

JUSTICE DENIED

**DEATH OF WORKERS ENGAGED IN
MANUAL SCAVENGING WHILE CLEANING
SEPTIC TANK OR SEWER**

RASHTRIYA GARIMA ABHIYAN

Justice Denied: Death of workers engaged in manual scavenging while cleaning the Septic tank or Sewer

Report by

Rashtriya Garima Abhiyan



Caste in the hands of the orthodox has been a powerful weapon for persecuting the reforms and killing all reform.

Dr. B. R Ambedkar

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Research Team of Jan Sahas
Jan Sahas Social Development Society

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Acronyms

| | |
|--------------|---|
| MS Act 2013 | The Prohibition of Employment as Manual Scavengers and their Rehabilitation act 2013 |
| MS Rule 2013 | The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rule 2013 |
| MoSJE | Ministry of Social Justice and Empowerment |
| NSKFDC | National Safai Karmachari Finance Development Corporation |
| POA | Scheduled Caste and Scheduled Tribe (Prevention of Atrocities Act) 1989 |
| SKA | Safai Karmachari Andolan |
| SRMS | Self Employment Scheme for Rehabilitation of Manual Scavenger |

Executive Summary

In complete violation of basic human rights and dignity, Dalits of India continue to be pushed to practise caste based occupations such as manual scavenging. This type of discrimination emanates from the notion of purity and pollution and untouchability, deeply rooted into the mindset of upholders of caste in the country. The prevalence of caste based occupations such as manual scavenging, is a prime example of how caste, as a social construct, continues to pervade economic activities and perpetuates discrimination, exclusion, ostracization and victimization. Dalits engaged in manual scavenging such as **Valmiki, Mehtar, Dom, Bhangi, Har, Hadi, Ghasi, Olgana, Mukhiyar, Thoti, Hela and Halalkhor** are compelled to perform the task of cleaning human excreta with bare hands or to clean sewer lines and septic tanks. This study is an attempt to understand and document the continued deaths of persons engaged in manual scavenging in sewers and septic tanks across India. Section 2 (1) p of The Prohibition of Employment of Manual Scavengers and Their Rehabilitation Act 2013 defines Septic tank as “a water-tight settling tank or chamber, normally located underground which is used to receive and hold human excreta, allowing it to decompose through bacterial activities”. Section 2 (1) q of MS Act 2013 defines sewer as “an underground conduit for carrying off human excreta, beside other waste matter and drainage waste”.

Persons mostly from the Valmiki caste are hired by municipalities and households through contractors to clean septic tanks or sewers. Though, it has been acknowledged as Manual Scavenging and prohibited under the MS Act 2013, this practice continues to prevail in revenue villages, Urban Agglomerations, Out growths, Census towns and Statutory towns. This illegal and inhuman practice consumes the lives of many every year. The primary focus of this study was to understand the progress on implementation of the MS Act 2013, socio economic condition of the families after the death of the deceased and to analyze legal course of actions in the incidents in which FIR was registered. The survey was carried out in 11 states of India in which the families of the deceased from the respective states were interviewed.

Findings:

- The present study identified a total 140 incidents and 302 deaths from 1992 to 2018. Out of 140 incidents a total of 51 incidents were covered by the study in which 97 deaths were reported.
- According to NCSK's data, Tamil Nadu reported highest number of deaths (194) followed by Gujarat (122), Karnataka (68) and Uttar Pradesh (51). In our report, Gujarat reported 62 deaths followed by Maharashtra and Uttar Pradesh reporting 29 deaths each and Madhya Pradesh and Tamil Nadu reporting 24 deaths each.
- Out of the total case interview, in 35% of the incidents the FIR was filed whereas in 59% of the incidents FIR were not filed and in 6% of incidents respondents do not know if FIR had been filed. In the total number of cases where the FIR had been filed (18 cases), the research team was able to furnish copies of the FIR for 13 cases during the investigation.
- **Legal Proceedings:**
 1. In the FIRs, section 304 and 304 A of IPC was charged 77% cases (10 cases out of 13 cases where FIR was filed and furnished), which is related to **death caused due to negligence** and for the remaining 3 cases out of 13 cases where the FIR was filed and furnished, **sections 174 of IPC (Non-attendance in obedience to an order from public servant) and 284 (Negligent conduct with respect to a poisonous substance) and 7 and 9 of the MS Act 2013 had been charged. But, not in a single case except in that of Bengaluru, the arrest of the employers or the contractors was made.** In cases where the FIR had not been filed, the reasons cited by the family were that of compromises being made, pressure and intimidation faced and at times, they have been threatened that they would lose their current jobs.
 2. In the 51 cases interviewed, **prosecution did not happen** in any of the cases.

- **Compensation:** On 27th March 2014, Honorable Supreme Court of India, in a landmark judgment, declared that a person being made/forced to enter into a manhole or septic tank would be considered as a crime even in an emergency situation and in case of death of the person, a compensation of Rs. 10 lakh would be awarded to the family of the deceased. The judgment also directed states to undergo a survey to identify incidents of deaths from 1993. **This research reports that out of a total of 51 incidents, only in 31% of the cases compensation was awarded to the families of the deceased whereas in the remaining 69% of the incidents compensation was not awarded.** It is important to note that in many of the cases where relief amount has been given to the families of the deceased by the employers/contractors, it was underlined with the intention to dispose the cases. Total 48 families out of 95 families in 16 incidents were awarded compensation.
- Ministry of Social Justice and Empowerment also reported 172 deaths in the year 2016 and 323 deaths in the year 2017.
- During the time this study (January to July 2018) was being undertaken, 46 deaths were reported from states of Bihar, Uttar Pradesh, Tamil Nadu, Odisha, Jharkhand and Tamil Nadu. Every 4 day one death cases is reported in last six months.
- Of the 51 incidents across 11 states that the team investigated, **a total number of 70 workers survived minor to fatal injuries.**
- **Rehabilitation:**
 1. The survey was also aimed at ascertaining implementation of the Self-employment scheme for Rehabilitation of Manual Scavengers (SRMS) and Pre-Matric Scholarship for the children whose parents are involved in occupation involving cleaning and health hazard.
 2. **Not a single family whose members have died while cleaning the septic tank or the sewer received their due rights mentioned in the SRMS**

scheme. Not a single family was rehabilitated in alternative job. on the contrary; the deceased families have had to start engaging in manual scavenging as there was no alternate job available for their sustenance.

3. The same goes for the pre-Matric scholarship also. **Not a single child of the families who are involved in this hazardous and demeaning practice have received the scholarship for their children.** As the pre Matric scholarship is demand driven, not a single state has raised their demand for the scholarship in the year 2014-15 to 2018. Same goes for the year 2015-16, 2016-17 and 2017-18 except for Gujarat in the year 2015-16 and Maharashtra in the year 2016-17.
- The highest death rate of 37% was recorded in the age group of 15-25 followed by 35% and 23% in the age group of 25-35 and 35-45 respectively.
 - 67% of the total deceased were married. Valmiki, Arunthutiyar, Dom, Mehtar, Rukhi, Kumbhar, Matang, Meghwal, Chambar, Rai Sikh and Hela are the communities engaged in cleaning and sanitation related work in the different states covered by the research.
 - 94% of the families of the deceased belong to the Scheduled Caste category, 4% to the Other Backward Classes and 2% to the Scheduled Tribe.
 - Out of the 94% Scheduled Castes families of the deceased, 65% of the families' interviewed belong to the Valmiki caste, a group pushed to engage in sanitation and cleaning related work mostly in the northern parts of the country.
 - 49% of the deceased were found to have studied below the 10th standard whereas another 45% were uneducated.
 - **Compliance and Non-Compliance of MS Rule 2013:**
 1. **Section 4 (Employers obliged to provide 44 protective gears and safety devices):** In our research, we found out that there has been 100% violation of this rule.

2. **Section 5 (Local authority obliged to provide 14 cleaning devices):** In our research, we found out that there has been 100% violation of this rule.
3. **Section 6 (Employer and Local authority obliged to provide protective measures at the time of work):** Except Section 6 (3)(a), which states that the Supervisor must be present at the time of work; and 6(3)(k), which states that the work must be completed in broad day-light, all the other sub-parts of Section 6 have been violated completely.
4. **Section 7 (Employer and Local authority obliged to provide protective measures after the completion of the work):** In our research, we found out that there has been 100% violation of this rule.

Recommendation:

Prevention:

Technology induced intervention: In order to abolish the practices of Manual Scavenging, the foremost alternative proposed by various stakeholders was of **technological intervention**. “Technology Challenge”, where they are inviting application from individual and The Bandicoot Robot, developed by GenRobotics, Kerala, for cleaning manhole and septic tank. Such moves should be promoted and (tested) implemented in the ground instantaneously.

Training of the workers and Sanitation Inspector: Section 6(3)(i) of the MS Rule 2013 states that all employees present at the site during cleaning work are given training and adequately familiarized with the knowledge to operate all equipments involved in cleaning work. Training of local bodies or sanitation inspectors about the act, safety procedure, technical knowhow of cleaning devices, non-employment of manual scavengers should be imparted effectively.

Proper awareness and sensitization of the authorities: It is essential that the authorities are sensitized to recognize the intensity of the issue and see the system as dehumanizing and unconstitutional. In order to achieve the complete eradication of the practices awareness and sensitization program for the authorities should be organized.

Rehabilitation:

Providing relief certificate: A relief certificate should be issued to the families of the manual scavengers who died in the incident, based on which all concerned agencies should extend provisions for the safety, security, benefits and subsidies to which they may be eligible.

Ensure compensation for the families: Supreme Court Judgment March 2014 directs states and local authority to identify and award compensation of Rs. 10 lakh to the families of the victims who have died cleaning septic tank. Moreover, the survey of the families from 1993 should also be initiated for awarding the compensation.

Comprehensive Rehabilitation of the families: MS Act 2013 mentioned only one-time cash assistance, loan, dignified (alternate) livelihood opportunity and training for the same. It also clearly mentioned residential plot and scholarship for the children. One adult family member of the deceased should be given adequate skill training and an opportunity of employment.

Coverage of worker who has met the fatal injuries: In many of the incidents that we have covered, there are workers who got severely injured while cleaning the sewer or septic tanks. These suffered minor or major injuries while their co-worker/s died in the incidents. The Legislature or Judiciary should cover the injured workers under the purview of MS Act 2013.

Scholarship for the children: During the research it was found that no one from the victim's family received any scholarship for their children. Therefore, it is recommended to allot the due amount of scholarship and that there is effective implementation of the scheme for the children whose parent/s engaged in occupation involving cleaning and prone to health hazards.

Budget:

Budget Allocation: Budget allocation for prevention and the implementation of the Scheme for Rehabilitation of Manual Scavengers (SRMS) has reduced drastically over the years. Adequate budget allocation for the SRMS should be the urgent need of the authority.

Prosecution:

Stringent action against the employers: We strongly recommend that the Police to register FIR along with invoking appropriate sections of the MS Act 2013 and The POA Act 1989.

Penalizing the implementing the agency: the authorities must be held accountable and responsible for the deaths and must be penalized, as per MS Act 2013 and recent amendment of POA Act in relation to manual scavengers

Standard operating Procedures (SOP):

Standard operating Procedures for sewer and septic tank cleaners: Although MS Rule 2013 laid down precautionary measures to be undertaken before the work starts, at the time of work and after completion of the work but failed to give due process to be followed for the persecution, FIR, trial, proceedings.

1. Introduction

The caste system is a hierarchical and deeply problematic social stratification that is hereditary in nature and determined by a person's birth in a particular caste. It is an evil practice of human categorization where certain castes are marked as untouchable and condemned to the fate pre-destined for their caste. They are confined and restricted in their mobility. In such a system, there is no place for individual liberty or choice. It is based on graded inequality which sets one individual above the other. These norms are enforced through coercion, boycott, violence and ostracism. Centuries of graded inequality, led to these caste groups being socially, economically and politically excluded. Further, they have been, discriminated, deprived and victimized on the basis of their caste. In India, the Dalits lag behind in every sphere of human development indicator.

The Untouchability Offences Act 1955 which was later rechristened to Protection of Civil Rights Act 1976, made untouchability an offence and a cognizable crime. Despite such protective measures, atrocities against Dalits continued unabated and were in fact widespread and of an enhanced nature. The struggle for equality continued for long and it was in 1989 that the Scheduled Caste and Scheduled Tribe Prevention of Atrocities Act 1989 was enacted; making such crimes a punishable offence. One among such violations of human rights was the removal of human excreta with bare hands, broom or tin plates. The contentious history of manual scavenging dates back to early civilization.

One of modern India's great shame is this official and social failure to eradicate 'manual scavenging', the most degrading practice of untouchability in the country. Merely because of their birth in particular castes, the practice condemns mostly women and girls, but also men and boys, to clean human excreta in dry latrines with their hands and carry it for disposal in dumps, lakes, or rivers. Many men also clean sewers, septic tanks, open drains into which excreta flows, and railway lines.

Post-independence, various committees were formed to understand the working condition of the manual scavengers and other aspects related to their wages, facilities at working

sites and housing etc. The Scavengers' Living Condition Enquiry Committee 1949 which was chaired by V.N Barve was the first among them. The committee submitted its report and recommended improvement in the working condition and revision in the wages. Backward Class Commission 1953 chaired by Kaka Kalelkar suggested that scavengers were living in sub-human condition and living surrounded by filth. The commission suggested providing housing facility and elimination of night soil disposed as head load and recommended to provide technologically advanced tools. The Scavenging Condition Inquiry Committee was formed under the chairmanship of Mr. N.R Malkani in the year 1957. The committee recommended improvement in working condition by providing the tools and equipment to supposedly improve their working condition, decent housing facility by constructing quarters for scavengers and revision in the wages as per Minimum wages act, employees' benefit such as working hours, unclean working allowances and leave etc. Yet another report submitted by the committee headed by N.R Malkani which was constituted in 1965 talks about the customary rights of the scavengers. Pandya Committee, in 1969, recommended establishing the law and enforcement mechanism to regulate the working conditions of sweepers and scavengers.

It is important to note here that all these committees that were formed focused on the working conditions, housing and tools and equipment provided to them. Though these various committees acknowledged the degrading practicing of carrying night soil, it failed to demand complete abolition of these practices.

