierarchies in our specific context and the role that caste plays within it. As people approach practical life in a hierarchical fashion, they sooner or later integrate such asymmetries into their social, corporeal, and psychic being. For instance, the Brahmin couple may recognize that someone with practical experience of sewage work needs to exert energy and skill to solve the issue at hand, but they have no immediate reason to empathize with that person or the work s/he will do. They need not envision lifting a sealed manhole with a crowbar, sticking a bamboo pole down a cesspool to check the depth of the sewer, dragging the thick heavy hose of the jetting machine and pushing it down the drain, twisting and turning the serpentine apparatus until you feel a blockage. At the same time, they are very cognizant of the political aspirations of the MLA in question and can envision the part they will play in it. In turn, the MLA is more than responsive to their concerns and demands. The fact that they are from the same caste community only augments such a relationship, as it provides the common cultural context for reinforcing a fraternity.

Thus, under prevalent social infrastructures, an empathic understanding of sanitary work is peripheral to the practical life of the dominant classes and castes—they need not discuss it in social settings, they need not think about it, they need not feel it. They may hear its echoes or see it in the corner of their eye, perhaps in a news report or while running errands. But mostly, modern amenities offer sufficient padding to keep such people in an indirect relationship, until someone works up the courage to confront them. Satish remarked on this phenomenon once as he pushed a jetting hose inside of a manhole filled to the brim with sludge:
In Guttahalli, there is a colony where mostly Dalits reside. They collect 5 to 10 rupees from each person in the colony to tip us when we clear their lines. They are much better than these people. Here, there are mostly ministers and professionals and they seldom tip us...look at this lady driving by, she is a lawyer...look at how she rolls up her windows. (Laughing) It's been 10 years since I quit drinking, but when we did, for example when we laid the lines you are standing on, we drank to the brim to work up the courage to ask these people for tips. They don't give us our rightful tips (nyavagi kodalla), they are cooped up inside of their houses and don't come out. So, we had to work up some "mad courage" (huccha dairya) to confront them and demand some tips. Of course, they would cough it up after they saw us visibly inebriated and far from reason. After all, we were going to be knee deep in their prasada (holy sacrament, referring sarcastically to shit) soon.

Still, we may ask ourselves: this explains how people remain ignorant about sanitary working conditions, but how does it shed light on the hysteria of the Brahmin couple in the account, their dramatic and desperate reach for ritual purity?

**Caste and Modernity: Bhaya-Bhakti**

Here, we come to the peculiarity of caste and its relationship with modernity. In the previous section, we historically traced how, rather than abolishing caste, modern Indian society subsumed it into its political, social, cultural, and economic apparatus. Doing so, it subversively equated the hegemony of dominant castes with the modern Indian nation\(^{112}\). In his prose, the Kannada writer, Devanura

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\(^{112}\) G. Aloysius. *Nationalism without a nation in India*. Delhi; Oxford,
Mahadeva, meditates on how such subterfuge affects our daily existence and wreaks a profound rupture in our inner and outer lives:

We sit beside each other because we have buses and trains. We eat with one another because we have hotels. We go to and fro together because of our places of work. There have even been a few marriages here and there. The changes are because of the insistence of the external (bahiranga), while the internal (antaranga) remains shrouded in darkness.

What can be done? As a first step, we can use our schools as a bridge in cultivating subjects that fit our contemporary constitutional aspirations. The curriculum should be designed so that the young, while receiving education, should also become citizens (nagarikaru). On those who practice untouchability and discrimination in society, on such practices upon which we heap such fear (bhaya) and devotion (bhakti)—let there be bhaya, but we should make sure there is no bhakti. It is possible for bhakti to elevate what is of no value (apamaulya) into value (maulya). We should be cognizant (arivunamagirabeku) of this danger”.  

If caste is a “state of mind” and a “disease of the mind” as noted by Ambedkar, then Mahadeva further refines our understanding by underpinning it, not in stigma, as is often thought in common sense (mostly because Dalit communities have never really internalized this stigma, but also because narratives of caste stigma fail to account for caste power), but in “bhaya” (fear) and “bhakti” (devotion). To understand what Devanur Mahadeva is attempting to


communicate, we only need to see how public performances of devotion or deference to caste sentiment (in times of apparent quietude) and fear (in times of Dalit assertion) are two sides of the same hegemonic coin. In other words, caste is not, strictly speaking, a phenomenon of stigma, but more a public performance of deference. We would be mistaken to think that just because people interact with representative democracy, modern bureaucracies and courts, an open and public press, and machinery of certain technological sophistication, that such interaction somehow results in automatic changes in a state of mind. That people do not abandon sentiments of fear, piety, and inhibition so quickly should not surprise us. On the contrary, such sentiments are reinforced by the fact that modernity is itself radically open ended—languages, modes of dress, institutions, political economies, tools and techniques of social interaction undergo rapid, sustained, and compounded transformations.\(^{114}\)

Faced with such open ended-ness, many allow caste discipline to facilitate their everyday life through a careful calibration of fear and devotion, \textit{bhaya} and \textit{bhakti}. That such calibration is constantly under threat by modern projects only serves as a justification for its further propagation into new domains. This is the sad irony of contemporary Indian society. In universities, the modernist ideal of merit is usurped to assert caste privilege\(^{115}\), as fury over caste reservations is combined with unquestioned devotion to a technical, rather than public, education. In the production of a modern national sentiment, a false “unity in diversity” marks a fierce devotion to myths of common origin,


fashioned out of a fearful hierarchization of divergent communities, languages, and traditions. (Here, one has in mind ideas of a coherent India (Akhand Bharat and Sanatana Dharma) that has been threatened by outside invaders as well as inside dissent for millennia; or, the softer “discovery of India” on the Nehruvian side.) By disciplining subjects whose selves are threatened by the contradictions of modern life, bhaya-bhakti enforces caste as a structuring phenomenon of daily life in contemporary Indian society.

The workers that we interviewed were more than aware of how resilient such a structuring phenomenon could be. “Even as we get new machines, our ‘system’ will not change so easily,” is a quip we heard multiple times. While workers agreed that mechanization had accompanied some changes, they were quick to point out that it was their struggle (horata) to change their conditions (paristhitibadalaisodu) that had ushered a technological shift, not the other way around. At the same time, they recognized the difficulty of this struggle, as it was circumscribed by experiential hierarchies of smell, sight, touch, and bodily comportment that wrote caste into modern spaces and places. This was the resilient “system” that they were confronting. As one worker, in a moment of resignation, confided in us,

It doesn’t matter how much we try, they will keep us close to the dirt (galijatra neittirtare nammana), because, in the last instance (yavatthunu), they will not touch this dirt. In any case, the city is getting dirtier as it ‘goes ahead’ (mundhoradangu-expression often used for modernization). And they can’t handle the dirt, see it and smell it, forget touching it. So they will keep us where we are.

In contemporary society, it is amid conditions of modern existential instability that caste, as a state of mind and a mundane practice, becomes significant. It provides a
template for people to form a corporate group, allowing them to somehow assuage their destabilized present by linking it to a distant past and an imagined community. The recent Lingayat debate or the formation of a Valmiki caste out of heterogenous communities\textsuperscript{116} are just two examples of this phenomenon. But what is a salve to one is injury to another. Caste also justifies, by taking the form of banal prejudice, certain people not having the same affordances in a society that purports equal opportunity. Nathaniel Roberts\textsuperscript{117}, for example, writes about how “slum dweller” and “pariah” (paraiyan tan), and “slum” and “ceri” (untouchable dwelling), are largely interchangeable in colloquial urban Tamil, just as, interestingly, the distinction is cleansed from elite Indian English.

The mundane aspects of such code switching are important because the code switching allows dominant groups to make social segregation routine. It also allows them to mark destitution directly onto the bodies of marginalized communities, rather than locate it in social inequity. An urban discourse that slips into caste insult thus preserves the status quo in a city undergoing tremendous transformation. It also precludes any dialogue about the concrete conditions that produce urban marginalization. Not surprisingly, such language is common among those in direct charge of providing adequate infrastructure for all city dwellers. We encountered BWSSB truck drivers, engineers, and supervisors, and even some workers, refer to slum inhabitants as:


\textsuperscript{117} Nathenial Roberts, To be cared for: The power of conversion and foreignness of belonging in an Indian slum (University of California Press, Berkeley) 2016.
'dirty people (galiju jana) who get drunk and make noise (kududbittu galatemadthare)', 'AK/ADs' (AK/AD galu, the Adi Dravida, Adi Karnataka castes), or 'those who beat on drums' (tamatebadiyouru, referring to the Madiga musical tradition of tamate drumming).

As we confront such violent language, we have to first understand the work it does for those uttering it. For BWSSB engineers and supervisors, the lack of UGD connections in regularized slums is a constant source of frustration. In theory, such communities should have regular connections to water and sewage lines. But in practice, the sewage that these slums produce go through complex, irregular open drains that connect to an underground line further down the road. Often, these drains empty directly into a main sewage channel (mori), parts of which are open. Irregular municipal waste collection in such communities causes garbage and silt to accumulate around openings and flow into sealed sections. In such situations, the interruption of sewage flow is just as common as its passage, forcing households to contend with municipal bureaucracy on a daily basis. In dire situations, the communities are capable of mobilizing political networks to a militant degree. But the response to such militancy, born out of desperation, is the consternation and ridicule of many in the municipality. While taking the jetting lorry to the next assignment, a BWSSB driver casually remarked to us,

These slum people are a constant pain (kata), every day there is some kind of noise, of some kind of blockage or the other. What can we do if they go ahead and connect their drainage every-which-way (henghengo) to our lines? No matter what we tell them, they connect their drainage and dump their garbage, blocking our lines. It's no use, no matter how much we warn them, if we push them too
much they retaliate on us (yasthelidru ashte, jasthi helidre namma mai mele barthare). They are rough people (varatu jana).

As we shall see, such sentiments are hierarchically produced. The workers who actually clear the blockages are often in two minds about the marginal communities they are serving. On the one hand, they reside in or have extended kin living in regularized slums. On the other, many slum sanitary infrastructures produce some of the most intractable issues for workers. As Venkatesh demonstrates, workers’ understanding of slum communities is more complex,

In some communities where there are a lot of sheds (gudisalu, also meaning hut), they connect their sewage to storm water drains, which then are connected to our sewage lines. What happens is that the silt from the storm water clogs the sewage line and bandicoots or rats (heggana matte ili) nest within these blockages. So, we urge people to sever these connections and send a notice to BWSSB to connect their sewage. Some people don’t have ‘knowledge’; they make a lot of noise.

But at the same time, this happens where we live. You have to understand the community’s perspective. The sewers in such areas are in bad shape and are undergoing maintenance all the time. People wonder, ‘everyone else has connected their drains, why can’t I?’ Even if they connect closed sanitary lines to the sewers, they often run through narrow alleyways and are tough to access with our lorries. So, we have to use bamboo poles to get at the blockages, and if the blockages are too far in, we have to dig it up anyway. It’s tough for us, it’s tough for them (namagu kashta, avarigu kashta).
We followed up Venkatesh’s remark by asking, “then, what do you think of how BWSSB labels or calls such communities, as a BWSSB worker yourself?” Manju, a young man with a freshly tonsured head, listening intently until then, quietly interrupted us,

We are not BWSSB workers, swami, we are on contract. BWSSB doesn’t pay us, Navodaya Agencies does.

**Contract Paddati, Jati Paddati**

Both the discussion and the interruption above are critical to what follows. It sheds some light not only on an important intersection, a fork where the physical infrastructure of BWSSB meets its managerial infrastructure, but also on the productive role infrastructural breakdown plays in facilitating social abjection. In other words, such a breakdown is not simply an unfortunate example of disrepair and of things “not working as they should”. In fact, things are working, breaking down in this case, as they should, because they facilitate a relationship of power that forces contract workers into social abjection. The routine breakdown in physical infrastructure marks slums as marginalized locations, populated with cantankerous and broken people. Similarly, as we shall see, the breakdown in BWSSB’s managerial infrastructure facilitates arbitrary segregation within the sanitary workforce. That these two processes intersect is also of significance, because such confluence destabilizes the artificial membrane that separates the “state” from “society” in common sense. The collapsing of physical and managerial infrastructures along with the fictional separation of the “state” and “society” is important to mark for two reasons:

*One*, contemporary manual scavenging is a phenomenon that occurs at the intersection of certain physical and managerial infrastructures, at the point
at which both breakdown. Such infrastructures uphold the fictions of state and society. As manual scavenging occurs at the point at which such fictions collapse, the manual scavenger is often disowned by both government officials and public citizens.

Two, the perpetrators of this abolished practice remain elusive for the reasons stated above, as they too act at the point where the boundaries between “state” and “society” blur. By facilitating manual scavenging, are perpetrators committing a crime as members of society? Or are they engaging in routine governance?

We will revisit these remarks and questions in the next sections. But here, we are raising them to focus on the relationship between the person employed for manual scavenging and the perpetrator, the two figures addressed above. A shadowy institution mediates this elusive relationship, namely, the contract system (contract paddati). Its mundane qualities, as a mechanism of labor recruitment, belies its far deeper effects on our lives.

To understand this better, we have to excavate the liberal notion of contract as “law binding agreement”, to reveal more arcane resonances. The contract paddati that facilitates manual scavenging is less an agreement than a covenant, a pact both sacred and profane, shaped by jati paddati (caste discipline). If contract as “binding agreement” simultaneously points to the origin and the limits of liberal governance, contract paddati is a pact made with devotion and fear, to show unflinching public devotion to the false promises of modern life. Such devotion is exercised through private subterfuge, forming corporate groups and exercising command over others, pushing them into abjection, offering sacrifice to prop up the mirage of a modern metropolis.
“Man emancipates himself politically from religion by banishing it from the sphere of public law to that of private law,” says Marx, “it is only the abstract avowal of specific perversity, private whimsy, and arbitrariness.”  

118 Jati paddati, as it penetrates all major religions, makes our political emancipation, and the division between public and private lives, even more arbitrary, perverse, and whimsical. Contract paddati, by mimicking the free association of labor, masks this perversity, distorting our field of vision so that we may, in Ambedkar’s words, mistake “political democracy” for “social democracy” (1949) 119.

If we look at how contract and jati paddati work in tandem to manage sanitation labor, we start to see how manual scavenging is a practice that results from a play of distanciation and integration. That is, manual scavenging is a practice hinged on the way scavengers are integrated into municipal services, even as their relationship to law and bureaucracy is kept at a distance.

We state this to critique common sense understandings that people employed for manual scavenging are simply marked by various forms of exclusion, from, for example, legal redress or welfare programs. Such seeming exclusions are in actuality an unequal integration into existing sanitation infrastructures, facilitated by the contract system. Moreover, contract paddati and jati paddati facilitate such an unequal integration at moments of crisis. As we


shall see, one such crisis was the liberalization of the Indian economy.

First, let us look at how the caste and contract systems imbed themselves within Bangalore’s sanitation infrastructure. BWSSB has approximately 2300 workers, out of which 471 are committed to sanitary work. Of these 471 workers, 171 workers are formalized and 300 are hired on a contract basis. Such contractualization is a product of recent decades and has matured to closely mimic caste segregation, even as it claims to be separate from ritual casteism. Obalpati, Satish’s colleague, spoke on the strict divisions between the permanent and the contract workers, and the way the contract system integrates caste:

They (the permanent workers) come to work after having paid a few lakhs during recruitment. And of course, no one pays that amount to clean up shit. All of the Gowdas, Kurubas, and Reddys, basically all those who are not us, somehow quickly get promoted to becoming a driver or a supervisor. The supervisors don’t show up to work half the time. And these permanent workers maintain good relations with the Junior Engineer, the Assistant Engineer, the Assistant Executive Engineer. They get increments, promotions, all of this based on how well they work this relationship, and how well they look over contract workers. Now who do you think gets recruited as contract workers? It’s those people who couldn’t pay those bribes worth a couple of lakhs, those that are so desperate that they are willing to clean up shit with their hands. Being on contract means no increments, no promotions, no security. It means wondering whether you will get your next payment on time, whether you will be let go. Who else will do this work except our people?
Bribery and networks of patronage work to separate the contract workers from the permanent ones. They also enable particular corporate communities to usurp career advancement opportunities and push others into bodily abjection. This indicates how contract and jati paddati are conjoined in a process of mimicry that anthropologist Michael Taussig calls "mimesis and alterity". Here, contract work and government procedure take on a ritualism, conducted only in a formal sense and eschewed of operational meaning in practice. Similarly, jati paddati, assumed in common sense to be ritual based, takes on a form that is both monetary and bureaucratically procedural. Under these conditions, someone with right connections, through kith and kin (jati), and enough capital, can mimic a casteless bureaucrat. But, one who lacks both capital and jati connections, becomes a casteized subject, a Dalit in a true sense of the term, subject to the worst forms of untouchability, directly exposed to the city's excrement.

City Sanitation under Neoliberalism

This fracture between permanent and contract workers, and the proliferation of contract paddati is an organic result of neoliberalism, coming to form under unencumbered urbanization. This is a process through which economic rationalities steadily usurp other concerns, such as ecological stewardship, the dignity of labor, and the right to decent habitation. In such a system, bureaucrats, along with elected representatives, economize essential urban services, using the frameworks of efficiency, cost cutting, and "public-private" partnerships. Our focus is on how the discourse of neoliberalism decidedly shifted the way the public related to municipal services in Bangalore. A range of actors and institutions, ascending into hegemony

as India’s economy was thrown open to the world market, enacted this discursive transformation to frame a political economic and a national crisis as an opportunity.

In Bangalore’s municipal administration, this meant a tectonic shift in the way the erstwhile BMP perceived the role of contract work. If administrators saw the contracting out of municipal services as a temporary state of affairs, an emergency deployment, they gradually came to speak and act as if it was a legitimate, regular, and even efficient way to maintain the city. Thus, neoliberal discourse, as it appeared in the Bangalore municipality, established contract as an institution, as a system or paddati, with its own logics and rituals. In turn, contractors quietly gave caste a new lease on life, as a phenomenon structuring the life and labor of those who provided essential civic services to the city.

The effects of such transformations on manual scavenging and sanitation work in general were neither direct nor benign. In 2005, the World Bank funded the Karnataka Municipal Reforms Project (KMRP), an urban infrastructure and governance project. It made the disbursement of KMRP funds contingent on “institutional developments” — a set of urban administrative reforms that aimed “for better transparency and accountability….computerization, urban land management and planning, financial management reforms, (and) training” (IEG Review Team, 2016). Bangalore Agenda Task Force (BATF) conceptualized and operationalized much of the metrics that measured and operationalized these reforms, under the Nirmala Nagara scheme. One of the main focus points was the laying of sanitary lines in urban local bodies.