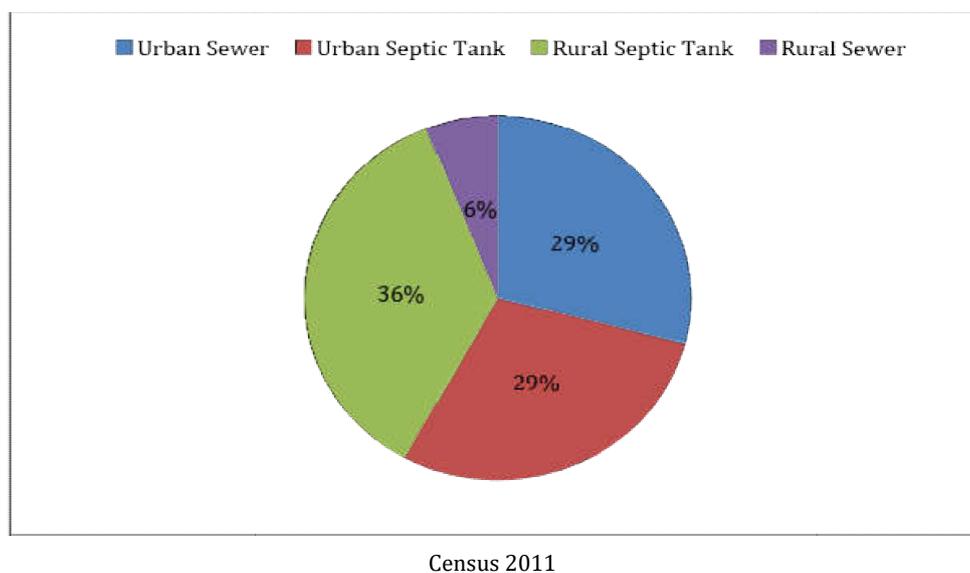
It was in 1993 that Government of India enacted "The Employment of Manual Scavengers and Construction of Dry Latrine Act". Though the law prohibits employment of manual scavengers, its definition left out cleaning practices in Indian railway, army cantonments, sewers and septic tanks, moreover , the Act did not have a provision for rehabilitation part. Civil Society organizations working on the issue moved to Supreme Court of India in order to revise the law. Expected revision proposed to court was to shift the focus of the law from mere sanitation issues to an issue of human dignity. This was a paradigm shift as the proposed law was demanding accountability mechanism, widening the definition of the manual scavengers and most importantly it was binding all the state governments unlike the 1993 Act. In September 2013 the Government of India passed the Prohibition of

Employment as Manual Scavenging and Their Rehabilitation Act 2013. As the definition of manual scavenging was broadened; sewer work and septic tank cleaner was now brought under the purview of MS Act 2013.

The law mandates two major surveys, one of insanitary latrines (those not linked to water sources and therefore requiring manual cleaning of excreta) and identification of manual scavengers. The survey of insanitary latrines was not undertaken by most of the states governments whereas the survey of manual scavengers was undertaken in only 13 out of 26 States and Union Territories. The total numbers of manual scavengers identified in these surveys were just 13,384. There after Civil Society organisation like Jan Sahas and Safai Karmachri Andolan defied the government claims and estimated that there were 1.2 million manual scavengers in India. Moreover, 2011 census identified the numbers of dry latrines to be as many as 2.7 million. Number of manual scavenging remained contentious as different organisation cited different numbers. It is obvious that in the manner that the new law has been implemented, the state continues to deny and make invisible the numbers of manual scavengers in the country.

The data below depicts the rural-urban share of septic tank and sewer which require cleaning as per the size of pit and type of latrines. It is crucial to note that these data is of households whereas the research has identified incidents of death in hotels and factories.

Figure 1 Percent of Sewer and Septic Tank Connection in urban and Rural Area



Workers engaged in this practice are employed by the municipality; contracted by municipality or contacted by individual and are generally made to clean the septic tank or sewer. This job requires workers to descend down neck deep or to be completely submerged into the putrid. They go in team of four to five persons depending upon the size, age, depth and width of the tank. There is a standard procedure to carry out this work as mentioned in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Rule 2013.

Key features of the prohibition of Manual Scavenging and their Rehabilitation Rule 2013

There is a clear mention of **employers obligation towards** employees engaged in cleaning septic tank and sewer which includes:

- 44 types of protective gears
- 14 types of cleaning devices
- A periodical check of safety devices and Protective gears in every 6 months
- Comfortable bodysuits

Ensuring safety precautions by Employers

- Presence of at least three employees all the time, one among them should be a supervisor.
- There should be a test for oxygen deficiency and presence of combustible gases including poisonous gas.
- The workers should be provided with a lowering detector lamp, wet led to identify presence of gases and a gas detector mask.
- Prior inspection to determine hazardous atmosphere in incident of presence of industry nearby.
- Prior inspection of metal rung ladder and sides of the wall
- Traffic and pedestrian barricades are provided
- Flag man standing 50 meters ahead of the site.
- Regular medical checkup of sewer workers
- Regular vaccination against respiratory and skin diseases

- Training and orientation of safety devices and protective gears.
- The supervisor should have name, address and contact number of the nearby hospital.
- Cleaning should be undertaken in day light and should have a 30 minutes interval between two stretches for duration exceeding 90 minutes.
- Identify and closed lines which may carry hazardous substance
- At least one person should have trained in first aid box and cardiopulmonary resuscitation
- Prior inspection of oxygen level below 19.5% and more than 21%
- For ventilation, opening of two to three sewer lines on both the sides.
- Sewer line should be open one hour before the operation start
- Sewer should be barricaded
- The person entering the manhole should be monitored
- Equipment should be fire and explosion proof
- In the event of sudden atmospheric change, emergency escape breathing apparatus should be made available

Ensuring safety measures by employers at the time of working

- Portable fans and air blowers with battery at the time of descending into manhole
- Flashlight and communication devices should be carried into manhole
- Tripod and harness system to pull out the workers in incident of injuries
- Basket stretcher for immediate transportation of injured workers
- First aid box
- Availability of Ambulance and follow up in close proximity
- Employer should ensure to secure insurance policy of at least 10 lakhs

Ensuring post cleaning safety measure

The rules compel employer/contractor to furnish written permission from local body. Apart from that, Protective gears, Safety devices and comfortable bodysuits are a prerequisite to employ in hazardous work. It was observed that the process being lengthy and monetarily expensive, the contractors tend to contract out the work in cheap labour.

Sewer and Septic tank death are taking place in statutory town, census town, out growth, Urban Agglomeration and revenue village unlike the practices of removing night soil from dry latrine which was more of the rural phenomenon. Honorable Supreme Court on 27th March 2014 directed all the state government to identify the families of all the persons who have died in sewer or septic tank since 1993 and award them a compensation of Rs. 10 lakhs. Not a single state has conducted survey to identify the families of the deceased. Though, Ministry of Social Justice and Empowerment reported 323 incidents of death from 8 states only 204 received full compensation in the year 2017¹. Similarly in 2016 MoSJE reported 172 incidents out of which 143 incidents were reported by SKA and 29 by ministry through press report². Safai Karmachari Andolan, an organization committed to abolish manual scavenging in the country, documented the incidents of death in sewer and septic tank death after 2014 supreme court judgment. They reported 326 deaths of sewer/septic tank cleaner from 2010 to 2017³. SKA also estimated 1560 death in sewer and septic tank since formation of MS Act 1993⁴. The documentation of the incidents was to facilitate the disbursement of Rs. 10 lakhs to the families of the deceased.



¹ <http://164.100.47.190/loksabhaquestions/annex/13/AU594.pdf>

² <http://164.100.47.190/loksabhaquestions/annex/7/AU2939.pdf>

³ <https://scroll.in/article/849665/its-safer-being-a-soldier-fighting-in-kashmir-than-a-sewer-worker-what-does-that-say-about-india>

⁴ <https://scroll.in/latest/857908/manual-scavenging-centre-to-make-it-mandatory-for-contractors-to-pay-rs-10-lakh-in-case-of-deaths>

2. Methodology

This report is based on the research conducted by Jan Sahas Social Development Society from March to July 2018 on the manual scavengers who succumbed to death while cleaning sewerage or septic tanks. The research covered various aspects which can be broadly categorized as; present living condition of the deceased's family after death, compensation received by the families on account of the death as per the MS Act 2013, rehabilitation of survivor's family members and if any legal actions were taken by the family of the deceased.

2.1 Context of the research

Rashtriya Garima Abhiyan⁵ (here after RGA) has been working for the liberation and rehabilitation of manual scavenger and their family in India since a decade. RGA has liberated around 31000 women and men from the inhuman practice of manual scavenging. The campaign played a major role in the formulation of MS Act 2013. Being the member of Central Monitoring Committee, it has successfully facilitated the recent survey of identification of Manual Scavengers undertaken by Ministry of Social Justice and Empowerment. Under the campaign various research and fact finding reports were submitted to the concerned ministry for liberation and rehabilitation of Manual Scavengers, the most recent one being the incident of Baddu village in Dewas district Madhya, Pradesh, where four workers choked to death while cleaning septic tank, including two workers of one family. RGA team immediately conducted the fact finding and submitted the report to the Ministry of Social Justice and Empowerment and National Commission for Safai Karmachari. Consequently, Jan Sahas facilitated the process of compensation of Rs. 10 lakhs to each of the families of the deceased as per 2014 Supreme Court judgment.

⁵ Rashtriya Garima Abhiyan - (National Dignity Campaign) is nationwide campaign committed for the total eradication of manual scavenging practice

The fact finding report and subsequent deliberation with the families of the deceased brought to light a few serious concerns which the team felt the need to address through a research. The concerns were related to their family condition after death of the deceased in terms of their occupation, monthly income and education of children. Most importantly, compensation, rehabilitation of the families, legal aspect (FIR registered, section charged) of the incidents, scholarship scheme for the children whose parent engaged in unclean and hazardous occupation are some of the areas which required immediate attention. Hence, the present research dwells upon these in detail in the subsequent chapters.

If one takes a serious look at the national figures, it also suggests a similar picture when it comes to death of workers happening across the entire nation. In the year 2017, the Ministry of Social Justice and Empowerment reported 323 deaths and the figure was 172 deaths in the year 2016. If one looks at the number of deaths reported in the year 2018 from January to July, the number comes close to 50.

During the research period from March to July 2018, 11 incidents have been reported with a death of 31 workers in total from the states like Andhra Pradesh, Bihar, Chhattisgarh, Odisha, Tamil Nadu, Uttar Pradesh, West Bengal and Jharkhand.. For instance, 3 persons died while cleaning septic tank in Barhan village of Agra (May 2018) district in Uttar Pradesh⁶. Similarly in Sonvarsha Raj, Saharsa, Bihar, 4 workers died (July 2018) while cleaning the septic tank⁷. Another incident brought to light through the newspaper is of Pegdapalli village Bijapur district (June 2018), Chhattisgarh which took the life of 4 persons⁸. The other two incidents are of Coimbatore (June 2018), Tamil Nadu where one worker died and very recently of 3 workers in Loni village of Ghaziabad (June 2018), Uttar Pradesh⁹. These incidents were identified through local as well as national media. But it is important to note that there are several incidents of such nature which do not find any coverage in local or national newspaper.

⁶ <http://www.india.com/hindi-news/uttar-pradesh/up-three-people-die-due-to-poisonous-gas-leakage-in-agra/>

⁷ <https://www.livehindustan.com/bihar/bhagalpur/story-four-laborers-died-from-suffocation-due-to-toxic-gas-in-septic-tank-in-saharsa-2045316.html>

⁸ <https://www.ndtv.com/cities/4-die-of-suffocation-inside-septic-tank-at-their-house-in-chhattisgarh-1869898>

⁹ <https://www.timesnownews.com/videos/news/india/manual-scavenging-claims-3-lives-in-loni/3133>

Hence, there was a dire need to understand the reason behind the high rate of death of workers occurring all across India and the government's response on the same despite of a blanket ban on this inhuman and hazardous practice..

2.2 Objective of the research

The research study endeavors:

- To assess the implementation of The Prohibition of Employment of Manual Scavenger and their rehabilitation Act 2013.
- To understand the socio-economic condition of family members after the death of the deceased.
- To analyze legal course of actions taken in the incidents if any.

The study concentrates on the aspects covered by Manual Scavenging Act 2013 questioning whether the clauses mentioned in the Act have been effectively implemented; for example– whether 40 types of safety gears were given to the person entering the sewerage/septic tank?; whether 14 types of cleaning machines were used while cleaning septic tank or sewer line?; whether ambulance was available on the spot?; whether the supervisor, who must know the rules under Manual Scavenging Act of 2013, was present on site?; how many people were allotted the work of cleaning etc. Further, legal aspects such as–whether FIR was registered after the incident; whether post-mortem was conducted etc. have been studied. The research also attempts to share the humiliation and agony that the family of the deceased had gone through as the state and the society showed utmost neglect towards them. The effect on the life and livelihood of the family and the education of the children after the death was also a major area for the research study. The research brings out the structural lacunas and the consequences of the same on the family of the deceased. The lack of political-will to adequately implement the Manual Scavenging Act 2013 had witnessed adverse impact on social and economic condition of the family after death.

The research has been conducted with an approach to understand in-depth the above-mentioned focus areas and to bring out the testimonies with a view that the realities of the

life of the deceased's family exist as they themselves experience it. The study has employed both qualitative and quantitative methods of critical enquiry. In depth interviews and case studies have been presented in this report to share with the reader; the lived experiences of humiliation and trauma that the families continue to experience. Some aspects of the research have been quantified and presented in the form of numbers and percentages. This quantitative data provides strength to the research and provides an opportunity to have specific policy implications and recommendations.

The research was conducted in 11 states of India namely: Bihar, Delhi Gujarat, Haryana, Karnataka, Madhya Pradesh, Maharashtra, Punjab, Rajasthan, Tamil Nadu and Uttar Pradesh. For the purpose of the research, incidents were identified where death of manual scavengers had occurred while they were cleaning sewerage or septic tanks. In states of Madhya Pradesh, Uttar Pradesh and Rajasthan, such incidents were identified with the help of field contacts as Jan Sahas had extensively working in these states during the Rashtriya Garima Abhiyan. In the other states, the incidents were identified with the help of news clippings and media coverage. Snowball sampling method was also applied to identify other incidents.

Table 1 State wise incidents interviewed

| Sr. No | State | No. of incidents covered/Interviewed |
|---------------|----------------|---|
| 1 | Bihar | 4 |
| 2 | Delhi | 3 |
| 3 | Gujarat | 6 |
| 4 | Haryana | 3 |
| 5 | Karnataka | 1 |
| 6 | Madhya Pradesh | 8 |
| 7 | Maharashtra | 5 |
| 8 | Punjab | 2 |

| | | |
|--------------|---------------|-----------|
| 9 | Rajasthan | 5 |
| 10 | Tamil Nadu | 4 |
| 11 | Uttar Pradesh | 10 |
| Total | | 51 |

The above-mentioned table gives a description of the number of incidents identified and the corresponding districts of the respective states. A total of 51 incidents were identified and subsequent interviews were conducted in the above-mentioned districts of the respective states. The respondents in the interview were the family members and relatives of the deceased.

In the initial stages of the research, a sample questionnaire was prepared and, a pilot study was conducted in the two identified incidents in Barotha and Itawa village of Dewas district of Madhya Pradesh. On the basis of the preliminary analysis of the data certain changes were made in the questionnaire to make the research more robust. Using the new questionnaire, data was collected in the identified incidents in Udaipur district of Rajasthan¹⁰; Agra and Mathura district of Uttar Pradesh¹¹. Following these incidents, the research team reviewed initial outcomes and made certain additions and deletions in the questionnaire to satisfy the objectives of the research. Interviews were further were conducted using the final questionnaire.

During the research, every effort was made to follow the best ethical practices. The respondents were informed of the purpose behind the research and their consent was duly taken prior to the interviews. The respondents had the liberty to end the interview anytime or to avoid answering any question. Interview questionnaire was designed to avoid any instance of re-traumatisation. The confidentiality of the respondents has been maintained.

¹⁰ Interviews were conducted in 2 identified cases in Udaipur district of Rajasthan using the changed questionnaire.

¹¹ Interviews were conducted in 2 identified cases in Agra district and 1 identified case in Mathura district of Uttar Pradesh using the changed questionnaire.

2.3 Challenges

Identification of the incidents was a major hurdle for the team. In the states where Jan Sahas has been actively working, it was relatively easy unlike the states where Jan Sahas doesn't have active presence. It was difficult to identify incidents through newspapers and media coverage as many such incidents go unreported. Even post identification of the incidents, it was difficult to locate the address of the deceased's family as the researchers were new to the area. In one of the case, the deceased was a migrant and the family had moved back to their place of origin and hence the interview could not be conducted. There was one incident where the person who had died trying to save the manual scavenger who had gone inside to clean the sewer, the researcher reached the former's house, however, the people in the house denied to give any information about the family of the latter. To locate the family, the researcher had to take help of others in the village. The researchers also faced difficulty when the families were skeptical of them initially and the team found it difficult to convince them to share the data with them. Also, the researchers were cautious not to bring their bias and treat the data in the way it was being emitted to bring out the real essence.

3. Demography of the families of the deceased

This chapter details about the total number of incidents interviewed and reported, number of deaths happened, age, marital status, caste category, education of the deceased.

3.1 No of incidents Interviewed and Identified

The present study was undertaken in 11 Indian states. Below table shows state wise number of the families of the deceased interviewed and no of incident reported. Total 51 incidents; one to two family members of the deceased were interviewed where as total 89 incidents are identified. Total 140 incidents were covered amidst the research period.

Table 2 No. of incidents Covered and Identified

| Sr. No | State | No. of incident Interviewed | No. of incident Identified |
|--------|----------------|-----------------------------|----------------------------|
| 1 | Bihar | 4 | 4 |
| 2 | Delhi | 3 | 3 |
| 3 | Gujarat | 6 | 33 |
| 4 | Haryana | 3 | 1 |
| 5 | Karnataka | 1 | 1 |
| 6 | Madhya Pradesh | 8 | 3 |
| 7 | Maharashtra | 5 | 4 |
| 8 | Punjab | 2 | 9 |
| 9 | Rajasthan | 5 | 1 |
| 10 | Tamil Nadu | 4 | 6 |
| 11 | Uttar Pradesh | 10 | 6 |
| 12 | Chhattisgarh | 0 | 3 |
| 13 | Andhra Pradesh | 0 | 5 |

| | | | |
|--------------|-------------|-----------|-----------|
| 14 | Odisha | 0 | 3 |
| 15 | Jharkhand | 0 | 1 |
| 16 | West Bengal | 0 | 3 |
| 17 | Telangna | 0 | 1 |
| 18 | Kerala | 0 | 1 |
| 19 | Goa | 0 | 1 |
| Total | | 51 | 89 |

3.2 Number of deaths reported and identified

Below table indicates the total number of death covered and identified state wise. 97 deaths were identified in 51 incidents across 11 states where the study was conducted. Moreover, in the 89 incidents identified from 19 states a total 205 deaths were reported. In total 140 incidents in which 302 deaths are identified in the present survey. It must be noted that the number of deaths per incident were sometimes more than one and extending upto maximum 5 deaths in a single incident.

Table 3 Number of deaths reported and identified

| Sr. No | State | No. of deaths reported | No of deaths Identified |
|--------|----------------|------------------------|-------------------------|
| 1 | Bihar | 4 | 15 |
| 2 | Delhi | 9 | 9 |
| 3 | Gujarat | 9 | 53 |
| 4 | Haryana | 6 | 2 |
| 5 | Karnataka | 2 | 3 |
| 6 | Madhya Pradesh | 15 | 9 |
| 7 | Maharashtra | 13 | 16 |

| | | | |
|--------------|----------------|-----------|------------|
| 8 | Punjab | 3 | 15 |
| 9 | Rajasthan | 13 | 2 |
| 10 | Tamil Nadu | 9 | 15 |
| 11 | Uttar Pradesh | 14 | 15 |
| 12 | Chhattisgarh | 0 | 10 |
| 13 | Andhra Pradesh | 0 | 17 |
| 14 | Odisha | 0 | 4 |
| 15 | Jharkhand | 0 | 2 |
| 16 | West Bengal | 0 | 8 |
| 17 | Telangana | 0 | 4 |
| 18 | Kerala | 0 | 3 |
| 19 | Goa | 0 | 3 |
| Total | | 97 | 205 |

3.3 Number of Survivors identified

During the survey the team came across a few incidents in which workers have survived; some had fatal injuries and the other have been exposed to obnoxious gases. Research study Hole to Hell¹² states that workers have been exposed to gases, aerosolized bacteria, endotoxins, which have clinical effect related to respiratory, gastrointestinal, skin rashes, carcinogenic and reproductive. In the present research 70 survivors in 51 incidents were found across 11 states where the study was undertaken.

¹² Hole to Hell, A study on Health & Safety Status of Sewer workers in Delhi, Center for Education and Communication, Dr. Ashish Mittal, Pranjali Jyoti Goswami, 2006.

Table 4 Number of Survivors Identified

| Sr. No | State | No. of incidents covered/Interviewed | Number of Survivors in the Incidents |
|--------------|----------------|--------------------------------------|--------------------------------------|
| 1 | Bihar | 4 | 9 |
| 2 | Delhi | 3 | 1 |
| 3 | Gujarat | 6 | 13 |
| 4 | Haryana | 3 | 2 |
| 5 | Karnataka | 1 | 0 |
| 6 | Madhya Pradesh | 8 | 10 |
| 7 | Maharashtra | 5 | 4 |
| 8 | Punjab | 2 | 5 |
| 9 | Rajasthan | 5 | 4 |
| 10 | Tamil Nadu | 4 | 4 |
| 11 | Uttar Pradesh | 10 | 18 |
| Total | | 51 | 70 |

3.4 Age Groups of the deceased

It can be incurred from the table below that almost 37% of the total deceased belongs to the 15-25 age group followed by 35% and 24% deceased in the age bracket of 25-35 and 35-45 respectively.

Table 5 Age Groups of the deceased

| Class | Age | Percentage % |
|-------|-----|--------------|
|-------|-----|--------------|

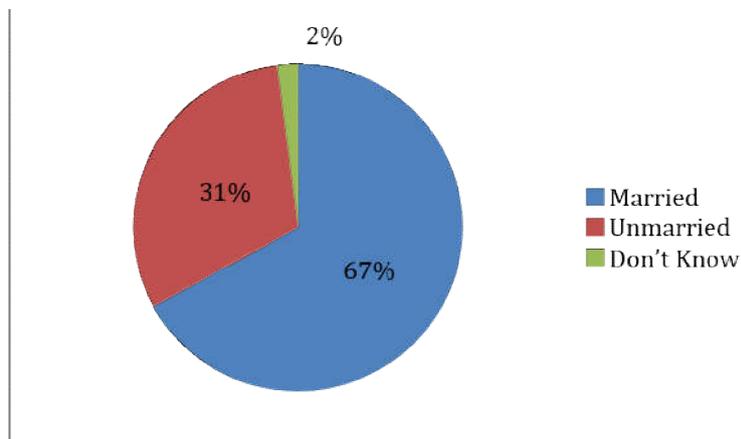
| | | |
|--------------|-----------|----|
| 15-25 | 19 | 37 |
| 25-35 | 18 | 35 |
| 35-45 | 12 | 24 |
| 45-55 | 0 | 0 |
| 55-65 | 0 | 0 |
| 65-75 | 1 | 2 |
| Don't know | 1 | 2 |
| Total | 51 | |

The workers, who are asked to clean septic tank or sewer, are generally identified and recruited in groups of four to six people depending upon the size of the septic tank. Every worker performs specific tasks for instance, one descends into the manhole and removes the putrid, giving it to the workers standing above and one is responsible for disposing it in the nearby area. During the field visits, the team observed that in majority of the incidents that took place, lives of young adult or sometimes minor boys was lost. The age group of 15-25 reported the highest number of deaths and reiterated the same scenario.

3.5 Marital Status

Out of the total respondents interviewed, 67% of the total deceased were married whereas 31% were unmarried.

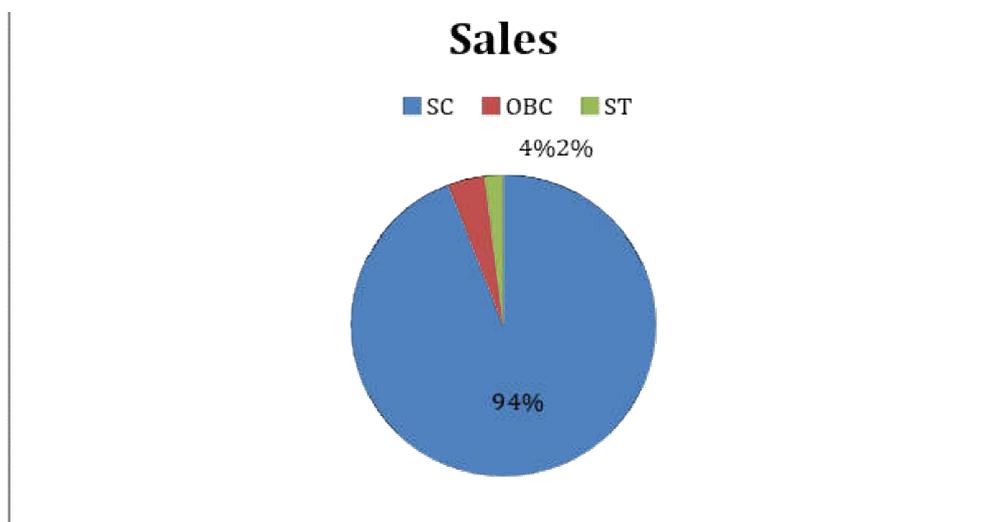
Figure 2 Marital Status



3.6 Categories of the deceased

Out of total families of the deceased interview, 94% are from Scheduled Caste, 4% are from Other Backward Classes and 2% from Scheduled Tribe.

Figure 3 Category of the deceased



3.7 Caste of the deceased

In the present research, 65% of the deceased belonged to Valmiki castes, 8% belonged to Arunthathiyar caste, 6% belong to the dom community, 4% belongs to Mehtar. Likewise, Rukhi, Kumbhar, Matang, Meghwal, Chambar, Rail Sikh and Hela caste encompassed 2% of the given data.

Table 6 Caste of the deceased

| Caste | Number of Deceased | Percentage |
|---------------|---------------------------|-------------------|
| Valmiki | 33 | 65 |
| Arunthathiyar | 4 | 8 |
| Dom | 3 | 6 |
| Mehtar | 2 | 4 |
| Rukhi | 1 | 2 |
| Bhuriya | 1 | 2 |
| Kumbhar | 1 | 2 |
| Matang | 1 | 2 |
| Meghwal | 1 | 2 |
| Chambar | 1 | 2 |
| Rai Sikh | 1 | 2 |
| Hela | 1 | 2 |
| Don't know | 1 | 1 |
| Total | 51 | |

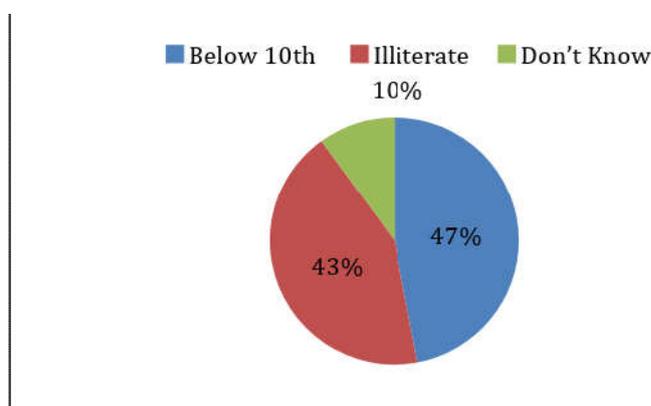
We have identified and compiled a state wise data of the castes involved in manual scavenging for instance Bhangi, Valmiki, Mehtar and Lal Begi in North; Har, Hadi, Dom Sanei in East; Mehtar Bhagis, Ghasi, Olgana, Zadmalli, Barvashia, Etariya, Jamphoda and

Mela in Central and West India; Mukhiyar, Thoti, Chacti, Palay, Reli, Arundhudhiya in South. Few castes among the Muslim community are also engaged in the practice of manual scavenging work traditionally such as Hela in Madhya Pradesh, Halalkhor in Bihar and Uttar Pradesh. Similarly, even Christian Dalits are part of the same occupation¹³.