M. Ranganathan. “Reengineering Citizenship: Municipal Reforms and
On March 6, 2017, Bangalore, along with much of South India, saw scattered thundershowers due to a summer cyclone off the Arabian Sea. At the time, a week-long complaint was pending at the BWSSB zonal office, petitioning to clear a blockage on Kaggadaspura main road. The blocked sewer line ran from KR Puram to Marathahalli and had first been constructed three years ago, under KMRP funds. The line quickly accumulated rainwater and began to overflow, causing frustrated residents to call BWSSB officials directly. Unable to further delay addressing the complaint, the officials contacted Ramky Infrastructure, the company that had received the KMRP contract for constructing the sewer line three years ago. Members of the firm got ahold of a subcontractor from Hyderabad, and the two parties together hired three men: Eeraiah, aged 35, and Davitha Naidu, aged 40, and Anjaneya Reddy, aged 34.

Ramky and the subcontractor waited until midnight to send the three workers to the site of the blockage. Dhavatha Naidu was the driver of a work tractor (although some reports claim that it was Anjaneya Reddy) that brought the other two to the spot. It was minutes into the new day. The manhole was a 10 to 15 feet drop, and it is likely that the workers were not informed of its depth. Perhaps no one actually knew.


A scattered narrative of what happened next can be assembled from various, sometimes conflicting, news stories and interviews. Anjaneya (or Dhavatha) went into the manhole first, without protection. Within minutes, he stopped responding to repeated calls. Eeraiah descended next to check on him. Soon, he too fell silent. Dhavatha (or Anjaneya), the team’s driver, in a state of panic, asked a passerby to help him enter and get the two men out. A cab driver and four locals saw him going into the manhole and called the police, who informed the fire brigade. By the time the firemen arrived at the spot, all three men had asphyxiated. They retrieved the three dead bodies from the manhole and took them to Bowring Hospital. Here, authorities kept them for two days until the families arrived from Andhra Pradesh to approve the post-mortem autopsy.  

124 The Baiyappanahalli Police Station registered cases of negligence (Section 304) against BBMP and BWSSB.  

Soon after the families reached Bangalore, three men approached them at the Bowring and Lady Curzon Hospital mortuary. They called themselves Devaraj, Prashanth, and Srinivas. One of the men told the family members that he was from the “Scheduled Caste, Scheduled Tribe Morcha” while the other two claimed that they were disgruntled employees of Ramky Infrastructure who had not received their salaries. One family friend told the press that they had come to judge the mood of the families and


negotiate a compensation. Allegedly, the men were agents of Ramky and the subcontractor. He said that, after much deliberation with the families, the three men settled for a sum of Rs. 30,000 for each family. Apparently, the families left for home, Prakasham and Srikakulam districts in Andhra Pradesh, soon after receiving the amount. 126

All the while, the accused Ramky personnel and the subcontractor were absconding. Local activism from trade union groups and Dalit groups put enough pressure on the police to pursue the case further. The police were now investigating the incident under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. K. Babu Reddy, N. T. Reddy, and Vemula Anjaneyulu, the former two Ramky employees and the latter the subcontractor, were brought into custody from Hyderabad. The police claimed that Babu Reddy had paid two people to take the blame, to act as if they were supervising the sewerage work that night.

The New Indian Express interviewed BWSSB chairman Tushar Girinath and asked him why the sewerage board would send subcontracted workers in the middle of the night to clear an existing line. He responded,

BWSSB is monitoring all the projects entrusted to other agencies, not just Ramky. However, we cannot stand there all the time along with the agency.... They claimed to have completed it, but there were defects. We told them to rectify the problems. In fact, a notice was issued to them last week. We have not paid their bills. We told them we won’t pay if the work is not proper.

A month later, the court case against Ramky Infrastructure was stayed\textsuperscript{127}. The chairman of the company, Alla Ayodhya Rami Reddy, petitioned the court stating that Ramky had no idea why workers were sent down the drain, as the contract had ended after underground sewers were laid under the KMRP. To this effect, he produced bank guarantees and work completion certificates issued by the BWSSB, as proof that his company had ended all contractual obligations to the city sewerage board. The High Court of Karnataka accepted the argument on grounds of “vicarious liability”.

The case remains stayed to this day, as a testament to contract paddati’s ability to deflect incrimination elsewhere, to delay it indefinitely. As we’ve pointed out above, by attaching itself to contract systems, the caste system allows for corporate group sentiment to be expressed in terms of liberal free association. In effect, it replaces customary ritual injunction with monetary corruption. All legal and administrative procedures that reign the caste system in are lines drawn in the sand, for jati, privileging the accident of birth over justice, to engulf and wash away.

The Bangalore Agenda Task Force became defunct soon after the S.M. Krishna government was voted out of power in 2004, and the World Bank filed its final report on the Karnataka Municipal Reforms Program in 2016. In their self assessment, both claimed moderate success in reaching their targets, citing political or bureaucratic malaise. But the real triumph of such programs lay in the way they transformed the discourse of municipal administration. These reforms introduced new ways of looking at municipal affairs, new metrics of administration. Moreover, these new optics honed their sights on the fashioning of new

objects, assembling new options for service delivery, that could be audited and assessed regularly. One such object was the contract system.

It was not as if contract work is anything new; contractors had been working with the Public Works Department, for example, for many decades. What the new discourse introduced is the possibility of assessing not contract work but a contract system, as one instrument among many that could provide municipal services. Doing so transformed it into an institution, giving it an autonomous and regularized form. Such a shift is exemplified in the prescriptions of the Committee on Urban Management in Bangalore City, constituted in 1997 to assist in the shift towards a "more efficient and effective delivery of urban services". A National Law School report from 2002 summarizes the findings of the committee:

The Committee observed that the traditional government accounting systems are designed to capture organizational costs and not the cost of providing a service. In such a situation, a cost analysis methodology should be adopted with the assistance of experts, to measure full programme costs and compare avoidable costs, and also to compare avoidable costs with the costs of contracting. These costings may be independently reviewed. Services may be obtained from non-profit and non-governmental organizations, as well as from private commercial units. (P. 14) 128

Note the sleight of hand. Operational costs of delivering services from within the municipal administration is

contrasted with the actual cost of delivering a service. The ability to calculate this actual cost assumes an Archimedean vantage point. In other words, the "expert" auditors are, by definition, required to feign a degree of independence from government, to appear separate from the administration they are assessing. Furthermore, by framing the municipality as only one of many options for service provision, and often not even the most efficient one, such expert reviews allow for non-governmental and private players to appear on equal footing with the municipal administration. Set in strange equidistance to sovereign power via contract, these players assume an political and juridical autonomy, and along with it, the ability to bypass the law by summoning "states of exception". 129

In actuality, there could never be an Archimedean point to assess the real cost of municipal services. Each actor was only as independent as the political will they commanded. And the powers of exception such independence bestowed were limited, contingent upon the contractor's ability to provide mundane services. So the contractors had to buy enough political will to ensure that no other party, including the administration, could provide these services. The aspiration for an independent, objective audit thus became inextricably linked to a contractor-administrative nexus.

In this way, the discourse of cost cutting actually worked to facilitate the reality of ballooning municipal budgets and ad-hoc tender disbursals, as such a transformation depended on parceling out contracts to parties that wielded political and bureaucratic influence. One instance of this phenomenon is in solid waste management. Attempts to bring in performance measures for contracts have been

met with fiery blacklash from the contractors, who have formed a cartel to bring stay orders in court and lobby representatives, forcing the BBMP to continue issuing informal arrangements called “Departmental Work Orders”\(^\text{130}\).

Not surprisingly, sewage work in Bangalore had to transform in response to these changes. After liberalization, Bangalore, like most other Indian cities, experienced rapid growth, just as BWSSB started privatizing much of its workforce. *The Deccan Chronicle*, covering a 2017 BWSSB strike, quoted a union member who put the historic shift in sharp perspective: “In 1982, BWSSB had 450 sanitation workers when the population was around 30 lakh and its area of operation was not more than 200 sq km. But now, Bengaluru’s population is close to a crore, while the area has crossed 800 sqkm. Despite this, the number of sanitary workers has remained the same”\(^\text{131}\). Across the 1990s and early 2000s, permanent sanitation workers retired in large numbers, opening up space for contractualization.

This was a period of significant uncertainty, with various parties vying for contracts. The workers described this as a period of delayed payments, untimely schedules, and hazardous working conditions that exposed them directly to noxious sewer gases and human excreta. As one worker told us,


In the 80s and 90s, there were only 3 sucking machine lorries in the entire city. As a matter of fact, there was a dramatic shortage of lorries until very recently, until 2015. We couldn’t wait for a machine to show up when there were complaints lined up, we had to go down. Some of those sewers were 20 feet deep, you can’t make out whether you are dead or alive at that depth, that’s how dark it is.

That’s the same period that contracts were given out. For those of us on contract, it wasn’t as if anyone was making us go in, but the contractors did make sure we had no other choice. Then the High Court Order (referring to WP 41076/2010) came out around 2012 banning BWSSB workers from going in, our union had to fight to get that implemented. We were going into manholes a full year after the order was passed. Then, I think around the time Vijay Bhaskar was the chairman, we managed to get 200 jetting machine lorries. That’s when we could stop.