3.8 Education of the deceased

The research study observed that 49% of the deceased had studied below the 10th standard whereas 45% were illiterate.

Figure 4 Educational status of the deceased



3.9 Primary Occupation of the family after the death of the deceased

One of the core objective of the investigations was of inquiring about the family profession after the death of deceased. Below table shows the bifurcation. In 51% , at least one member of families are engaged in sanitation works in municipality, 20% family members were engaged in cleaning septic tank, in 6% incidents families were engaged in cleaning the septic tank and in 3% incidents of the deceased started working as manual scavengers.

Table 7 Primary Occupation of the family after the death of the deceased

| Occupation | Number | Percentage |
|------------|--------|------------|
|------------|--------|------------|

¹³ The long March to End Manual Scavenging, Bezwada Wilson, Bhasha Singh.

| | | |
|----------------------------------|----|----|
| Sanitation Works in municipality | 26 | 51 |
| Septic Tank Cleaning | 10 | 20 |
| Drainage cleaning | 3 | 6 |
| Manual Scavenging | 2 | 3 |
| Others | 10 | 20 |
| Total | 51 | |

3.10 Social Economic Condition of the family after the death of deceased

It has been found in the research that after the deaths of the deceased of the family, their living conditions had gotten worse.. Many of the families are still engaging in cleaning work, manual scavenging and some of them are still continuing cleaning septic tanks. Even families who have got compensation from government were found to be living in deplorable socio-economic condition.

The death of the bread earner of the families has mostly affected the children's education as most of the children had to discontinue their education. For example, an incident that took place in Rajasthan in 2017, the sister of the deceased had to leave her education after her brother's death, so that she could help her mother in the household work. In a similar incident in Firozabad after the death of 21-year-old Bharat who cleaned septic tanks for a living, the burden of looking after the family fell on the shoulder of his brother. Similarly, in Delhi three children have had to discontinue their education after the death of their father, Ram Kriplani who died while cleaning a septic tank in Anand Vihar.

In many of the incidents the children had never gone to the school or just had primary education after which they dropped out. During the field work the team also observed that many children were victim of caste discrimination and untouchability in schools. Children from the Valmiki community were asked to clean the toilets and school premises. Children were also asked to sit separately and were not allowed to drink water from the common water taps. These are the reasons behind children belonging to these communities are pushed to drop-out of schools thus, losing their right to an education.

In one of the incidents that took place in Nagpur of Maharashtra state in 2016 five workers who were cleaning a septic tank died on the spot and it turned out that out of the total five, three workers were from the same family – including the husband and a son of the respondent. The family is yet to receive the compensation. All the children had to discontinue their education and the mother is currently working as a domestic servant. She currently earns Rs. 6000 to 7000 per month. Sita Sunil Valmiki, who was one of the respondents, had the responsibility of looking after her two daughters of 20 and 17 years of age and 2 sons of 17 and 14 years. Only the younger son is continuing his education whereas the rest have all dropped out of school. .. The family is still waiting for justice to be done. While responding to the team she said *“My kids want to learn but I can't help them”*.

In another incident in Nashik, Maharashtra, Sanjay Kachru Lonare, who used to work as a septic tank cleaner had lost his son in the septic tank. After the death of his son he stopped cleaning the septic tank and opened an egg stall. He is living with his wife and his disabled son. The family is yet to get the compensation. They live in a rented house and the expenses are making it hard for the family to make ends meet. The family only wants to get their other son educated. The death of his son has affected the family a lot. *“The main person of the family who was our hope for our future is no more. If he would have been alive, we wouldn't have to work”*. The family is also struggling for the treatment of their disabled son.

In Bhopal, 5 persons were the dependents of Sobhran Lahot who had died while cleaning the septic tank of a lawn. The owner of the lawn had promised to give relief amount and a house after the death but the family got compensation neither from government nor from the owner. When the family demanded compensation, the owner threw them out of the house. The family is now living in a hut in the outskirts of the city. The sole bread earner of the family is the elder son who is 25 years old. Even though his father faced death while cleaning a septic tank, he is compelled to do the same work knowing the risks involved. The mother has become mentally unstable after her husband's death. The family had been denied postmortem report, panchnama report and even the compensation.

In many of the incidents it has been seen that even after the death of the family member in septic tank, other members of the family continue doing the same work. When the team asked them why they are still continuing the work most of them said that *“Bacche Palna hai to Utarna padta neeche”* meaning ***“For raising their child's we have to enter into septic tanks”***.

Our research reveals that 75 % of families are still engaging in sweeping or sanitation related work. 4% of families are still engaged in manual scavenging work which is already banned. They are still continuing this caste based occupation.



In Agra, brother of the Sunny Valmiki, who had died in septic tank in Dayalbag area, is still continuing the same work. Even though the family received compensation from the government, Deepak Valmiki (Brother) is facing lots of difficulties in raising the family. The money from the compensation was mostly used for the medical treatment of his two sisters. Deepak Valmiki is still waiting for the job which he was promised by the authorities after the death of his brother.

In many cases, after the death of the husband, the female partner has had to work in order to raise their children. In Rajasthan, in one of the incidents, Premadevi Chaparwal was thrown out from the family by her in-laws. Currently she is taking care of her four children. In another incident in Agra, Seema, who is the mother of four children who had lost her son to this occupation worries for her daughters and their marriage. As her husband is partially blind, she is the sole working member earning a meagre income.

In Tamil Nadu, when Shiva, a young 27 year old worker died (in 1998), his son was of 10 months. Shiva belonged to the Arunthathiyar Community, one of the Scheduled caste communities in Tamil Nadu. After Shiva's death, his wife S. Selvarani immediately got a job in the hospital as a sanitation worker in a dispensary. She shared her story of being discriminated by her colleagues and how she was made to do extra work by them . She is also made to work extra hours and and is also being threatened by the upper castes co-workers of suspension and by saying that her salary would be deducted if she does not comply to their orders.. Selvarani said "They force us by creating fear in our minds". She also said that "I face many problems by upper caste. They never view us with respect, they never talk with respect". After the death of her husband she had raised her child without the support of family and educated her son Murlidharan. Like his mother Murlidharan has also faced humiliation and discrimination in his life. Murlidharan is good in sports but the college administration and students from upper caste community used to discriminate him in many ways. His degree was stopped by college. Murlidharan told us that he loved one girl who belonged to upper caste. Her family rejected him due to his caste. They threatened him in many ways, discriminated with him and humiliated him by saying '*You cow eating boy don't come inside my house.*' Murlidharan mentioned that "*In India, only people from*

lower caste are victim of casteism. All people are silent on the issues of discrimination. The caste issue is very big in India. We should have immediate solution.”

The testimonies of many survivors reveal how they are still considered untouchables and how untouchability is practiced against them. In many places they are not allowed to go inside temples, they are forbidden to drink water from public taps, families are refused entry in community houses, shops refuse to sell anything to them and most of the times they have to go to different places/shops where no one recognizes them or their caste. One family told us “People do not respect us due to this filthy work and behave very rudely and disrespectfully with us. They have a lot of hate for our community. Our health is not good due to this work.

4. Progress on implementation of MS Rule 2013

The MS Act 2013 prohibits the practices of Manual Scavenging. It is needless to mention that this caste-based atrocity should be banned completely and the provisions for protective gears and safety measures maintain the status-quo of the caste system. However, till the complete abolition of the practice is realized, the provisions can help in reducing the number of deaths of Manual Scavengers in sewers and septic tanks. Thus, it is essential that the provisions mentioned in the Act and its Rules must be abided by strictly. In relation to this Jan Sahas completely endorses SKA

Our fight is not for protective gears or safety belt-we want that no human being belonging to any caste should have to enter sewer-septic tanks for cleaning. It is simply big NO.

It is also noted that while talking about the MS Act 2013, the then Communist Party of India MP D. Raja mentioned that the provisions for protective gears and safety devices will only serve to continue the practice and provide the perpetrators a chance to justify Manual Scavenging. Mr. Raja mentioned:

“Manual scavenging cannot be justified with the provision of so-called protective gear and safety measures.”

Section 2 (1) (d) of the MS Act 2013, defines ‘hazardous cleaning’ by a Manual Scavenger in relation to sewer or septic tank as:

its 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;

Accordingly, the Sections 4,5,6,7,8 of the Rules of MS Act 2013 obliges the employers to provide protective gears and safety devices to the Manual Scavengers whom they engage in

cleaning sewers and septic tanks. Also, the sections mention the precautions that must be taken before, during and after the process of cleaning.

The research conducted suggests that there has been a clear-cut violation of the Sections and hence the deaths of the Manual Scavengers pose serious questions on the implementation of the Act. This chapter provides a systematic review of the violation of the Act and its Rules on the basis of data collected in the field.

4.1 Compliance of Section 4 of the MS Rule 2013

Section 4 of the Rules mentions 44 types of protective gears and safety devices that must be at least provided to the Manual Scavenger engaged in cleaning sewer or septic tank. The data collected suggests that in all the 51 incidents the Section has been violated. None of the worker entering the sewer or septic tanks was provided with the mentioned protective gears and safety devices.

Table 8 Compliance of Section 4 of the Rules

| Compliance | Number | Percentage |
|--------------|-----------|------------|
| Yes | 0 | 0 |
| No | 51 | 100 |
| Total | 51 | 100 |

4.2 Compliance of Section 5 of the MS Rule 2013

Section 5 of the Rules mentions that the local authority should ensure that 15 types of cleaning devices that must be used by the Manual Scavenger engaged in cleaning sewer or septic tank. The data collected suggests that in all the 51 incidents the Section has been violated. None of the Manual Scavengers entering the sewer or septic tanks were provided with the mentioned cleaning devices. Local authorities are culpable of violating the said Section.

Table 9 Compliance of the Section 5 of the Rules

| Compliance | Number | Percentage |
|------------|--------|------------|
| Yes | 0 | 0 |
| No | 51 | 100 |
| Total | 51 | 100 |

4.3 Compliance of Section 6 of the MS Rule 2013

Section 6 (1) of the Rules obliges the employers to check the protective gears and safety devices every six months and make necessary repairs and replacements. Given the fact that such gears and devices were not even provided to the Manual Scavenger; check, repair and replacements are far from consideration.

Section 6 (2) of the Rules obliges the employer to provide comfortable full bodysuit to the Manual Scavenger entering the sewer or septic tank if the depth of such sewer is more than 5 feet. Alternatively, if the depth is less than 5 feet, the Manual Scavenger must be provided with partial fishing wader body suits. In the research it has come out that in 30 incidents covered the depth of the sewer or septic tank was more than 5 feet. In other 21 incidents, the respondents did not know about the depth of the septic tank or sewer. The depth ranged from 5 feet to 45-50 feet.

In the 30 incidents, the Section 6 (2) of the Rules must have been complied. However, in none of the incidents the Rule was complied with. In the other 21 incidents as well, the Manual Scavenger was not provided with any kind of bodysuit.

Section 6 (3) (a) of the Rules states that as a safety precaution, 3 people including the supervisor must be present at the site of cleaning. In 11 incidents, less than 3 people were present at the site of cleaning. In 5 incidents, the respondents had no idea about the number of people present at the site of cleaning.

In only 7 incidents the Supervisor was present at the site of cleaning. The Supervisor was not present in 31 incidents and in 13 incidents the respondent had no information whether the supervisor was present at the site of cleaning or not. In all the incidents where less than 3 people were present, the Supervisor was absent. One of the major reasons for the absence of Supervisors has come out that most of the times, the house owners directly contact the Manual Scavengers for the work and hence there is no Supervisory authority contacted. Also, as most of the respondents were not present at the site of the cleaning, they had no clue if the Supervisor was present or not.

Table 10 Compliance of the Section 6 (3) (a) of the Rules

| Supervisor Present | Number | Percentage |
|--------------------|--------|------------|
| Yes | 7 | 14% |
| No | 31 | 61% |
| Do not Know | 13 | 25% |
| Total | 51 | |

Section 6 (3) (d) of the Rules mentions that it is a must that the metal rung ladders and side walls of the manhole must be checked to ensure that there is no danger of collapse while the Manual Scavenger is inside. However, on the basis of field observations, the team uncovered that in most of the incidents metal rung ladders are not even provided to them. Also, in one of the incidents that happened in the Bardu village of Dewas, it so happened that the septic tank wall collapsed leading to death of 4 Manual Scavengers in the incident. It is very clear, that had the walls been checked, the incident could have been avoided.

The data collected suggested that in all the incidents, the reason for death of the Manual Scavenger is Asphyxiation. Asphyxiation is a medical term which refers to:

“Asphyxia is the condition where the body either doesn't get enough oxygen to continue normal function or has too much carbon dioxide to function properly. Without adequate oxygen, nerve cells in the brain begin to die in about 2-4 minutes, and cell death is irreversible.”

Section 6 (3) (p) mentions that the sewer or the septic tank must be checked for oxygen level and no person shall enter the manhole if the oxygen level is below 19.5% or more than 21%, which might lead to hypo-asphyxiation and hyper-asphyxiation respectively. In the 13 Post-Mortem Reports that we could get from the families of the deceased, it is clear that the Section 6 (3) (p) has been violated. The reports mention about; ‘congestion in lungs’, ‘hypoxic asphyxia’, ‘thick white tenacious froth in mouth and nostrils’, etc., which can be inferred as death due to toxic gases in the manhole which led to less availability of oxygen. Also, in many incidents, newspaper reports suggest that death of the Manual Scavenger happened due to suffocation by poisonous gas in the manhole. Also, the field observations suggest that most of the incidents of death of Manual Scavengers, inside sewer or septic tanks due to Asphyxiation, are due to suffocation by toxic gases. If the Section 6 (3) (p) had not been violated, the deaths could have been prevented.

Section 6 (3) (k) (i) of the Rules mentions that cleaning of sewer and septic tank shall be undertaken in broad day-light. The data suggests that in 35 incidents, the septic and sewer cleaning was undertaken after 6.30 PM whereas in 10 incidents, the process was undertaken before 6.30 PM and in 6 incidents respondent was not sure about the timing of the incident.