“A New Dawn”

By the 2010s, Navodaya Security Agency appeared on the scene. The BWSSB workers we interviewed tell us that the owner of the company, a member of the Gowda community, first made his name by offering security services to ATMs and offices across the city. On the one hand, he was extremely adept at recruiting and managing bodies for a whole range of jobs, deploying “security” as a loose encompassing category. On the other, he exerted enough political influence to ensure that he received government tenders. Both affairs were, strictly speaking, extra legal. Like all extra legal activities, they were based on trust networks, created either for mutual profit, or by fear of mutual ruin. Eventually, he would catch the attention of high ranking BWSSB officials when he began to offer
security services to Cauvery Bhavan, which houses the main offices of both the BWSSB and the Karnataka Power Transmission Board. Soon, Navodaya held the sole tender for all of Bangalore’s contract sewage workers.

As the above testimony outlines, workers under Navodaya continued to enter manholes without protection. And the contractor continued to pay salaries erratically, sending a company representative with the paychecks, the only mediator between him and the workers. His power derived from his absenteeism, from his capacity to feign ignorance. Said Obalpati, one of the workers:

There is absolutely no connection between him and the kind of work we do, he couldn’t make head or tail (tale-buda) of a sewer line. Moreover, he doesn’t want anything to do with our work, he doesn’t want to understand the challenges and hardships we face. We have no interactions with him. Some manager from his company comes and gives us our checks and that’s it.

This non-interaction of the contractor with his employees, as well as his lack of interest in the details of sewerage work, was indicative of how disinterested the contractor was in the actual technicalities of maintaining an efficient sewage system. Ironically, the same could be said of many BWSSB engineers, who were charged with overseeing such technicalities. As the direct supervisors of the sanitation workers, these engineers were absent in all of the works that we observed. Often, they would not be present in their assigned offices and would communicate with the workers through SMS messaging or phone calls.

Satish, on the same day that he narrated the opening incident, showed us the engineers’ quarters. It was a spacious room with a sturdy office table and rolling chairs. It came with an attached bathroom, fully tiled, with a commode and a
shower. It looked freshly painted, cobwebs dusted, spick and span. But without any papers, files, or computers, it looked fully unoccupied. The workers, who had opened the office for our curiosity, placed the lock back on the door and led us to their quarters. It was a closet, stuffed and dusty with all their clothes and implements. Next to it was a small toilet with a tap.

Our union had to fight for this toilet, before this, they told us to wash ourselves in the small pond (hole) that the park used to water their gardens. Those who visited the park with their families would complain to the engineers, scandalized by a couple of grown men washing themselves half naked, covered in filth. But they wouldn’t share the toilet.

This brings us back to the relationship between contract and jati paddati. There is dark symbolism in the irony that the cornerstone of modern liberalism, the freedom of contract, folds into caste, a most un-liberal practice. As Ritu Birla has noted in her work on contracts in British India, contract proceduralism possesses the capacity for such symbolic transformation. Examining how the Marwari caste community used legal contracts in the early 1900s to speculate on the jute crop, she outlines how contracts developed under British administration to translate vernacular practices, such as caste-based wagers on agrarian society, into the language of modern economic governance. Such procedures formed the antecedents to contemporary neoliberalism — “a new enframing of market society” that functioned via “the rule of law”, rather than the “overarching vigilance” of “heavy interventionist state control” or “police power”.

It is not a coincidence that both labor discipline under contract work and the social disciplining of a caste subject do not depend on direct state intervention or police power. Or that manual scavenging occurs under absentee supervision. Such direct investment may prove just as costly as dignity and justice. This fact begs us to reassess the scope and nature of a caste atrocity.

As we have seen, the translation of jati paddati into contract paddati, and vice versa, is dependent on a certain legal and bureaucratic proceduralism. By which we simply mean this: people engaged in such practices are not disobeying administrative rules, but are rather following them to the letter of the law, pushing it to its absurd limit, to the point where it disintegrates. This is in fact what the full meaning of the term paddati implies; it signifies “practice” as well as “ritual”, something that has been “done to death”, thoughtlessly, mindlessly.

Let us look at one poignant illustration. Revisiting the toilet facilities that the contract workers fought for, one of Satish’s colleagues gave an impassioned testimony:

These permanent employees, about 170, have their own union. They set up leadership elections and leave out 400 of us. There was a government order passed requiring that all BWSSB workers be provided with restroom facilities. Members of this union refused to share the restroom with us, stating that we were not BWSSB workers but contract workers. But none of them, though listed as sanitary workers, were doing sanitary work. They had become supervisors (maistries) or inspectors because of government promotion and increment scales. We were getting dirty everyday and it was humiliating (asahya) washing ourselves in that small
pond, exposing ourselves in front of women talking a walk and children playing in the park.

We know the real reason they wouldn’t share the restroom with us—beedabaava (discrimination or segregation). It was when we organized and demanded a restroom that we were given this small toilet. You can take a picture of both for your records.

Here, we see people pushing the dead letter of the law, emptying it of meaning, and filling the shell with caste sentiment.
As analysed and outlined above, not only does the practice of manual scavenging continue but the deaths of persons engaged in manual scavenging also continue unabated in contemporary India. What are the measures that can be taken to change the status quo? It's important that we understand that the persistence of the practice of manual scavenging owes much to socio-political dimensions in which it is embedded. Hence manual scavenging is a practice that cannot be addressed purely through an economic lens. This is to say that there are more economic and efficient ways to do sewage cleaning and maintenance, practiced across the world, which for some reason is not being followed in India, and more broadly, in South Asia. For example, in places like Malaysia, over a period of time, sewer cleaning has progressed from manual to more technologically sophisticated means. If a similar progress has not happened in India, it can be attributed to the lack of investment in such technology due to a caste-based indifference to the lives and health of those in manual scavenging.

However, the existence and, in fact, the persistence of the practice can be said to serve not only a purely economic function, but also an extra-economic, symbolic function in Indian society. The imperative of a caste society is to send across a message of second class citizenship of sanitation workers, and the continued existence of this practice reinforces the bonds of caste superiority and inferiority. It is caste power which distorts and degrades the ideal functioning of law, politics, and economy in Indian society.
These rituals of distortion make some people seem more “worthy” of legal, political, and economic subjecthood, than others. As caste atrocity case studies show us, the inverse is also true: if those “unworthy” people claim legal, political, and economic subjecthood at any point, the same rituals of distortion enable dominant castes to exercise excessive violence upon the dominated castes.

Within this understanding, manual scavenging is a phenomenon produced by active rituals of distortion and degradation, rather than the passive neglect of civil society and law. It’s important to principally view the practice as a wider socio-political phenomenon and contextualize all the recommendations within a wider framework of challenging a caste-based order.

**Prosecution**

It is important to dislodge the societal understanding that manual scavenging is the norm and one of ways of doing so is by forcefully communicating the constitutional understanding that manual scavenging stands prohibited under law, and that deaths during manual scavenging are a particularly unconscionable form of murder. This social message can be best communicated by effective prosecution of each case of manual scavenging. The state should treat both deaths from manual scavenging as well the very practice of manual scavenging as serious violations. It is a matter of grave concern that till now there has been no successful prosecution of either under the 2013 Act. An analysis of all the cases indicates that more often than not, the filing of an FIR is only the result of public pressure and mobilization. Once the pressure eases off, the case is subverted either through the police not filing a chargesheet in the matter, or in cases where the police do end up filing a chargesheet, by witnesses turning hostile at the stage
of trial. The following measures are recommended for effective prosecution:

1. FIRs should be filed in cases of deaths during manual scavenging under Section 304 of the IPC as well as Section 9 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and where relevant 3(j) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Prosecuting and punishing those responsible under the Atrocities Act and the 2013 Act will send out a message that the state views the crime of manual scavenging as a serious one as it violates key constitutional provisions.

2. In case the workers are injured, based upon the intention of the accused, FIRs should be registered under Section 322 for voluntarily causing grievous hurt as well as Section 307 for attempt to murder. Section 9 of the Prohibition of Employment As Manual Scavengers and Their Rehabilitation Act, 2013 and where relevant 3(j) Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act should also be invoked.

3. FIRs should also be filed for violations of other provisions of the Prohibition of Employment As Manual Scavengers and Their Rehabilitation Act, 2013 which aim to criminalize the practice of manual scavenging. This should involve a more active use of Section 7 of the 2013 Act under which those who employ anyone in hazardous cleaning of a sewer or septic tank are liable for prosecution. Those who construct an insanitary latrine or directly or indirectly employ a “manual scavenger” under Section 5 of the 2013 Act read with Section 8 should be actively prosecuted as should any owners or occupiers of insanitary latrine who have failed to demolish the same.
4. In all cases chargesheets should be filed within the prescribed time period by investigating officers.

5. In cases where B Reports are filed and the matter is closed, the closure report must be challenged by the State Government in the High Court.

6. The State Government, on the recommendation of the District Magistrate, shall prepare for each District a panel of as many eminent senior advocates, who have been in practice for not less than seven years, as it may deem necessary for conducting cases relating to offences of manual scavenging by appointing them Special Public Prosecutors.

7. The trial should be monitored by a committee set up by the High Court.

8. The state shall make arrangements for the protection of victims, their dependents, and witnesses against any kind of intimidation or coercion or inducement or violence or threats of violence.

**Rehabilitation**

The signal failure of the 2013 Act is with respect to the rehabilitation provisions. Studies have shown that rehabilitation has completely failed to take off the ground.

1. Ensure that compensation of Rs. 10 lakhs in case of all deaths is disbursed and rehabilitation under the provisions of 2013 Act and the judgments of the Supreme Court is carried out immediately.

2. Ensure adequate compensation in case of injury as often the ability of a family to carry on their livelihood is severely compromised by injury.