Table 11 Compliance of the Section 6 (3) (k) of the Rules

| Time | Number | Percentage |
|----------------|-----------|------------|
| After 6.30 PM | 35 | 69% |
| Before 6.30 PM | 10 | 19% |
| Do not Know | 6 | 12% |
| Total | 51 | |

4.4 Compliance of Section 7 of the MS Rule 2013

Section 7 (iii) (a) and (b) of the Rules mention that there must be a tripod or harness system or some method to bring the injured Manual Scavenger to the surface and that there must be a basket stretcher or similar device for emergency transportation of the injured worker. Also Section 7 (iv) mentions that the employer must ensure that ambulance is present in close proximity as a safety precaution while the Manual Scavenger is engaged in cleaning the sewer or septic tank. However, it has been observed that the dead bodies of the deceased Manual Scavengers are treated badly and Section 7 (iii) (a) of the Rules has been violated intensively. The respondent in the incident in Bardu mentioned:

“Fir yahan se gaye aur crane bulayi...phir crane mein phoda todi kara...phir unko sariye se bandh bandh kar crane se nikale upar...bahut buri tarah se unko nikala nikali bahar kare...phir unko dhoye...crane ke baad goo bhari trolley se...latrine ki...usmein mera bhatija Manoj Goyal...”

“We called for a crane. After the crane came, we broke open the tank. Then we lifted them up one by one with the crane. Their bodies were carried out very disrespectfully. Then we washed them. Then in the same trolley which was used to dispose the night soil, we took my nephew Manoj Goyal.”

Many a times the stretchers are not available, or the ambulance is missing which results in delay in taking the injured to the hospital leading to death.

Case Study

Ram Kripal, 33 years, was a resident of Delhi. He used to stay with his family in Amrit Vihar. His main profession was stone masonry and used to work individually on informal offers

by the people in the neighborhood. He, along with his family, migrated to Delhi from Madhya Pradesh and was staying in a rented small two room house. He had seven children out whom there were four girls and three boys who were all attending schools at the time of his death.

On the morning of 24th August 2015, Ram Kripal and his friend was called to clean the septic tank in one of the Rajput families in the neighborhood. The family was unaware that Ram Kripal was going for cleaning the septic tank. The family came to know about this only when someone from the neighborhood had come shouting for the family to save their father. The children along with their mother, Ram Kripal's wife went running to the house where Ram Kripal was working. There was nothing but a septic tank in which the bodies of both the two workers were submerged. The eldest son Mangal, jumped into the septic tank which was about 15 years old and 12 feet deep. The 8x10 septic tank had no ladder or safety gears when Ram Kripal got into the tank. He tied a rope around his waist to get down into the tank. As soon as he reached the close proximity of the tank, he fell unconscious due to methane gas that was present in the septic tank. Further inquiry threw the light that the septic tank was not open prior to cleaning. Ram Kripal's friend jumped into the tank to save him, but ended up falling unconscious as well.

It took about an hour for the people to realize that two people have died in the tank and call the families to save the deceased but between that, no one around the house tried to save the two. It was only when Mangal arrived at the location, he searched for his father's body for about fifteen minutes before he could find a body which he took out from the tank but realized that it was the other person who jumped in the tank saving Ram Kripal. He again went in the tank to find his father's body but ended up falling unconscious too. He was hurriedly saved by his siblings, but his father and the other worker died in the incident.

The family called for a vehicle to take the bodies to the nearby hospital where both of them were declared dead and the bodies were sent for post mortem. An FIR was filed against the owner of the tank under section 304(A) and 288 and the investigation was taken up. No compensation was received by the family of seven small children and a sick and widowed

wife who were left without the only bread earner of the household. The incident is still in the court while the children still seek justice. Their mother, who was sick for a very long time, and shattered by the incident, passed away last year. All the children were studying at the time their father was alive, but after the death of their father, three of the eldest children dropped out of their education succumbed by the situation and to support their younger siblings' education and their sick mother's health. The eldest son works at a general store and tries to pay for the education of three of the younger siblings and support the household.

The incident is still pending in the court. No compensation or rehabilitation has been received by the family. The family is still struggling to make the ends meet. Due to the incident proceedings, the septic tank owner still threatens them and pressurizes them to take the filed report back, due to which the children had to leave the house. Their electricity was cut off to further pressurize the children to give up. The children were asked to vacate the house due to the social pressure built up by the septic tank owner who is from an influential background. They have changed the house, but they still receive such threats. With no financial or social security, the children still struggle to seek justice.

5. Legal Proceedings in incidents of Sewer and Septic tank death

As per the survey conducted in 11 states, we found that out of 51 incidents, only in 18 incidents FIR had been registered and in the rest of the 30 incidents FIR had not been filed. The below table shows the state wise list of incidents in which FIR was filed.

Table 12 Number of FIR filled in the incidents

| Sr. No | State | FIR Filed | FIR Not Filed | Don't Know |
|--------------|----------------|-----------|---------------|------------|
| 1 | Bihar | 0 | 4 | 0 |
| 2 | Delhi | 3 | 0 | 0 |
| 3 | Gujarat | 1 | 5 | 0 |
| 4 | Haryana | 0 | 2 | 1 |
| 5 | Karnataka | 1 | 0 | 0 |
| 6 | Madhya Pradesh | 3 | 4 | 1 |
| 7 | Maharashtra | 4 | 1 | 0 |
| 8 | Punjab | 0 | 1 | 1 |
| 9 | Rajasthan | 0 | 5 | 0 |
| 10 | Tamil Nadu | 4 | 0 | 0 |
| 11 | Uttar Pradesh | 2 | 8 | 0 |
| Total | | 18 | 30 | 3 |

From the above table, it can be seen that only in 35% of the incidents FIR had been filed, whereas, 59% of the incidents were unreported

Out of 51 incidents that we interviewed, only in 18 incidents FIRs were registered out of which we could get the details of the section filed in 13 incidents. In 2 incidents we could not get the details of the Sections as the incident was old and the families did not remember

the Sections charged in the FIR. In 2 of the incidents we could not get the details of the FIR as the family is illiterate. In most of the cases the team observed that the cases has been disposed or there had been a compromise. Below is the table of the reported incidents and sections filed in those incidents.

Table 13 Incidents wise sections charged

| Sr. No | Name of Deceased | State | Year | Sections |
|--------|------------------|----------------|------|--|
| 1 | Sunil Valmiki | Maharashtra | 2016 | 304, 338 |
| 2 | Vinod Maru | Maharashtra | 2015 | |
| 3 | Akshay | Maharashtra | 2014 | 304, CRPC 174 |
| 4 | Sunil Goyal | Maharashtra | 1995 | |
| 5 | Manoj | Madhya Pradesh | 2014 | 304 A, 3(1)(j) |
| 6 | Mohan Valmiki | Madhya Pradesh | 2009 | |
| 7 | Dinesh Goyal | Madhya Pradesh | 2017 | Section 304 A |
| 8 | Swarn Singh | Delhi | 2017 | Section 304, 308 , IPC 34 |
| 9 | Mohan lal | Delhi | 2017 | Section 304 |
| 10 | Ram Kripal | Delhi | 2015 | |
| 11 | G. Murugan | Tamil Nadu | 2005 | Section 174 IPC |
| 12 | Magendran | Tamil Nadu | 2018 | IPC Section 284, section 7, 9 of MS Act 2013 |
| 13 | Kartik | Tamil Nadu | 2011 | 304(a), MS Act 1993 Sec 3, 14, 15 |
| 14 | A. Siva | Tamil Nadu | 1998 | |

| | | | | |
|----|-------------------|---------------|------|--|
| 15 | Rahul | Uttar Pradesh | 2009 | IPC 304 and Prevention of SC/ST Atrocity Act |
| 16 | Sunny Valmiki | Uttar Pradesh | 2017 | 304 A |
| 17 | Ravi | Karnataka | 2018 | 304 |
| 18 | Raju Bhai Solanki | Gujarat | 2005 | IPC 304 (a), 114, POA 2 1 10, 3 2 5 |

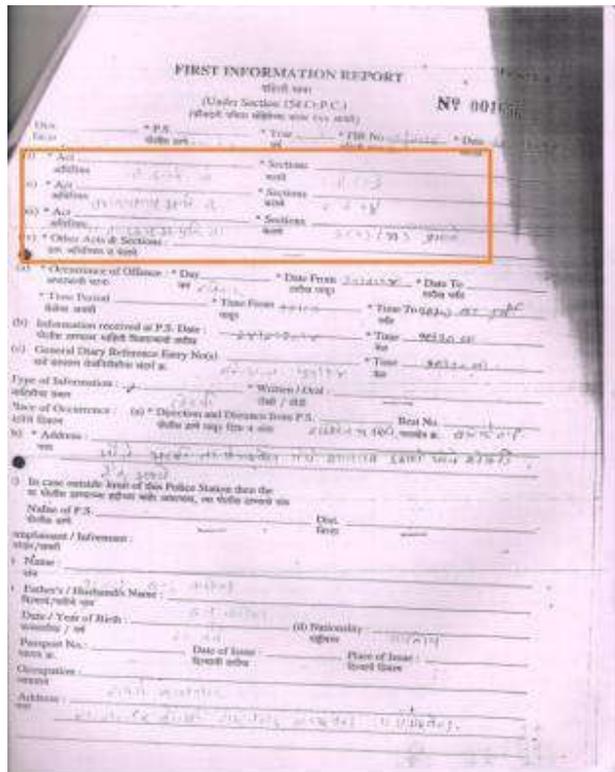
It has also been seen that the reported incidents are mostly filed under IPC Section 304 which says if the act of the death is caused is done with intention of causing death or if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death. And 304 A, which states whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide.

In the FIR reports which the team furnished from the deceased family, the team found out that proper sections were not charged by police. The most common was IPC Section 304 and IPC Section 304a. The team observed that in most of FIR's where section 304 is applied nowhere it is mentioned on whom did the onus of negligence lie. In this scenario, there is a high chance of the cases getting compromised/disposed in courts.

The compromise was mostly done by giving some amount of money to the family of the victims. This is one of the reasons for cases getting disposed in the very early stage before even the legal proceedings begin. In one of the case in Delhi, where family of Sunil Valmiki said, "They had registered FIR but they never went to court for hearing". The family also told that the supervisor was arrested by police and kept in custody for two days only. In the case of Sunil Goyal, Agra, Uttar Pradesh, family had registered the FIR and they went to court several times for the hearing. But, eventually the victim's family closed the case after settlement of three lakh rupees compensation with the help of Lawyers.

It is important to note Section 7 of the MS Act 2013 prohibits persons from engagement or employment for hazardous cleaning of sewer and Septic tank. Section 9 of MS Act penalized for contravention of Section 7 for a term which may extend to two years or with the fine which may extend to two lakh rupees. Moreover, Section 33 (1) states that it is duty of local government or concern agency to use appropriate technological appliances for cleaning sewer and septic tank and other places within their control with a view to eliminating the need of manual handling of excreta. Section 33 (2) also states that it is the duty of appropriate government to promote, through financial incentive, and otherwise, use of modern technology. Chapter 4 discussed in detail about the violation of section 4 (44 protective devices and safety devices), Section 5 (14 cleaning devices), Section 6 (protective measures at the time of work), Section 7 (protective measures after the completion of the work) MS Rule 2013. In the aforementioned context, one can say that there is clear cut standard operating procedure to be followed by appropriate government but on contrary, law remained on paper. Therefore section 302 of Indian Penal code along with section 7,9, 33 (1) and 33 (2) of MS Act should be evoked.

Safai Karamchari Andolan & Ors. vs. Union of India & Ors., (2014) 11 SCC 224, Supreme Court had noted the plight of Manual Scavengers, “Manual scavengers undertaking the degrading human practice in the country, the official statistics issued by the Ministry of Social Justice and Empowerment for the year 2002-2003 puts the figure of identified manual scavengers at 6,76,009. Of these, over 95% are Dalits (persons belonging to the Scheduled castes), who are compelled to undertake this denigrating task under the garb of "traditional occupation". The manual scavengers are considered as untouchables by other mainstream castes and are thrown into a vortex of severe social and economic exploitation”. Considering the fact that it is caste based occupation, section 3 (1) (j) of Prevention of Atrocities Act 1989 should also be evoked. There is only in one incident where sections of manual scavenging has been charged. This shows how the authority is turning a blind eye to the incidents and subsequently denying justice to the victim. Moreover, It is important to note that not in a single case the prosecution was undertaken.



The findings of the present research also highlighted the fact that Prevention of Atrocity Act is also not charged except in two incidents. Preamble of the Prevention of Atrocity Act which is also known as the POA, SC/ST Act states that *to prevent the commission of offences of atrocities against the members of Scheduled Castes and Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.*

In the report by Human Rights Watch titled “Hidden Apartheid: Caste Discrimination against India’s ‘Untouchables’”, it has been noted that “Dalits are frequently the victims of discriminatory treatment in the administration of justice. Prosecutors and judges fail to vigorously and faithfully pursue complaints brought by Dalits, which is evidenced by the high rate of acquittals in such incidents”.

Mentioning how the police generally failed to “register or properly register crimes against Dalits”, it has been noted that “Dalits’ right to equal treatment before organs administering justice is compromised at the outset”.

5.1 Challenges to file a FIR

In the course of the field work, the team also observed that one of the challenges in these incidents is the filing of FIR. There have been different testimonies from the families where they mentioned the reasons behind them not filing an FIR. In the Bhopal incident, where the deceased Subhran Lahot who had gone to work in a lawn to clean the septic tank, the owner of the lawn was a friend of the District Collector. When the family was going to file a FIR, the owner and District Collector called them and asked them to solve the matter by making a compromise. They also made fake promises that the owner of the lawn will provide them a house and will also give compensation in the form of money. Police also denied giving the Panchnama report to deceased’s family. This incident shows how the nexus of Bureaucrats and Corporates works together to save the culprit. This nexus has also seen in Mathura incident of 1992 where three workers were died in a septic tank of the theater. The police had asked the families to compromise with owner and the families were given 30000 Rupees as compensation.

In one of the incidents in Fatehpur Sikri the family of the deceased Govinda, was told by the Sarpanch of the village not to file a FIR and that they would help them to get the compensation. It has been observed by the team during the field work that mostly in the villages the families of the deceased were pressurized not to file FIR against the contractor. As the contractors or house owners of the septic tank mostly belong to dominant castes, it gets easy for the authority to silence the voice of the families of deceased. The families were threatened of being socially boycotted from the village if they filed an FIR. In fear of losing their livelihood, they couldn’t file the case.

In one of the incidents of 2011 in Rajasthan, the families were threatened that if anyone filed an FIR, he would leave all the workers working under him which would leave the whole basti unemployed. Fear of this led to non registration of FIR.

However, even in the incidents where FIR has been registered the incident did not go to the court. It has been also found that there is zero conviction rates in these incidents. This shows that even the state is trying to save the culprit by not convicting them and hence perpetuating this inhuman practice while giving rise to such incidents of deaths.

Many families have been struggling for justice till death and when they demand justice they are threatened and humiliated. Deepal Valmiki, one of the respondents in our survey who lost his brother, is fighting to get justice and when he went to the police station; he was humiliated by being asked to get out. Even the contractors do not fear law, Seema, who lost her son was threatened with words such as, “Hamare khilaaf agar karwayi bhi karoge to bhi tum hamara kuch nahi kar sakti, Jo mila wo rakh lo” which means “Even if you file a legal case against us, we won't be harmed. Whatever you are getting keep it”.

From all above incidents it can be seen that there has been lot of negligence on the part of the bureaucracy in not registering FIR and not ensuring justice to the deceased, which gives more leverage and power to the contractors continuing these deaths and violating the laws.

Case Study

Kartik (21), Anandan (24) and Ashok (18) were the residents of Coimbatore. All three were daily wage workers from the same neighborhood.

Kartik has studied till 10th standard and was staying with his parents and one sister who is now married. His father is also a daily wage worker. On the evening of 21st February 2011, Kartik, along with two of his friends, was called by a contractor on behalf of the owner of

Star Hotel to clean the 15 feet deep septic tank. It was an oral contract by the owner of the hotel and the contractor with the three but no written contract was signed.

With no safety gears provided to the laborers, Ashok was the first one to get into the tank to retrieve the suction machine from the tank. Ashok was struggling to breathe due to the overcoming fumes of the tank and was falling unconscious, seeing his struggle, Kartik and Anandan jumped into the tank to save him but they too fell unconscious due to the methane fumes of the tank. The workers died due to asphyxiation (choking). When the hotel's staff came to know about the death, they spent the entire night discussing with each other about what they should do next while the bodies were still lying in the septic tank. It was only in the morning that they decided to inform their families about the incident and take the bodies to the hospital. The bodies were carried out one by one by a crane in extremely humiliating circumstances.

Apart from the fact that the employers lacked the sensitivity to take the bodies out of the septic tank in a proper manner, they took hours to decide what they have to do while they did not think of taking the bodies to the hospital as soon as possible just to ensure if anyone is alive or can be treated. The families of deceased directly reached the hospital as soon as they were informed and the relatives of the deceased blocked Tiruchi road near Coimbatore Medical College Hospital where the bodies were sent off for post mortem. Due to the protest of the family, the police filed a case against the hotel owner, staff and the contractors. The FIR was filed under section IPC 304 (A) and Sections 3, 14 and 15 of MS Act 1993.

Kartik's mother is suffering from acute heart issues while his father is making the ends meet by working as a watchman. His father earns Rs. 150 a day after working for 12 long hours. Before Kartik's death, the daily income of the family was about 500 Rs. a day which as now reduced to Rs. 150. The compensation of ten lakh rupees that was received by the family was consumed by his mother's heart surgery and treatment. Kartik's family is still struggling to survive every day.

Anandan was married and had two children out of which, one was just born and one was 7 years old. After his death, the wife Anita has raised both the children all alone, struggling with the financial crisis and emotion ordeal of losing not just a bread earner but a husband who was also the only pillar of support for her. She is working as a household domestic worker and earns up to 5000 Rs. a month. Currently their children- Sudesh (13) is studying in class 8th and Ashwini (6 years) is studying in class 2nd. She believes that she would do anything to educate her children and raise them to have a better future.

Ashok was 18 years old who had discontinued his studies after class 9th due to the discrimination he faced in the school by the other students. He did not have any support from the teachers or friends in the school. Once the upper caste students attacked him with a blade, after which he discontinued his education. He was the only son of his family. Currently, his mother is working as a sweeper and is earning about 200 Rs a day. She works from 7 am to 8 pm.

During the case trial, according to the judgment, the offender were set free and no relief was provided to the family for four long years of absolute distress and struggle. In 2015, after a long tribulation, and external support from social organizations, the families finally received a compensation of ten lakhs rupees each but they were not satisfied by the mere amount thrown at them by the government as they do not believe that any amount whatsoever since it does not compensate for the loss they've endured.

The families are not satisfied with the "justice" provided to them by the court. While talking to us, Kartik's mother says- "Everyone has supported the Hotel management and administration, how will we fight with them? Unlike them, we do not have any power" Ashok's mother left us with a question- "I want justice, but how to get it, you tell me?"

6. Compensation

Civil Society Organizations have been fighting against these evil practices of removing night soil from dry latrine, cleaning septic tank or sewer some by descending down into manhole or tank; sometime neck deep or by drowning into the putrid. MS Act 2013 was the legislation which brings all these categories into the ambit of Manual Scavenging. However, such practices continue to persist in many parts of India even today. The court has on several occasions, directed the state and central government to monitor and implement the act. Various orders have pushed the state and central government to ratify the law and they have been asked to appoint the executive officials. Various state governments have appointed the concerned officials as the law binds the state to collect data and monitor on a time to time basis. On the ground, the law remained redundant as far the implementation is concerned.

On March 27th 2014, Honorable Supreme Court of India, in a land mark judgment, directed the state government to fully implement the law and take stringent action against the violator. The court further directed the government to identify the families of all the persons who died while cleaning the septic tank since 1993 and award compensation of Rs. 10 lakh to each family of the deceased. The court also categorically pointed out that; if the practice of manual scavenging has to be brought to an end and if future generations are to be prevented from entering into this occupation rehabilitation measures must include:

- Sewer and Septic tank death- entering sewer lines without safety gears should be made a crime even in emergency situation. For each death compensation of Rs. 10 lakhs awarded to families of the deceased.
- Indian Railway should take time bound strategy to end manual scavenging on the tracks.
- Provide support for dignified livelihood to women manual scavengers in accordance with their choice.

In the aforementioned context, the present research made an attempt to investigate the number of the death in 11 states and how many have received compensation as directed by

Supreme Court. Below table shows state wise list of the incidents in which compensation was awarded by the authority.

Table 14 wise list of incidents awardees and non awardees

| Sr. No | State | Awarded compensation as per Supreme court Judgment | Commensuration not awarded | Amount given by employer/contractor |
|---------------|----------------|---|-----------------------------------|--|
| 1 | Bihar | 0 | 4 | 1 |
| 2 | Delhi | 2 | 1 | 0 |
| 3 | Gujarat | 3 | 3 | 1 |
| 4 | Haryana | 1 | 2 | 1 |
| 5 | Karnataka | 1 | 0 | 0 |
| 6 | Madhya Pradesh | 2 | 6 | 2 |
| 7 | Maharashtra | 0 | 5 | 2 |
| 8 | Punjab | 1 | 1 | 1 |
| 9 | Rajasthan | 2 | 3 | 3 |
| 10 | Tamil Nadu | 1 | 3 | 0 |
| 11 | Uttar Pradesh | 3 | 7 | 3 |
| Total | | 16 | 35 | 14 |

During our field work while investigating about the compensation awarded to the families of the deceased, we came to know that in a few incidents employers or contractors have given relief amount to the family. In the above mentioned table we have shown separately the compensation awarded as per Supreme Court judgment and relief amount given to family by the employers of contractor. Out of total 51 incidents, 50 incidents that we have interviewed were after the year 1993. As per the judgment, out of the total incidents only 32% incidents received compensation of Rs. 10 lakh. Out of the total 35 incidents, one

incident was of 1992 from Uttar Pradesh. In total, 48 families in 16 incidents have been awarded compensation.

Moreover, it is important to note that we have only considered the incidents in which Rs. 10 lakh compensation was awarded by the concerned government authority. Third column in the table indicates amount to be given by employer, contractor, factory owner and Hotel Owner. The amount ranges from Rs. 20,000 to 7 lakh. In one incident the factory owner has paid a compensation of 17 lakhs. Ministry of Social Justice and Empowerment inquired about the same and in response Minister of State for Social Justice and Empowerment presented the following data.

Table 15 MoSJE data of incidents identified, compensation awardees and non awardees

| Sr. No. | State | Number of Incidents Identified/Reported | Compensation Paid | |
|--------------|---------------|---|----------------------------------|----------------------|
| | | | Full Compensation of Rs. 10 Lakh | Partial Compensation |
| 1. | Tamil Nadu | 144 | 141 | 0 |
| 2. | Punjab | 32 | 32 | 0 |
| 3. | Karnataka | 59 | 14 | 8 |
| 4. | Haryana | 5 | 3 | 0 |
| 5. | Kerala | 12 | 0 | 2 |
| 6. | Rajasthan | 7 | 3 | 2 |
| 7. | Uttar Pradesh | 52 | 1 | 35 |
| 8. | Delhi | 12 | 10 | 0 |
| Total | | 323 | 204 | 47 |

(Source- Ministry of Social Justice and Empowerment 2017)

In the above table Minister of State for Social Justice and Empowerment reported 323 deaths out of which 72 families of the deceased are yet to receive the full compensation.

7. Rehabilitation

The persistence of Manual scavenging remains a major hurdle for the communities engaged in this occupation and they continue to suffer from untouchability, humiliation, discrimination and social exclusion. Efforts have been made by Civil Society Organization to abolish this dehumanizing work and provisions have been amended in the MS Act 2013. The prohibition of Manual Scavenging and rehabilitation Act 2013 bans this practice and directs the states and local authorities to rehabilitate the Manual Scavenger by providing skill development training and loan to their dependent so that they can sustain life with dignity. According to Manual scavenging Act 2013, if a person is identified as a manual scavenger by the District magistrate, the process of rehabilitation is to begin within a month from the date of identification.

In the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013, definition of Manual Scavenging has widened which includes cleaning Sewer, septic tank, railways and army cantonment. It also talks about rehabilitation which was a very crucial aspects in order to improve the living conditions of the communities which have been engaged in the work of manual scavenging.

7.1 Self Employment Scheme for rehabilitation of Manual Scavengers

The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) is a Central Sector Scheme of the Ministry of Social Justice and Empowerment (MSJE). The scheme was introduced in January 2007, to rehabilitate the identified manual scavengers in alternative professions by the end of financial year 2008-09. The scheme was subsequently revised in November 2013. Below are some of the important provisions of Scheme for Rehabilitation of Manual Scavenger

- He/she will be eligible for one-time cash assistance worth Rs. 40000/- immediate after identification. The beneficiary would be allowed to withdraw Rs. 7000/- on monthly installment.

- Loan up to Rs. 10 lakh for establishing the self-employment project. In incident of project related to sanitation work like vacuum loader, pay and use toilets, the amount can to increases to Rs. 15 lakh. The interest rate on the loan is 5% for the amount up to Rs 25000 and 6% interest for the loan amount above Rs. 25000. The interest for women candidates is 4% and difference will be subsidized under the scheme.
- Credit linked capital subsidy that is given as a part of the loan. The subsidy is backing ended i.e. it is excluded from the calculation of interest as well as repayment of the principal amount.
- Skill training and stipend up to 2 years.

The above scheme for the socioeconomic development of Manual Scavenger and their dependent is implemented through National Safai Karamcharis Finance & Development Corporation (NSKFDC) which came into existence 1997, under the Ministry of Social Justice & Development. NSKFDC is operational since October 1997, as an Apex Corporation for the all-round socio-economic upliftment of the Safai Karamcharis, Scavengers and their dependants throughout India through loans and non-loan based schemes.

Self-Employment Scheme for Rehabilitation of Manual Scavenger (SRMS) is being implemented by the NSKFDC. NSKFDC made public the following figures regarding Budget Expenditure (BE), Revised Expenditure (RE) and Actual Expenditure (AE) of the five years for Self-Employment schemes for rehabilitation of the manual scavenger (SRMS)

Table 16 Four years budget of SRMS scheme

| Year | BE (Rs. in Crores) | RE (Rs. in Crores) | AE (Rs. in Crores) |
|-------------|---------------------------|---------------------------|---------------------------|
| 2013-2014 | 570 | 70 | 35 |
| 2014-2015 | 448 | 50 | 0 |
| 2015-2016 | 470.19 | 10.01 | 0 |

| | | | |
|-----------|----|-----|-----|
| 2016-2017 | 10 | 1 | 0 |
| 2017-2018 | 5 | 5 | 0 |
| 2018-2019 | 20 | --- | --- |

(Source: Fiftieth Report, Standing Committee on Social Justice and Empowerment, 2017-18)

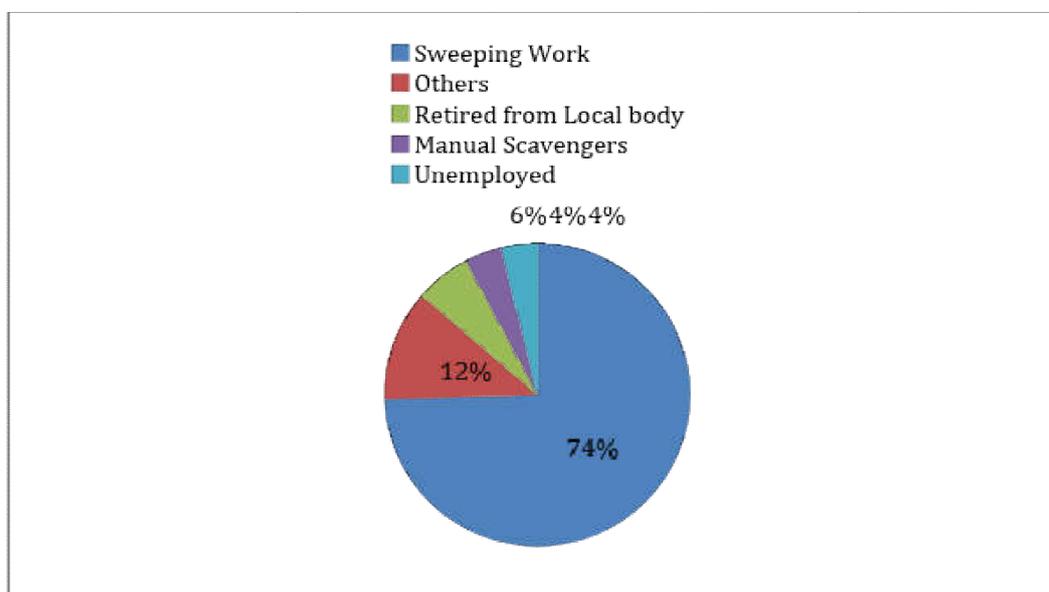
Budget for the SRMS scheme for each year has reduced from 2013 to 2018. RE has been reducing since the past five years and utilization is also Nil from the last four years. The present research also investigated the rehabilitation of the families of the deceased. The research data shows that none of the families were rehabilitated. The research team did not come across a single family that had received the subsidised loan or or skill development training for alternative livelihood.