3. Recognize that a death in a manhole/septic tank as well as injuries in the same can severely impact the
individuals’ mental health and begin studies which document such impact.

4. Ensure that the mental trauma of both surviving family members as well as those injured in manhole/sewage incidents are also treated and compensated for.

5. Identify the sanitation workers—whether contract, daily wage or otherwise—as beneficiaries under the 2013 Act.

6. Ensure that rehabilitation schemes are implemented.

7. Take steps to implement the recommendations of the Report filed by the Member Secretary, KSLSA, Bangalore. Chairman of Committee constituted by Hon’ble High Court of Karnataka in W.P. 30221/09 (GM-RES) (Public Interest Litigation)

8. Those who are injured in the course of manual scavenging should be covered under the 2013 Act and be entitled to medical allowances, insurance, and compensation.

9. Ensure that surviving family members are given the kind of employment which does not perpetuate hereditary, caste-based occupations.

10. All states must appoint Monitoring and Vigilance Committees that should meet regularly and monitor implementation of the Act.

11. Conduct trainings of district-level officers who will oversee the implementation of the Act.

12. Sufficient funds must be allocated for the rehabilitation schemes; there must be constant monitoring to ensure that the funds allocated have been released and utilized for their stated purpose.
13. Periodical reports to be submitted regarding the progress in rehabilitation to the Safai Karamchari Commission.

14. Given the "bureaucratic proceduralism" of the state bureaucracy, it is essential that the process of rehabilitation is monitored by the Safai Karamchari Commission which should be invested with executive powers to ensure compliance of the bureaucracy, especially at the higher echelons of the government.

**Protecting Labour Rights**

Sanitation work is perennial work which is an essential service. In fact, sanitation work is notified as an "essential service" under the *Essential Services Maintenance Act, 2013* which prohibits workers from striking. However, in a strange double bind, the state has divested itself of its constitutional and statutory responsibilities by contracting out this "essential service" to contractors, who in turn sub-contract the work. This policy of contractualization has meant that the labour rights of sanitation workers have been progressively whittled down. It is a violation of the *Contract Labour (Regulation and Abolition) Act, 1971*. Other labour legislations such as *Minimum Wages Act, 1948*, *ESI Act, 1948*, *Employees' Provident Funds and Miscellaneous Provisions Act, 1952*, and *the Payment of Wages Act, 1936* are also violated with impunity. It's imperative that the contract system is abolished and sanitation workers are given all protection under existing labour legislations.

1. Abolish the contract system and regularize all contract workers.

2. Regularize all daily-wage workers.
3. Ensure regular payment of wages, issuance of wage slips, declaration of weekly off and national/festival holidays to all workers.

4. Ensure provision of ESI/PF benefits, Gratuity, and Pension benefits to all sanitation workers.

5. Ensure provision of toilets and drinking water facilities, etc. to workers.

6. Increasing minimum wages to Rs. 26,000 to all who are engaged in sanitation work.

7. Ensure provision of protective and safety gear and the implements utilized in the cleaning of streets and garbage removal as per the rules.

8. Upgradation of existing equipment including motorisation of the push trolleys and the mechanization of sweeping.

9. Ensuring complete mechanical cleaning of sewer tanks, soak pits, manholes, sewer systems, etc.

10. Ensure Equal pay for equal work.

11. Employ workers at the ratio of 1: 200 in every local body across the country.

12. Reduce the working hours to 6 hours per day for sanitation workers.

13. Institute Sexual Harassment Committees at all levels in compliance with the law.

14. Ensure continuing adult education to expose workers to contemporary developments in both science and humanities

**Preventive Measures**

1. Take steps to ensure that not a single sanitation worker—permanent, contract or daily wage—is made
to manually clean any manhole, sewage line, soak pit, or septic tank.

2. Take action against the officials of the ULBs for dereliction of duty in implementing the 2013 Act which has led to the deaths of more than 40 workers.

3. The UDD/DMA must prepare training modules and conduct programmes for the staff of UDD/DMA and the ULBs about The Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013.

4. The Indian government must immediately ratify and implement the ILO Conventions and Guidelines on labor, especially those pertaining to occupational safety and health, with regard to safety equipment, professional training for working in hazardous conditions, proper technology, health care, and compensation in work-related injuries and deaths.

Investment in Technological Solutions

The government needs to:

1. Expand the UGD network on a priority basis to cover all ULBs and panchayats. As per the 2011 census, only 32.7% of households are connected to sewers. It’s imperative that one of the priorities of the administration must be the rapid and urgent expansion of the UGD network to address one of the reasons why manual scavenging is so ubiquitous in India.

2. Make investments in research into mechanised modes of cleaning sewers that aim to end manual scavenging. Several technological solutions are being innovated by institutions like the Indian Institute of Science and other private initiatives, such as sewer-cleaning robots that can go down a manhole to clean the sludge; remote controlled devices that can break down sludge that has turned solid; and monitoring systems that
can send alerts if the gases inside the manhole turn toxic. Many of these have been showcased across the country, in forums like the India SaniTech Forum held on October 14, 2018. (See: https://thewire.in/).

3. Ensure that drainage work is completely mechanised in a time-bound manner.

4. The government needs to adopt decentralised on-site sanitation system of de-sludging excreta and composting it that is affordable for smaller ULBs, especially for water-scarce areas.

**Making the Bureaucracy Work**

Technology in the absence of political will cannot be a solution. Hence, such sewer cleaning technologies should be integrated into a bureaucratic infrastructure which is willing to implement them. Let us take an example from solid waste management to see how technologies are tied up in bureaucratic and contractual infrastructures. Across Bangalore’s 198 wards, garbage contractors are required by their tender obligations to utilize a particular number of tipper autos to service the solid waste needs of their assigned ward. However, one would be hard pressed to find one ward across the city where the required number of autos are deployed. To save on petrol and maintenance, many contractors park somewhere around half of their autos in their garage. Sometimes, the required autos are missing altogether.

The ethnographic sections of this report also depict various instances from our fieldwork where sewage workers are forced to engage in manual scavenging despite available technology. Our fieldwork revealed numerous instances of inoperative de-silting machines and other implements falling into disuse in sheds and garages. In every instance, this is because the bureaucratic will to utilize mechanized
technology was lacking. So, how are we to engender a bureaucratic system that will allow for mechanization to take hold, not just on paper, but practically? For this, we not only have to change technologies but the ways in which people interact with technologies.

There are a few ways we can go about doing this:

1. Devolve technological supervision from the Assistant Executive Engineers, Assistant Engineers, and Junior Engineers. As it stands, all of the decision-making power with regards to technological upgradation and utilization is in the hands of the engineering divisions in the city sewerage boards. But, in matters of clearing excreta, the workers that we have interviewed have demonstrated tremendous technical knowledge. They deploy this knowledge to manage and repair the complex city sewage systems they work with everyday. At the same time, there is wide-spread absenteeism among the engineers. In all of our observations, we did not meet one engineer who was present and supervising work.

2. Develop systems of merit that reward the technical skills of sanitation workers with promotions and paid incentives. Even though most sanitation workers have detailed technical knowledge about sewage systems, this knowledge is not utilized because the workers have no control over what implements are allocated to them. Moreover, because of pervasive contractualization, all contract workers are effectively barred from promotions, no matter how many years of experienced they have garnered. Such gaps in power are what make manual scavenging an endemic part of sewerage work in India.

3. Formalize technical education of sanitary work with merit-based training. Finding sanitary work in many
countries is dependent on going through vocational training. But as it stands, in most Indian cities, technical oversight of sanitary systems is hegemonized by individuals with engineering degrees. Not only does this produce various forms of elitism in the division of sanitary labor, it is also impractical. Most degrees in civil engineering provide nothing more than an overview of solid waste and sewage management. But cheaper, specialized forms of technical and vocational training would be more effective in producing a skilled, dignified workforce. Not only can city administration team up with institutions that provide such certificate programs (see: http://www.iiwm.in/) but they can open up opportunities for promotion opportunities and in-job training for contractualized workers.

4. In short, new technologies will remain locked up in sheds and garages unless decision-making power and technological control is devolved from the engineering departments and distributed to all workers through comprehensive merit and experience-based promotion and vocational training opportunities.

Civil Society

Given the bureaucratic proceduralism that we have alluded to in this report as well as the manifest absence of political will to implement the Act in letter and spirit, it is incumbent upon civil society to intervene and actively monitor and challenge the complicity of the state in enabling the practice of manual scavenging to continue. It is recommended that civil society:

1. Ensure that FIRs are filed under relevant provisions as outlined above.

2. Continue to monitor investigation to ensure that chargesheets are filed.
3. Even post the filing of the chargesheet, continue to provide legal assistance to ensure that the trial is taken to its logical conclusion in terms of a conviction.

4. Ensure that all measures outlined under the state responsibility to prosecute are undertaken.

5. Ensure that the recommendations to the state regarding rehabilitation are fulfilled.

6. Provide technical support to ensure that training material on the 2013 Act is up-to-date and develop capacity to conduct trainings on the 2013 Act.

7. Facilitate linkages between the State and those investing in technological solutions to the cleaning of sewers etc.

8. Pressurize the state to invest in technologies for the cleaning of sewers etc.

9. Demand that the state apologize to those in manual scavenging for the failure to fulfil the constitutional promise to abolish manual scavenging.

10. Demand that the state take steps to memorialize the suffering of those in manual scavenging.

**Amending the Law**

We propose the following amendments to the 2013 Act:

1. Residual categories in the 2013 Act which permit manual handling of excreta using safety gear should be removed since it has resulted in several deaths.