According to M.S Act 2013, the person engaged in manual scavenging and if willing to come out of it shall be allotted Land for house and financial assistance for building the house or a ready-built house under the scheme of central government or State government or local authority. But none of the family were aware about this scheme and by default had not received the land Patta.

On the contrary, Table no 5 in chapter 1 presents that almost 94% of the deceased belongs to Scheduled caste communities. Again from table 4, it becomes clear that 65 % of the deceased families belong to Valmiki caste, 8% belongs to Arunthathiyar caste, 6% belongs to Dom Caste, 4% belongs to Mehtar caste and 2% belongs to Rukhi, Kumbhar, Matang, Meghwal, Chambar, Rail Sikh and Hela castes. *“Balmiki, Mehtar, Hela, Dom and Arunthathiyar communities are associated with the caste based occupation of cleaning or Scavenging work”*.

As it is visible from the below chart, 75% of bread earner are still engaging in Sweeping or Scavenging work, 4% are engaged in Manual Scavenging, 6% are retired from Municipal committee after service as sweeper, 11 % are engaged in other work and 4% are unemployed.

Figure 5 Present Occupation of the families



There has not been any survey undertaken by the local authority to identify the manual scavengers working in dry latrine or sewer and septic tank. This also reiterates the fact that there hasn't been any survey for assessing the status on children's scholarship. According to Manual Scavenging Act 2013, after identifying a person as manual scavenger, his/her children will be eligible for scholarship according to the scheme of central government or State government or local authority. The chapter dwells upon the scholarship of children whose parents were/are engaged in unclean occupation.

7.2 Pre-Matric Scholarship for the Children whose parents Engaged in Occupations Involving Cleaning and Prone to Health Hazards

Pre Matric Scholarship for the children of those engaged in occupation involving cleaning and who are prone to Health Hazards was introduced in 1977-78. The scholarship runs under the Ministry of Social Justice and Empowerment department, Government of India. The objective of the scheme is to provide financial assistance to the children engaged in occupations involving cleaning and who are exposed to health hazards due to it. National

Safai Karamcharis Finance and Development Corporation is a coordinating agency for monitoring and better implementation of the scheme in the States/UTs. This is the centre sponsored scheme which is implemented by state/UTs, and receives 100% assistance from Central Government of India¹⁴.

Important feature of the scheme

- (i) Monthly scholarship for 10 month (ii) Annual ad-hoc grant for like stationary, uniform etc.

| Sr No. | Schemes Component | Rates | | |
|--------|---------------------|---|-------------|------------|
| | | Class | Day Scholar | Hostellers |
| 1. | Monthly Scholarship | I-II | 110 | -- |
| | | III-X | 110 | 700 |
| | | Annual Ad-hoc Grant | | |
| 2. | Annual Ad-hoc Grant | Day Scholars - Rs. 750 per annum Hostellers-Rs. 1000 | | |

(Source: Self Employment Scheme for Rehabilitation or Manual Scavenger, 2013)

- No income or Caste restriction for eligibility.
- Special provisions for students amongst target group with disabilities.
- Scheme is implemented through State Governments.
- Aadhaar as identity document under Section 7 of Aadhar Act, 2016 for all scholarship schemes

“The scheme of Pre-Matric Scholarship to the children of those engaged in occupations involving cleaning and prone to health hazards is a centrally sponsored scheme and demand driven. Based on the demand received from States /UTs, the Department releases the central assistance over and above their committed liability”.

¹⁴ Fiftieth Report, Ministry of Social Justice and Empowerment, 2017-18

During the research it was found that no one from the victim's family received any scholarship for their children. When inquired about their plan for their children's future, majority of the family wanted their children to be educated and get a respectable job but due to financial crunch or poor economic condition they could not provide them with education. Most of the family's major occupation has been sanitation related work but none of the family are getting any type of scholarship for their children. Below table shows allocation and expenditure from 2015-16 to 2018-19.

The department released the following figures showing BE, RE and AE of last 3 years and BE for 2018-19 for above mentioned Scheme

Table 17 Pre Matric Scholarship the children whose parent engaged in unclean and hazardous occupation Budget

| Years | BE (Rs. in Crores) | RE (Rs. in Crores) | AE (Rs. in Crores) |
|--------------|---------------------------|---------------------------|---------------------------|
| 2015-16 | 10 | 2.50 | 2.42 |
| 2016-17 | 2 | 1 | 1.88 |
| 2017-18 | 2.70 | 2.70 | 0.35 |
| 2018-19 | 5 | --- | --- |

(Source: Fiftieth report, Standing Committee on Social Justice and Empowerment)

From the above table of Budget for the Pre Matric Scholarship for the children of those engaged in occupation involving cleaning and prone to Health Hazards, one can see that the RE budget is decreasing and AE has been declining from the overall estimated budget for each year. This scheme is demand driven and on the basis of demand raised from the respective states, the centre allocates the budget for the scheme.

The Ministry of Social justice and Empowerment released the following table of state wise beneficiaries, for the last 3 years under Pre-Matric Scholarship Scheme for the children of those engaged in occupations involving cleaning and prone to health hazards.

Table 18 State wise Pre Matric Scholarship Budget

[Rs. in Lakh]

| Sr N o | Name of State/UTs | 2014-15 | | 2015-16 | | 2016-17 | | 2017- 18 |
|--------------|----------------------|--------------------|-----------------------------|--------------------|-----------------------------|--------------------|-----------------------------|--------------------|
| | | CA Releas ed | No of Benefici a-ries | CA Releas ed | No of Benefici a-ries | CA Releas ed | No of Benefici a-ries | CA Releas ed |
| 1 | Andhra Pradesh | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 2 | Assam | 5.22 | 4049 | 00 | 00 | 00 | 00 | 00 |
| 3 | Bihar | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 4 | Chhattisgarh | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 5 | Delhi | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 6 | Goa | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 7 | Gujarat | 00 | 00 | 177.34 | 333629 | 00 | 00 | 00 |
| 8 | Haryana | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 9 | Himachal Pradesh | 28.85 | 1929 | 32.45 | 2124 | 00 | 00 | 35.07 |
| 10 | J & K | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 11 | Jharkhand | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 12 | Karnataka | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 13 | Kerala | 0.35 | 1362 | 00 | 00 | 00 | 00 | 00 |

| | | | | | | | | |
|----|----------------|-------|-------|-------|--------|--------|-------|-------|
| 14 | Madhya pradesh | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 15 | Maharashtra | 00 | 00 | 00 | 00 | 170.00 | 94295 | 00 |
| 16 | Mizoram | 12.34 | 275 | 16.71 | 355 | 18.17 | 440 | 00 |
| 17 | Odisha | 0.53 | 1572 | 7.20 | 1135 | 00 | 00 | 00 |
| 18 | Pondicherry | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 19 | Punjab | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 20 | Rajasthan | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 21 | Sikkim | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 22 | Tamil Nadu | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 23 | Tripura | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 24 | Uttar Pradesh | 00 | 00 | 00 | 00 | 00 | 00 | 00 |
| 25 | Uttarakhand | 00 | 00 | 7.90 | 1450 | 00 | 00 | 00 |
| 26 | West Bengal | 42.63 | 5086 | 00 | 00 | 00 | 00 | 00 |
| | Total | 89.92 | 14273 | 241.6 | 338693 | 188.17 | 94735 | 35.07 |

(Source: Fiftieth report, Standing Committee on Social Justice and Empowerment)

The above table shows state-wise data for the three years on the amount allotted and number of families that have benefited. As mentioned above that it is scheme driven by demand, out of total 26 states only five states have presented their demand and received the amount. It is important to note that in 11 states that the team has surveyed, not a single state has raised their demand for the scholarship in the year 2014-15 to 2018. Same goes for the year 2015-16, 2016-17 and 2017-18 except Gujarat in the year 2015-16 and Maharashtra in the year 2016-17.

Caste Study

Siva, 27 years, was resident of Coimbatore. He used to stay with his wife Silva and a 10-year son Murlidharan. He was a permanent government worker in municipality.

On the morning of 5th January 1998, he went to Thadagam road, Coimbatore to clean a septic tank where Sabrimala Festival was being celebrated. He went along with three of his coworkers. Although the septic tank was small, it was not opened for a very long time. When Siva opened the septic tank for cleaning, the fumes erupted from the tank due to which Siva fell unconscious and slipped into the tank filled with sludge. Since he had no safety gears to ensure his safety, he succumbed to death due to sheer ignorance and lack of technical equipments. Siva's body was taken out by a crane, which again, is an extremely insensitive and humiliating manner. After his death, other two workers were sent to clean the same septic tank. A FIR was filed in R. S. Puram police station on this case.

He was taken to the hospital and was declared dead, the postmortem report mentions the cause of death as asphyxiation. Right after Siva's death, Silva was provided with a job of a sanitation worker in a hospital dispensary.

Silva says- "All sanitation workers are working under forced circumstances. Even after so many deaths, the government is not providing the workers with safety equipment." Being a young single mother, Silva took up the responsibility to raise her son all alone with no support from in-laws. Over the years, Silva has been discriminated against, in her

workplace by her upper caste colleagues due to her caste background. She adds “I have faced innumerable discriminative issues. The upper caste and dominant class do not treat us with respect and dignity. We are forced to do undignified work and are forced to work beyond our working hours. They threaten us to create fear in our minds in the name of salary cuts and suspension.

Siva’s son Murlidharan, who is currently studying in the third year of engineering, has faced the same discrimination that Silva, along with many other Dalits face in their schools and work places by the upper castes. After finishing his diploma in the same college, he was asked to pay Rs. 23,000 for his degree. He was good at sport but was never given an opportunity to play between the Malayali and Tamil upper caste students. Due to this, he discontinued his education any further. He was in love with a girl who belonged to an upper caste background, but was rejected on the basis of his caste and threatened on his life. In his words, he was told by the father of the girl, he is in love with- “You cow eating boy! Do not step inside my house!” Having faced this discrimination, Murlidharan has started a small organization that works on eradication of manual scavenging and casteism. He says “Only Dalits are affected by casteism in India; everyone else is just silent on this issue. Caste issue is very big in India so we should have an immediate solution for it.”

The family has received a compensation Rs. 10 lakh in 2016, after a long struggle of the family, due to the external intervention of organizations.

8. Recommendation

As this report is taking its final shape, news of three Manual Scavengers dying while cleaning sewer in Delhi has been released. It is not difficult to comprehend that the practice of Manual Scavenging is an exemplification of the caste system. The Manual Scavenging Act 2013 talks in ample about the abolition of this practice and goes ahead to talk about the rehabilitation of the erstwhile Manual Scavengers. The Supreme Court of India in a major ruling stated that a compensation of Rupees 10 lakh should be provided to the families of the Manual Scavengers who have died while cleaning sewers and septic tanks. However, in both the instances, the Legislature as well as the Judiciary has failed to acknowledge the caste angle involved with the dehumanizing practice and hence, the agony of the families, who have lost their fathers, sons and brothers while they were engaged in cleaning sewers and septic tanks, is often neglected. A total eradication of this practice is not possible till we fail to acknowledge that the ultimate aim should be to annihilate the caste system in toto.

Coming back to the MS Act of 2013 which has been violated multiple times since its inception to the present date, all the incidents in which Manual Scavengers have died while cleaning sewers and septic tanks, there have been violations of either, some or all Sections of the Act. These violations, as discussed in the previous sections, are a proof of the failure of the implementation of the Act and it is the Government's responsibility to ensure that these rules are being followed in order to prevent any such unfortunate incident in the future.

On the basis of findings in the incidents that have been documented in this report, here are some recommendations that are essential to ensure justice to the families of the deceased.

8.1 Prevention

Technology induced intervention: In order to abolish the practices of Manual Scavenging, the foremost alternative proposed by various stakeholders was of **technological intervention**. Municipal Corporations has adopted few; among them the most popular is- Suction Machine. Currently, ministry of Housing and Urban Affair launches

“Technology Challenge”, where they are inviting application from individual or an NGO to come up with technology induced methods with an aim to eliminate human entry into septic tank or sewer which is a positive move¹⁵. Another case is of The Bandicoot Robot, developed by GenRobotics, Kerala, for cleaning manhole and septic tank. Such moves should be promoted and (tested) implemented in the ground instantaneously¹⁶. Further, use of the screeners in sewer lines to prevent entry of solid non-degradable materials should be installed.

Training of the workers and sanitation inspector

Fatal accidents happening all across countries pose some serious question regarding the health hazardousness of being in filth and intrinsically dangerous situation. The harmful agents prevailing in sewer are gases like hydrogen sulphide, asphyxiants, carbon dioxide and methane and, solvent and aerosolized bacteria and endotoxins in sewers. Presence of such gases causes some serious clinical effects due to exposure to sewer hazards. Respiratory effects, gastrointestinal effects, skin rashes, reproductive effects and carcinogenic effect are some of immediate cause¹⁷. The occupational hazards were such in nature that workers do not survive long after their retirement.

Section 6(3)(i) of the MS Rule 2013 states that all employees present at the site during cleaning work are given training and adequately familiarized with the knowledge to operate all equipments involved in cleaning work. Moreover, the training shall be conducted every two years and employees shall be familiarized with any changes in methods and techniques in this relation. Despite the provision in MS Rule 2013 no training were provided to workers engaged to clean the septic tank without any training.

On the other hand Fire Fighters are trained to prevent and fight the fire, manage hazardous materials. Trainees learn how to use fire equipment, such as ladders, hoses, chain saws, fire

¹⁵<http://news.rediff.com/commentary/2018/jul/08/centre-launches-technology-challenge-for-solutions-to-end-manual-scavenging/362ca45e2824f1aec65b962a17832a27>

¹⁶<https://www.indiatoday.in/fyi/story/bandicoot-the-robot-that-will-make-kerala-india-s-first-manual-scavenging-free-state-1172634-2018-02-19>

¹⁷ Hole to Hell, A study on Health & Safety Status of Sewer workers in Delhi, Center for Education and Communication, Dr. Ashish Mittal, Pranjali Jyoti Goswami, 2006.

extinguishers and axes. Education in some fire academy programs is applicable to associate degree programs related to fire science.

In the classroom, students study search and rescue procedures, local building codes and fire science. Advanced courses may cover arson, disaster preparedness and educating the public on fire safety. In field exercises, trainees are put through obstacle courses to test their agility. They are also trained on how to react to challenging situations, such as fires in subways, high-rises, cars or crawl spaces¹⁸.

Moreover, training of local bodies or sanitation inspectors about the act, safety procedure, technical knowhow of cleaning devices, non-employment of manual scavengers should be imparted effectively.

Proper awareness and sensitization for the authorities: The issue of Manual Scavenging, is related to the caste system. It is essential that the authorities are sensitized to recognize the intensity of the issue and see the system as dehumanizing and unconstitutional. Despite laws, amendments, policies, government orders and media attention on the issue the biggest challenge that we face to the eradication of manual scavenging and sewer deaths is the fact that the bureaucracy and government lack the political will to view this as cold blooded murder. The very fact that not a single case of legal action has been initiated against the employers, who mostly belong to upper caste groups, telling on how the system seeks to preserve the caste system within its administration. It must be understood that mere compensation is not justice to the disadvantaged groups who are forced to engage in Manual Scavenging. If the authorities are aware and sensitive enough, there are chances that they will not defer from their duties and hence conviction rates in the incidents of employing Manual Scavengers can increase. Awareness campaign should cater to general public, urban bodies, contractors, households that without safety equipments and cleaning devices, employment of workers for cleaning

¹⁸ https://study.com/fireman_training.html

septic tanks should be prohibited. Awareness program regarding the MS Act 2013 and its effective implementation in the ground should also be made priority.

8.2 Rehabilitation

Providing a relief certificate: A relief certificate should be issued to the families of the manual scavengers who died in the incident, based on which all concerned agencies should extend provisions for the safety, security, benefits and subsidies to which they may be eligible.

Monitoring authorities to ensure compensation for the families: Supreme Court Judgment March 2014 directs states and local authority to identify and award compensation of Rs. 10 lakh to the families of the victims who have lost their lives because of the negligence and ignorance of the employers along with the failure in the implementation of the Manual Scavenging Act of 2013. The same judgments also direct to initiate the survey of the families in which death took place while cleaning septic tank since 1993. However, it has been seen that there is no survey that has taken place and the consequences being, the families have not received the compensation amount. In the present survey, 36 incidents were identified in which compensation was not awarded. Since the cases identified were from 1992 to 2018, few cases compensation was delayed for a year to 10 years. Hence, there should be in placed mechanism to monitor the progress in the receipt of the compensation to the family of the deceased.

Comprehensive Rehabilitation of the families: MS Act 2013 mentioned only one-time cash assistance, loan, dignified (alternate) livelihood opportunity and training for the same. It also cleanly mentioned residential plot and scholarship for the children. One adult family member of the deceased should be given adequate skill training and an opportunity of employment. It is also recommended that in incident the deceased is survived by his wife, the work opportunity should be given to her.

Categorization of deaths while cleaning sewers and septic tanks: The deaths that happen while cleaning the sewers or septic tanks must be categorized separately. This will help in getting the data and hence the further processes of compensation and rehabilitation can be realized smoothly.

Cover those who have survived under the law: In many of the incidents that we have covered, there are workers who got severely injured while cleaning the sewer or septic tanks. These suffered minor or major injuries while their co-worker/s died in the incidents. The Legislature or Judiciary should cover the injured workers under the purview of MS Act 2013. In the present survey, total 70 survivors were identified. Such survivors also provided with medical allowances, insurance and compensation. It should be ensured that they are not forced to engage in the same work again.

Scholarship for the children: The Pre-Matric Scholarship for the children of those Engaged in Occupation involving Cleaning and Prone to Health Hazards was started in 1977-78. As mentioned in the sub chapter 7.2, it is demand drive scheme, out of total 26 states only five states has presented their demand and received the amount. It is important to note that in 11 states that the team has surveyed not a single state has raised their demand for the scholarship in the year 2014-15 to 2018. Same goes for the year 2015-16, 2016-17 and 2017-18 except Gujarat in the year 2015-16 and Maharashtra in the year 2016-17.

During the research it was found that no one from the victim's family received any scholarship for their children. Therefore, it is recommended to allot the due amount of scholarship and that there is effective implementation of the scheme for the children whose parent/s engaged in occupation involving cleaning and prone to health hazards.

8.3 Prosecution

Stringent action against the employer/s: Since 'The Prohibition Of Employment as Manual Scavengers and Their Rehabilitation Act, 2013' prohibits employing people for the de-humanizing practice of manual scavenging, there should be an appropriate infliction of penalty on those involved in the offence in the incidents. Moreover, during the survey team

has observed that FIR was not registered in the majority of the cases and the cases in which the FIR was registered appropriate section was not charged. We strongly recommend that the Police to register FIR along with invoking appropriate sections of the MS Act 2013 and The POA Act 1989.

Penalizing the implementation agencies in fault: The deaths of Manual Scavengers while cleaning the sewer and septic tank which have been identified and covered in this report have happened after the MS Act 2013 came into enforcement. This proves that sewer and septic tank cleaners are continue to be employed by local authority and contractor who ironically are the same people/agencies who have been made responsible for the proper implementation of the Act. In such incident, the authorities must be held accountable and responsible for the deaths and must be penalized, as per MS Act 2013 and recent amendment of POA Act in relation to manual scavengers. Such incidents will act as a deterrent for others in the same capacity.

Complete abolition of Manual Scavenging: The MS Act 2013 has provisions for 'protective gears and safety devices', while handling excreta, in which incident the person will not be defined as a 'Manual Scavenger'. Use of the gears and devices can reduce the number of deaths but fails to acknowledge the complete abolition of caste-based engagement as Manual Scavenging. It is recommended that the Act is amended and total abolition of Manual Scavenging, with or without protective gears and safety devices, is ensured.

8.4 Standard Operation Procedure and Budget

Standard Operating Procedure for Sewer and Septic tank cleaner: Ministry of Labour and Employment issued a Standard Operating System for Identification and Rescue of Bonded Labourer and Prosecution of the offenders. The SOP clearly mentions due process to be followed on receipt of oral or written complaint followed by rescue, inquiry, FIR, prosecution of the offenders, summary trial, trial proceedings, Evidence, judgment and sentence in summary trial and benefits to labourers.

Although MS Rule 2013 laid down precautionary measures to be undertaken before the work starts, at the time of work and after completion of the work but failed to give due process to be followed for the persecution, FIR, trial, proceedings.

Budget Allocation: Budget allocation for the implementation of the Scheme for Rehabilitation of Manual Scavengers (SRMS) has reduced drastically over the years. Adequate budget allocation for the SRMS should be the urgent need of the authority. Budget Estimates for the SRMS scheme from the year 2013-14 to 2018-19 has reduced drastically from 570 to 20 Crores. The same goes for Pre Matric scholarship for the children of Manual Scavengers. Standing Committee on Social Justice and Empowerment Fiftieth report (2017-18) states those states/UT have not taken a pro active role in identifying the eligible beneficiaries. This has resulted into poor demand under the scheme.

Case Study

Baddu is small village located in Tonk Khurd of Dewas district in Madhya Pradesh with 252 households residing in the village. The Baddu village has population of 1362 of which 702 are males while 660 are females as per Population Census 2011. Caste composition of Baddu village consists of majority of Sendhav households followed by Gowswami, Scheduled caste and Tribal. As per the constitution of India and Panchayati Raj Act Baddu village is administred by Sarpanch of the village.

Context and Case Description

One of the Valmiki families were relatives with the one of the four person came to clean the septic tank. Because of their relation, Sarpanch contacted this family and ask to send few to clean the septic tank. The family contacted Dinesh Goyal, resident of Vikash Nagar, Dewas. He gathered his four companions who include his son Rinku, Vijay, Ishwar and Arun Pal (survivor). The incident took place on 31st July 2017 at around 9.30 PM at Baddu village, TonkKhurd bloc in Dewas district. Dinesh Goyal, Rinku Goyal, Vijay Sihote and Ishwar Singh died while cleaning the septic tank in Baddu village. During the fact finding, it was come out that total five persons went to clean the septic tank. It was come out from the

discussion that they started cleaning the septic tank at around 9.30 PM. It was pit latrine and one of the sections was cleaned by pulling out sludge, one of them went to dispose excreta to nearby area. To clean the remaining section, two of them went into the pit and hit the small passage inside the pit as it was blocked. It wasn't cleaned since 20 years as mentioned by Sarpanch, Gas immediately hit the two persons inside.

In case of residential system, "It was recommended that systems be pumped out at least once every three years for homes not having a garbage disposal." Apart from that, no safety gears were provided to them to clean the tank.

Two of them immediately went unconscious, at the same time since blockage of the pit was hit, sludge from remaining pit started to fill the pit they were standing into. When Dinesh Goyal came to rescue them, he also fell into the pit immediately after coming into contact with gas. The last person who was apparently the son of the Dinesh Goyal screamed for the help by going to door step, but nobody from the village came for the rescue. He didn't receive help, tired of screaming, he thought to rescue his partners. He just went in close proximity of the pit by tying himself with the rope. Rope wasn't tied hard and he also fell into the pit. Someone from the village called the person who went to dispose the excreta into the woods. He rushed to the place, he saw one person floating over the pit and three of them inside. He informed the close acquaintances about the incident and they rushed to the spot. They called JCB machine and waited it to come there. The JCB came after one and half hour. They dig near the pit and with the help of iron rod; they pulled out all and cleaned them with water.

Police also came to the spot and took the statement and took the bodied to Hospital for Post mortem. Post mortem report is pending.

Testimony of the Survivor - Arun Pal and close acquaintances

Name: Arun

Age: 21

It was in the evening 7 o'clock when all four started emptying the tank. One section of the septic tank was cleaned and Arun was told to dispose the sludge outside the village in the tractor, and come back to take the other half again. While he was there, he received a call from the relatives in Bardu that the other men have drowned and he should come take them.

By that time, someone from the village had already dialed 100. When he reached, the police was already at Sarpanch's house sipping tea but the corpses were still lying in the tank and the body of Dinesh Goyal had bloated and come up to the surface of the water. Arun then called his relatives and friends from Dewas. The bodies were tied and taken out of the water at 1 o'clock then and were cleaned with water. The corpses were then put in the tractor in which the dirt was taken to throw out of the village and Arun and his friends took them to TonkKhurd for Postmortem. Nobody from the family of the employers came to escort them. No other vehicle was provided. The Sarpanch gave Rs. 1500 to each of the families but only joined them next morning in Tonk for postmortem.

It was recorded that Rinku was the last one to jump in the Septic tank after he noticed that the other three were dead or unconscious. Before jumping in the tank he went around the village crying for help but no one came forward to help them after which he decided to jump in himself. He tied a rope in a hurry and didn't take his clothes off and jumped. The rope tore and he fell into the pit and ended up losing his life along with the others. His death was absolutely avoidable if someone would've come for help.

During the incident the electricity went off for a few minutes which came on again but after the incident the lights were turned off by the Family of Kailash (Sarpanch's Uncle) while the bodies continued to lie inside the tank and people continued like nothing happened.

Police Investigation

Police official from Balon police Chowki were presented at the spot and immediately took up the charge. The bodies were sent for postmortem and report is yet to come. Police has prepared a morgue report. Further judicial process is in pipeline.

Photos



About us

The “Rashtriya Garima Abhiyan” (National Campaign for Dignity) launched by Jan Sahas in 2001 has proven to be a very innovative and effective program to end manual scavenging. The Abhiyan has liberated 31,828 manual scavengers in Madhya Pradesh, Bihar, Uttar Pradesh, Maharashtra and Rajasthan. It appealed to the innate sense of dignity and urged manual scavengers to give up this caste-based, unconstitutional practice. The Abhiyan provides on-going support to liberated manual scavengers by which they may thwart opposition they face and oppose all forms of discrimination. Manual scavengers are organized into *sanghatans* (community-based organizations) so that they are better able to demand their rights. The Garima Abhiyan, in its efforts to attain the social, economic, political and cultural rehabilitation of manual scavengers informs them of their rights and helps liberated manual scavengers to access and realize them.

Due to the success of the Garima Abhiyan, liberated manual scavengers, 90% of whom are women, have been empowered and live lives of dignity. They are able to find forms of work that pay competitive wages instead of earning a very paltry sum of money, and a few *rotis* a day, and old clothes which is what they received in exchange for carrying out odious work. Their children have also faced less discrimination as a result of their mothers having given up this practice. Liberated and empowered, manual scavengers have taken the lead in working to put an end to this practice. They have taken the campaign to other villages and states. They have ended many forms of discrimination in the communities where they live and are having an increasing say in local political institutions. The Rashtriya Garima Abhiyan approach challenges the predominant notion that manual scavenging can be abolished through technical sanitizing or economic interventions. Providing comprehensive rehabilitation under the MS act to replace the “work” traditionally done by manual scavengers has successfully address the profound system of inequality that locks manual scavengers into demeaning subordination.

Garima Abhiyan, through its advocacy, has been successful in drawing the attention of policy makers about the urgent need to design and implement comprehensive efforts to end manual scavenging. Due to the work of *Garima Abhiyan* there has been a demonstrated shift in mindset and thinking regarding the indignities of manual scavenging and they ways in which it violates the human rights of those locked in this system. This shift in mindset has occurred among manual scavengers and has resulted in both government officials and people in their communities reconsidering the ways in which they treat members of manual scavenging communities.

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