2. Considering their growing importance, STPs in private apartment complexes and public STPs, where several deaths have taken place, should be expressly included in the 2013 Act under the definition of septic tanks.

3. A newer and larger set of guidelines should be incorporated in the 2013 Act.
4. Amend the act on the lines of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 to ensure that:

- The Act includes a full charter of the rights of victims and witnesses, including protection from coercion, inducement, or threats from violence.

- A victim or his or her dependent shall have the right to reasonable, accurate, and timely notice of any Court proceeding, including any bail proceeding, and the Special Public Prosecutor of the State Government shall inform the victim of any proceedings in this case.

- A victim or dependent shall have the right to apply to the Court to summon witnesses for production of any documents or material or examine the persons present.

- A victim or his dependent shall be entitled to be heard at any proceeding under this Act in respect of bail, discharge, release, parole, conviction or sentence of an accused or any connected proceedings or arguments and file written submission on conviction, acquittal or sentencing.

**Strengthening the powers of the Safai Karamchari Commission**

Public pressure must be brought to bear on the State to grant executive powers to the Safai Karamchari Commission to compel officials to carry out its orders.

1. To enable the Safai Karamchari Commission to carry out its mandate under the NSKC Act, 1993, (see section on the Commission in the Civil Societies chapter), the state must sanction statutory decision-making powers to the Commission, on par with the SC/ST and OBC Commissions.
2. The government should make the Commission a permanent body like the other Commissions and all vacancies of posts of office-bearers of the Commission be made permanent immediately.

3. Proper representation should be given to the community, and members to the commission should include activists who have been engaged in the struggle to eradicate manual scavenging.

**The Media**

In the campaign against manual scavenging, a fundamental change in the approach of the media, which is an important actor in civil society's efforts to eradicate manual scavenging, is called for. The media must move from mere reporting of incidents of deaths from manual scavenging to in-depth reporting and monitoring.

1. Reporting of each case of death needs to be followed up by sustained monitoring of the investigation of the case, and probing the reasons for its tardy progress, including failure to register an FIR, delay in preparing the charge sheet, lapses in prosecution, and efforts to prematurely close the case by filing a B report, and so on; meet the members of the surviving family and gather information about how the family got involved in this occupation; follow the course of compensation and rehabilitation of the surviving family, as stipulated under the Act. All of this needs to be supplemented with qualitative surveys of the communities involved and their socio-economic history.

2. For this purpose, a separate cell can be formed within each media organization as well as across the media that comprehensively brings together in one site the documentary evidence of all the cases and provide its access to support groups that are working on the issue
to enable them to initiate remedial measures and legal action as well as launch campaigns.

3. More broadly, civil society organizations can pool their resources to form an activist archive on manual scavenging, consisting of newsclippings, periodical publications, chronologies of cases up to date, official reports, reference books, and other such documents that could function as what might be called “the power research arm” of public campaigns on the issue. The archival unit can also conduct workshops about ways of accessing the law to file FIRs, monitoring the progress of cases, obtaining relief and compensation for the victims, and so on.

In this connection, two historical examples of “power research” come to mind. In the 1950s and 60s in the American South, the Student Non-Violence Coordination Committee (commonly known as SNCC) had developed a research program and activist archive that exhaustively documented ongoing racial lynchings in the American South. Another example was with regards to the anti-war movement during Vietnam which recorded numerous incidents of American war crimes (https://www.jacobinmag.com/https://www.jacobinmag.com/). While these might seem like unrelated examples, it is important to note the various similarities between manual scavenging and these issues (especially that of Jim Crow South).

A good example of this kind of work is #Grit, a project recently launched by the on-line magazine The Wire, which is dedicated to manual scavenging and sanitation. #Grit has reported on the lives of manual scavenging across the country, the implementation of the 2013 Act, with special reference to the Swachh
Bharat Abhiyan and its limitations, as well as analysis and opinion articles on other aspects of India’s sanitation issue. While an on-line portal like *The Wire* has been moved to undertake this project, the mainstream media, despite extensive reporting of the incidents of deaths, is yet to recognize the need for such an effort.

**Memory, Truth, and Non Recurrence: A Transformative Journey**

The fact that the practice of manual scavenging has continued over centuries is evidence of a deep-rooted disregard and contempt for the human rights of sanitation workers. The continuance of this practice inspite of the coming into force of the Constitution and enactment of various legislations points to its deep roots in the Indian socio-economic structure. Indian society has enacted a willful forgetting of the continuing state of humiliation that the practice of manual scavenging inflicts upon the sanitation workers in India.

Ambedkar captured what this meant in a poignant note titled “Frustration”, which was both deeply personal as well as a form of collective reflection on what accounted for the feeling of hopelessness about the situation of the “untouchables”.

The Untouchables are the weariest, most loathed and the most miserable people that history can witness. They are a spent and sacrificed people. To use the language of Shelley, they are—

“pale for weariness of climbing heaven, 
and gazing on earth, 
wandering companionless
Among the stars that have a different birth”
To put it in simple language the Untouchables have been completely overtaken by a sense of utter frustration. As Mathew Arnold says “life consists in the effort to affirm one’s own essence; meaning by this, to develop one’s own existence fully and freely, to have ample light and air, to be neither(...) nor overshadowed. Failure to affirm one’s own essence is simply another name for frustration. Its nonfulfilment of one’s efforts to do the best, the withering of one’s faculties, the stunting of one’s personality.”

Many people suffer such frustrations in their history. But they soon recover from the blight and rise to glory again with new vibrations. The case of the Untouchables stands on a different footing. Their frustration is frustration for ever. It is unrelieved by space or time. 133

Even as Ambedkar is outlining the reasons for frustration both individual and collective, we get a clue as to the path to the future. The way to break through collective frustration is by developing a sense of history out of which a possibility of a different future can arise. It’s only when your situation of domination is undimmed by either “space or time” that frustration becomes the inevitable condition of an existence, sealed and hermetic. The moment the condition of the “untouchables” become a part of historical time, with its vibrations and shifts, new possibilities emerge. The moment the condition of the untouchables can be seen within a global history of persecution and resistance, the gloom is relieved.

Ambedkar invokes Emerson’s notion of a “plus condition of body and mind”. Emerson meant that success is

due to a combination of bodily faculties combined with mental faculties. In Ambedkar’s rendering, the social environment deprives the “untouchables” of the “right to cultivate [their]...faculties” by forcing them to “labour so that another may abound in luxuries”. It is the social environment which is the cause of “frustration”. As he concludes:

We can now explain why the Untouchables have suffered frustration. They have no plus condition of body and mind. They have nothing in their dull drab deadening past for a hope of a rise in the future to feed upon. 134

The past must be generative of a future. If the history of the “untouchables” is nothing but a “dull, drab, deadening past”, then a leader must look elsewhere. In Amebdkar’s note, “Frustration”, we see the outline of a politics of hope based on the invocation of Shelley, Arnold, and Emerson. It is the task of activism to cultivate an imagination which (like Ambedkar’s poignant invocation of Shelley) climbs to the heaven and gazes on earth even if it has to “wandering companionless, among the stars that have a different birth.”Amebdkar’s note tells us that in the absence of a history of resistance of one’s own community, one has to constantly broaden the idea of the collective self through the imagination which must be nourished by poets and writers as well as histories of resistance such as the resistance of the Jews in ancient times. It is only then that a path to the future will emerge. The tragic suicide (or what what has been more aptly called “institutionalized murder”) by Rohit Vemula in 2016, again speaks to the inordinate frustration of a young Dalit man while at the same time invoking a world which may have been. As he put it in his suicide note:

134 Ibid.
The value of a man was reduced to his immediate identity and nearest possibility. To a vote. To a number. To a thing. Never was a man treated as a mind. As a glorious thing made up of star dust. In every field, in studies, in streets, in politics, and in dying and living. 135

In this bleak and difficult situation, where does hope lie? In the context of the sanitation workers, hard as their condition is, there is an inspiring history of resistance which is slowly being unearthed, which must be built on. There is a need for a societal coming to terms with the nature and extent of the collective humiliation imposed upon sanitation workers and those in manual scavenging. One has to pay careful attention to histories of persecution and outline societal responsibilities for unacknowledged crimes which continue right into the present.

This must take the form of a “right to truth” to be realized by sanitation workers. The right to truth as per the United Nations has four components: Truth, Justice, Reparation, and Guarantees of non-recurrence. To address the four dimensions, the United Nations Human Rights Council has appointed a Special Rapporteur on the promotion of truth, justice, reparation, and guarantees of non-recurrence.

Society must firstly acknowledge the nature and gravity of violation of the rights of those in manual scavenging. One way of acknowledging the extent and gravity of violation is through the rendering of an apology by the state to those in manual scavenging. The apology is for the non fulfilment of a constitutional promise made in 1950, that all persons were born free and equal in dignity and rights.

The continuance of the practice of manual scavenging is a violation of the right to equality and dignity and the State must apologize for the same.

Apology only has meaning if the State takes steps to ensure that such violations do not recur. To ensure that violations do not recur, the starting point is therecognition of manual scavenging as a form of violation of human rights. Unfortunately, the reality of what sanitation workers go through is ignored by both wider society and the state. It is a form of wilful forgetting of the humanity of sanitation workers. To build a collective memory around issues society would rather forget requires a range of interventions by the state, including the setting up of museums devoted to Dalit history and the history of sanitation workers, changes in educational curriculum, the erection of statues of sanitation workers as well as use of media to publicize the struggles of sanitation workers. All of which will go towards building a people’s knowledge of the history of the oppression of sanitation workers as well as the resistance to that oppression as part of its heritage.

In India, there is a long way to go as the heroic struggle of sanitation workers has been largely unwritten and hence remains unknown. In this context, one of the paths to building this history is the path-breaking work of Tanika Sarkar\textsuperscript{136} who has documented the struggles of Calcutta sanitation workers and Vijay Prashad\textsuperscript{137} who has similarly documented the history of sanitation workers in Delhi.

Workers’ struggles in other parts of the world have succeeded in memorializing the otherwise invisible labour of sanitation workers. For example, in Paris, the sewermen’s union was successfully in lobbying the state to build a large monument in Pere Lachoise to “honour

\textsuperscript{136}\textit{Ibid.}

\textsuperscript{137}\textit{Ibid.}
sewermen and other municipal workers who died from work accidents.\textsuperscript{138} Today, in Paris, one can take a tour of the Paris Sewers or visit the Paris Sewer Museum to understand the labour that built Paris.\textsuperscript{139}

Only by acknowledging and memorializing the wrongs of the past and recognizing the heroic struggles against injustice can a more just future be built. It is imperative that we build a link between an unjust past and a more just future by acknowledging in full the complicity of both society and the state in legitimizing and authorizing the continuation of the practice of manual scavenging.

It is recommended that the state:

1. Recognize the right to truth of the violence inflicted by the current socio-economic caste-based order upon those engaged in manual scavenging.

2. Ensure that, in addition to individual victims and their families, communities and society at large should be able to avail of the right to the truth about systemic human rights violations based on a caste based order.

3. The right to truth of the communities involved in manual scavenging can be realized through a state apology, ensure reparation, no recurrence of the crime and commemoration of both suffering and resistance.

4. Following the historic apology by the Supreme Court to the LGBT community in \textit{Navtej Singh Johar v. Union of India}\textsuperscript{140}, the state must apologize to those in manual scavenging.

\textsuperscript{138} Donald Reid, \textit{op.cit.} p.153.

\textsuperscript{139} Durant Imboden 'Musee des egouts de Paris' https://europeforvisitors.com/paris/articles/paris-sewers-museum.htm (Last accessed on 25/10/2018)

\textsuperscript{140} Justice Indu Malhotra noted, "History owes an apology to the members of this community and their families, for the delay in providing redressal for the ignominy and ostracism that they have suffered through the centuries." https://www.sci.gov.
scavenging for the continuance of a dehumanizing profession in violation of the Constitutional promise of dignity for all.

5. The apology must be followed by concrete steps undertaken by the state to remedy the situation of those in manual scavenging as noted below.

6. Preserve documentary evidence of human rights violations and ensure adequate access to archives with information on violations based on caste discrimination.

7. Ensure that the facts and truth of the history, causes, nature and consequences of discrimination and violence on grounds of caste are disseminated and added to educational curricula with a view to achieving a comprehensive and objective awareness of the unfair and unconstitutional treatment of persons on grounds of caste.

8. Commemorate the suffering of victims of violations on the basis of caste through public events, museums, and other social and cultural activities.

9. The state must use mass media to communicate to the wider public about the contribution of sanitation workers to society as well as the problems they face in living a dignified existence.

10. The state must facilitate educational programmes such as cultural events to commemorate the history of oppression and resistance of Dalit communities as well as the contribution of revolutionary leaders like Ambedkar, Phule, and others in the project of dalit emancipation.

11. Encourage the writing of history of the sanitation workers’ movement throughout India, which apart from some fragments, remains largely unknown.
ANNEXURE I

DEATHS IN MANUAL SCAVENGING: 1995-2019

Given below is a list of 74 deaths from manual scavenging in Karnataka from 1995 till 2019, compiled by AICCTU. What emerges in this documentation of deaths is the relative youth of those who died while undertaking manual scavenging, most of whom were in their 20s and 30s and the large majority of them being from the Dalit castes.

It may be pointed out here that a list of deaths is often an exercise in dehumanisation when persons are reduced to figures. In this case, the table makes an effort to recover the humanity of those who died by prefacing their names with the honorific “Shri”. This kind of humanisation of those engaging in manual scavenging is a starting point for combating the practice of manual scavenging.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Date and place of accident</th>
<th>Victims (age)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>5th May 1995 at Karinanjanpur, Harijan Beedhi, Kondadamalaalag, Chamarajnagar</td>
<td>1 person deceased Shri Chinnaswamy</td>
</tr>
<tr>
<td>2</td>
<td>3rd December 1998 at Channarayapatna, Hassan</td>
<td>3 persons deceased Shri Maranna, Shri Narasimharaju and Shri Nagaraju</td>
</tr>
<tr>
<td>3</td>
<td>9th April 2008 at K.R. Nagar in Mysore district</td>
<td>2 persons deceased: Shri Kariya (38) and Shri Lakshmannaa (40) and 4 persons injured</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Date and place of accident</td>
<td>Victims (age)</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>4</td>
<td>5th July 2008 at Velankanni Pvt. Ltd. in Electronic City, Bengaluru</td>
<td>2 persons deceased: Shri Krishnappa, (35) and Shri Ramchandra (25) and 1 person injured</td>
</tr>
<tr>
<td>5</td>
<td>14th November 2008 at Dairy Circle near Telecom Exchange Quarters, Yelahanka New Town, Bengaluru</td>
<td>3 persons deceased: Shri Amaresh (23), Shri Narasimha (32) and Shri Srinivas (23)</td>
</tr>
<tr>
<td>6</td>
<td>9th May 2009 at Karimsaab Layout (also known as Srigandhanagar), Hegganahalli Cross, Peenya 2nd Stage, Bengaluru</td>
<td>3 persons deceased: Shri Rajanna (35), Shri Shivu, (33) and Shri Pampanna, (35)</td>
</tr>
<tr>
<td>7</td>
<td>11th December 2010 at R.T.O. in Kolar city</td>
<td>2 persons deceased: Shri Manjunath and Shri Rajanna</td>
</tr>
<tr>
<td>8</td>
<td>9th July, 2011, at Poornarama Coffee Estate at Kenchammana Hoskote, Alur Taluk, Hassan District</td>
<td>2 persons deceased: Shri Mahadeva and Shri Arjuna</td>
</tr>
<tr>
<td>9</td>
<td>24th October, 2011, at Kolar Gold Fields</td>
<td>3 persons deceased: Shri Kutty Prasad, Shri Nagendra Babu, and Shri Ravi</td>
</tr>
<tr>
<td>10</td>
<td>6th November, 2011 in Kinnigoli town, Dakshina Kannada</td>
<td>1 person deceased: Shri Kitta Koraga</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Date and place of accident</td>
<td>Victims (age)</td>
</tr>
<tr>
<td>--------</td>
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<td>---------------</td>
</tr>
<tr>
<td>11</td>
<td>17th December, 2011 in Tiptur, Tumkur District</td>
<td>1 person deceased: Shri Jagadish and Shri Dharma</td>
</tr>
<tr>
<td>12</td>
<td>16th February, 2012 in Dharwad</td>
<td>1 person deceased: Shri Yakub Yalapati and 1 person injured</td>
</tr>
<tr>
<td>13</td>
<td>14th July, 2012 in Arakere, Bannerghatta Road, Bengaluru</td>
<td>2 persons deceased: Shri Shankarappa from Gulbarga and Shri Bogan from Andhra Pradesh</td>
</tr>
<tr>
<td>14</td>
<td>22nd July, 2012 in Channayakpuri, Hubli</td>
<td>2 persons deceased Shri Ramesh and Shri Santosh</td>
</tr>
<tr>
<td>15</td>
<td>23rd November, 2012 in Royal Orchid hotel, Shivamogga</td>
<td>2 persons deceased Shri Annappa and Shri Ratnakar</td>
</tr>
<tr>
<td>16</td>
<td>3rd March 2013 at Mysore</td>
<td>1 person deceased Shri Kumar</td>
</tr>
<tr>
<td>17</td>
<td>1st April 2013 at Girija slum, Mandya town</td>
<td>1 person deceased Shri Rangappa</td>
</tr>
<tr>
<td>18</td>
<td>28th April, 2013 at Raichur</td>
<td>1 person deceased Shri Venkatesh</td>
</tr>
<tr>
<td>19</td>
<td>25th October 2013 in Peenya, Bengaluru</td>
<td>2 persons deceased Shri. Prahalad Kumar and Shri. Rohit Kumar</td>
</tr>
<tr>
<td>20</td>
<td>18th January, 2014 at K.P. Agrahara, Bengaluru</td>
<td>1 person deceased Shri Chenchaiah</td>
</tr>
<tr>
<td>21</td>
<td>3rd March, 2014 at Mysore</td>
<td>1 person deceased Shri Kumar</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Date and place of accident</td>
<td>Victims (age)</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>22</td>
<td>30th August 2014 at Mahadevpura, Bengaluru</td>
<td>1 person deceased</td>
</tr>
<tr>
<td>23</td>
<td>24th September, 2014 at Nagawara, Bengaluru</td>
<td>2 persons deceased Shri Sridhar Nagarajappa (20) and Shri Bandri Marappa (22)</td>
</tr>
<tr>
<td>24</td>
<td>1st April 2015 at Hubli</td>
<td>2 persons deceased Shri Sufal and Shri Hanamant</td>
</tr>
<tr>
<td>25</td>
<td>5th May 2015 at Kundagol, Hubli</td>
<td>2 persons deceased Shri Krishna (32) and Shri Maruthi (35)</td>
</tr>
<tr>
<td>26</td>
<td>26th May 2015 at Kemmanagundi, Krishnarajendra Giridhama, Pravasi Mandira, Chikkamagalur</td>
<td>1 person deceased Shri Narasimha</td>
</tr>
<tr>
<td>27</td>
<td>5th July 2015 at Attur Layout, Yelahanka, Bengaluru</td>
<td>2 persons deceased Shri Shameem Akhtar (19) and Shri Sharanagowda Patil (23)</td>
</tr>
<tr>
<td>28</td>
<td>18th August 2015 at Jayamahal, Bengaluru</td>
<td>2 persons deceased Shri Yathiraj (23) and Shri Prasanna Kumar (29)</td>
</tr>
<tr>
<td>29</td>
<td>28th November 2015 at Saraswati Puram, Tumkur</td>
<td>2 persons deceased Shri Narasimamurthy (35) and Shri Chikkanna (32)</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Date and place of accident</td>
<td>Victims (age)</td>
</tr>
<tr>
<td>--------</td>
<td>----------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>30</td>
<td>14th December 2015 at Electronic City, Bengaluru</td>
<td>3 persons deceased Shri Ranjan (32), Shri Jagadish Kumar (28) and Shri Mahesh (30)</td>
</tr>
<tr>
<td>31</td>
<td>3rd April 2016 at Kasbagh Road in Srinagar in Doddaballapura Town</td>
<td>4 persons including two residents deceased Shri Jagannath alias Jagan (28) and Shri Muniswamy Goundar (34). Two local residents Shri Madhu (21) and Shri Muniraju (23)</td>
</tr>
<tr>
<td>32</td>
<td>18th October 2016 in the septic tank of Shantinivas Apartment, near Yeshwantpur, Bengaluru</td>
<td>2 persons deceased Shri Venkataramana (24) and Shri Manjunath (32)</td>
</tr>
<tr>
<td>33</td>
<td>7th March 2017 in Kagdaspura main road, C V Raman Nagar, Bengaluru</td>
<td>3 persons deceased Shri Anjaneya (34), Shri Erraiah (35) and Shri Davitha Naidu</td>
</tr>
<tr>
<td>34</td>
<td>9th May 2017 at Ubdur village, Mysore Taluk</td>
<td>1 person deceased Shri Manjunath (35)</td>
</tr>
<tr>
<td>35</td>
<td>24th May 2017 in Jatti Dwarkamai Aparments, Whitefield, Bengaluru</td>
<td>1 person deceased Shri Prithviraj (24)</td>
</tr>
<tr>
<td>36</td>
<td>February 7th, 2018 Prestige Langleigh Apartment complex Whitefield, Bengaluru</td>
<td>1 person deceased Shri Rajappa (38)</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Date and place of accident</td>
<td>Victims (age)</td>
</tr>
<tr>
<td>--------</td>
<td>---------------------------</td>
<td>---------------</td>
</tr>
<tr>
<td>37</td>
<td>February 13th, 2018 Hotel Yumlok, ACS Layout, Doddanekkundi</td>
<td>2 persons deceased Shri Ramu (25) and Shri Ravi (28)</td>
</tr>
<tr>
<td>38</td>
<td>March 2nd, 2019 Sewage pit in International School, Begur, Bengaluru</td>
<td>1 person deceased Shri Manu (25)</td>
</tr>
<tr>
<td>39</td>
<td>April 2nd, 2019 Indi, Vijayapura</td>
<td>3 persons deceased Shri Nabi Lal Rehman Saab Yekkewal (26) Shri Budusaab Bagwan (45) and Shri Mudukappa Kattimani (35)</td>
</tr>
<tr>
<td>40</td>
<td>April 27th, 2019 Kadugondanahalli, Bengaluru</td>
<td>2 persons deceased Shri Gaphoor Pasha (45) and Shri Aftab Pasha (38)</td>
</tr>
</tbody>
</table>
ANNEXURE II

What Do You Do When You See An Incident Of Manual Scavenging?

Who is a manual scavenger as per the Prohibition of Employment As Manual Scavengers and Their Rehabilitation Act, 2013?

A "manual scavenger" is a person employed (either by an individual or organization) for directly handling (e.g.: manually cleaning, carrying, disposing) human excreta in either:

- an insanitary latrine,
- an open drain,
- a pit into which the human excreta from the insanitary latrines is disposed of,
- on a railway track or in such other spaces or premises, before the excreta fully decomposes.

Handling human excreta with or without gloves and other safety equipment is illegal. The process of handling excreta must be entirely mechanized as per the law.

What can you do on observing a person engaging in manual scavenging?

The employment of persons to do manual scavenging is illegal and the 2013 Act lists a number of authorities to whom complaints can be made. As of now the 2013 Act remains on paper. There are two things you need to do if you see manual scavenging being practiced.

1) File a written complaint before the jurisdictional police station and make sure an FIR is registered.
2) File a written complaint before all or as many of the authorities listed below. You may refer to the provisions mentioned in brackets below of the 2013 Act.

- The District Collector. (Section 19)
- Inspectors (appointed under Section 20)
- Vigilance Committee for each District (Appointed under Section 24 and the Chairperson District Collector)
- State Monitoring Committee (Appointed under Section 26 and the Chairperson is Chief Minister, Social Welfare Secretary is Member Secretary)
- Central Monitoring Committee (Appointed under Section 29 and the Chairperson is the Union Minister for Social Justice and Empowerment)
- National Commission for Safai Karamcharis (given powers under Section 3)
- State Commission for Safai Karamcharis (given powers under Section 32)
- The Complaint should also be filed with the head of the Institution in which the manual scavenging took place.

The addresses and emails of the above authorities will be available online. In case you find it difficult to send complaints, please contact the below-mentioned civil society organizations.

The civil society organizations working on this include the following who can be contacted: Kavalu Samithi on thamate2005@yahoo.co.in or obaleshkb@gmail.com; AICCTU on aicctu.karnataka@yahoo.co.in; PUCL-K through puclblr@gmail.com; Alternative Law Forum (ALF) on contact@altlawforum.org
ANNEXURE III

A Sample Complaint Letter

Dated: 17.03.19

Dear Sir /Madam

Subject: Incident of cleaning manhole on the road near Koramangala Police Station

I am Ms X, resident in Kormangala, Bangalore. When I was on my way to work at 10 am in the morning on 17.03.19, I saw a person descending into a manhole on the road in front of Kormangala Police Station.

I immediately took a picture of this on my phone and have attached a print out of the same. (Annexure I)

I also made inquiry with the person who entered the manhole and he told me that his name was Y and that he was from K.R. Market, Bangalore and that he belonged to the SC community. He also said that he had been asked to go down the manhole by the management of Hotel Z which had found the drain blocked.

Going into a manhole is violative of Section 9 of the Manual Scavenging Act, 2013 as well as Section 3(j) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, hence I request you to take immediate action against Hotel Z as well as ensure that Y is fully compensated as per the relevant law.

Warmly

X (Signature & Name)

(Address)
ANNEXURE IV

Filing an F.I.R

You can demand that the police register an FIR in all cases of manual scavenging based on your complaint under the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013. It is the mandatory duty of the police to register an FIR under Section 9 of the Act.

Details FIR should have—

The FIR is based on your written complaint and hence your complaint should be as detailed as possible. You should insist that the FIR include the following details to ensure effective prosecution. You should ask for a copy of the FIR on registration.

1. Details of incident (place, date, time, description of what happened, name and address of victim)


3. Names of accused persons.

Details of provisions to be invoked in FIR:

1. FIRs should be filed in cases of deaths during manual scavenging under Section 304 of the IPC as well as Section 9 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Section 9 is the punishment section for violation of Section 7, under which, ‘any person local authority or agency which, ‘engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or septic tank’.
2. In case workers are injured, based upon the intention of the accused, FIRs should be registered under Section 307 for attempt to murder as well as Section 9 of the Prohibition of Employment As Manual Scavengers and Their Rehabilitation Act, 2013.

3. FIRs should also be registered against those who construct an insanitary latrine or directly or indirectly employ a “manual scavenger” under Section 8 of the Prohibition of Employment As Manual Scavengers and Their Rehabilitation Act, 2013.

4. If the worker belongs to the SC/ST community, the FIR should also invoke 3(j) of the Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act, which defines as an offence making a member of the SC/ST community to do manual scavenging, or employing a member of the SC/ST community to do manual scavenging, or permitting a member of the SC/ST community to do manual scavenging.
This Study of manual scavenging, in its many forms, by People's Union for Civil Liberties, is based on a compilation of fact-finding reports on manhole deaths in Karnataka over the years. But the Study goes beyond factual reporting, and shows how this inhuman practice has deep roots in the Indian caste system. It is also an exploration of a millennial struggle for dignity by a historically stigmatized community that has challenged a casteist society to transform itself.

Dr. Ambedkar, the first and foremost articulator of subaltern consciousness in modern India, led the contemporary struggle by the Dalit community to achieve political self-hood and emancipation from caste stigma. The Study raises many crucial issues: the value of labor, the meaning of dignity, the role of caste hierarchy in ordering our institutions, and the absence of public conscience. The Study proposes that we build a public archive of the otherwise invisible struggles of sanitation workers, which acknowledges and memorializes the wrongs of the past, so as to build a more just future.

For more information, contact:
People's Union for Civil Liberties-Karnataka on puclblr@gmail.com