



MANUAL SCAVENGERS SEWERAGE & SEPTIC TANK **DEATHS**

Govt of India 2020-21



SAFAI KARMACHARI ANDOLAN

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Govt of India 2020-21

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MANUAL SCAVENGERS and Sewerage deaths 2020 – 2021 through Government Eyes

Sanitation workers in India have a long history of caste-based exploitation in the country. Based on the caste hierarchy that has divided society indiscriminately, sanitation work or the most “polluting” work has been imposed upon the Dalits and more deprived communities of the country. People engaged in the caste based work of scavenging have been forced to manually lift human waste for hundreds of years and this has resulted in further deterioration of livelihood and the dignity of an individual. Even after independence, the situation for the communities affected by manual scavenging has not changed much. Among the estimated 1.2 million sanitation workers in the country more than 90% are from particular dalit communities. Even today, the majority of the safai karmacharis that involve manual scavenging and/or other forms

of sanitation work, are employed in the informal sector.

LEGAL PROVISIONS FOR MANUAL SCAVENGERS

Various laws and schemes have been implemented over the years to put an end to the practice and uplift the individuals and families involved in manual scavenging. Some of the key legislations are,

- ▶▶ The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 criminalized the employment of manual scavengers to clean dry latrines. Under this Act, the National Commission for Safai Karamcharis (NCSK) was constituted in 1994 to investigate the conditions of Safai Karamcharis in the country, investigate grievances with respect

to the implementation of schemes and make recommendations to the Central Government.

▶▶ The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (PEMSRA) was also passed with the objective to end manual scavenging. The 2013 Act also focused on the rehabilitation of manual scavengers and the introduction of mechanization to prevent manual scavenging. Under this Act, any person who engages an individual for manual scavenging is punishable with imprisonment up to two years and/or a penalty of Rs. 1 lakh.

▶▶ The Supreme Court order of 27 March 2014 in the *Safai Karamchari Andolan vs Union of India* stipulated the following:

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

- ▶▶ (a) such initial, one time, cash assistance, as may be prescribed;
- ▶▶ (b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;
- ▶▶ (c) they shall be allotted a residential plot and financial assistance for house construction, or a ready-built house with financial assistance,

subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;

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

(ii) If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-

- ▶▶ (a) Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.
- ▶▶ (b) Railways – should take time bound strategy to end manual scavenging on the tracks.
- ▶▶ (c) Persons released from manual scavenging should not have to cross

hurdles to receive what is their legitimate due under the law.

► (d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.

(iii) Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.

(iv) Rehabilitation must be based on the principles of justice and transformation.

GAPS IN IMPLEMENTATION

Safai Karmachari Andolan (SKA), a movement for the elimination of manual scavenging, has been organising sanitation workers across the country and highlighting the continued practice of manual scavenging in different forms. Efforts are made toward the rehabilitation of workers as well as

bringing attention to sewer deaths that still occur because of gross neglect and discrimination. Even before one can take action in terms of rehabilitation of manual scavengers, a major issue of invisibilisation of most of this workforce persists, both by the government and citizens. Only a few categories of workers are counted in the official records. Sanitation work such as drain cleaning or cleaning of toilets by domestic workers is excluded. The Prohibition of Employment as Manual Scavengers and the Rehabilitation Act of 2013 since its inception to stop the oppression of the workers involved in sanitation work is facing a challenge of implementation. Even after ten years of law, no nationwide survey has been conducted in the country to gather information about the workforce. The compensation and rehabilitation-related enforcement has not been established fully in the country. Since 2013, no Comptroller Auditor General (CAG) report related to the implementation of the law has been prepared.

Parliamentary Discussions On Manual Scavenging And Sewerage Deaths 2020-2021

Since 2018, the Ministry of Social Justice and Empowerment has denied the prevalence of manual scavenging. In response to a question in parliament on 4th March 2020

So in March 2020, the government claimed to have identified 62,904 persons engaged in manual scavenging. But in September 2020, in the next session of the Rajya Sabha the government claimed to have identified

51,825 manual scavengers cleaning insanitary latrines in 18 states and also converted all the insanitary latrines to sanitary latrines (rajya sabha 21.9.2020). Again on 10 March 2021, the answer to Rajya sabha claimed identified 66,692 manual scavengers.

In all its answers to the Rajya Sabha, the Ministry of Social Justice and empowerment which is responsible for the rehabilitation of persons

The persons who were engaged in manual scavenging on this date are identified for their rehabilitation. The Act provides for survey of manual scavengers by the Chief Executive Officers (CEO) of Gram Panchayat in rural areas if they have reasons to believe existence of manual scavengers in the areas under their jurisdiction. 14,559 manual scavengers have been identified by 13 States from 2013-14 to 31.01.2020. In addition, a National Survey has also been carried out in 194 districts of 18 States identified on the basis of insanitary latrines, converted into sanitary latrines under Swachh Bharat Mission. 48,345 manual scavengers have been identified under the National survey upto 31.01.2020. Thus a total of 62,904 manual scavengers have been identified since 06.12.2013 upto 31.01.2020

identified as manual scavengers has claimed to have identified all manual scavengers and rehabilitated. However the governments claim of rehabilitation is limited to the construction of sanitary latrines under the swachh barath abhiyan and does not specify the other rehabilitation measures that are prescribed both in the Act and in the supreme court judgment.

In all its answers the ministry of the government has claimed to be monitoring the “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013”.

These have been the repeated answers that are given by the Ministry of Social Justice and Empowerment on the numbers of manual scavengers and their rehabilitation. As per the provisions of the Act, two surveys have been conducted for identification of manual scavengers in the country and identified 58098 manual scavengers. All identified and eligible manual scavengers have been provided assistance for their rehabilitation.

“On 24.12.2020 a Mobile App has been launched to identify existing insanitary latrines and manual scavengers if any engaged, therein. After field verification of the data uploaded on the App, no existence of insanitary latrine has been verified. Therefore, there is no report of practice of manual scavenging currently in the country¹.” As a result, according to government statistics, most districts have been declared ‘manual scavenging free’ and based on the latest count available there are around 58,000 manual scavengers in the country in 238 districts of the country. Among these 58,000 manual scavengers, 26,000 of them are out of the rehabilitation scheme of the government. Of those who are counted, it is reported that most are from the SC community.

GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
RAJYA SABHA

UNSTARRED QUESTION NO. 1586
TO BE ANSWERED ON 04.03.2020

ERADICATION OF MANUAL SCAVENGING

1586. DR. VIKAS MAHATME:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state

- whether the target of eradicating manual scavenging by 2019 is going to be met or it is going to be pushed further and if so, the details thereof;
- whether there has been a decrease in deaths due to manual scavenging and if so, the details thereof; and
- the steps taken/being taken by Government to ensure compliance of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

ANSWER

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT
(SHRI RAMDAS ATHAWALE)

- Manual scavenging is prohibited under Section 5 of the “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act 2013)” in all the States and Union Territories with effect from 06.12.2013.

The persons who were engaged in manual scavenging on this date are identified for their rehabilitation. The Act provides for survey of manual scavengers by the Chief Executive Officer (CEO) of Municipality in urban areas and CEO of Gram Panchayat in rural areas if they have reasons to believe existence of manual scavengers in the areas under their jurisdiction. 14,559 manual scavengers have been identified by 13 States from 2013-14 to 31.01.2020. In addition, a National Survey has also been carried out in 194 districts of 18 States identified on the basis of insanitary latrines, converted into sanitary latrines under Swachh Bharat Mission. 48,345 manual scavengers have been identified under the National survey upto 31.01.2020. Thus a total of 62,904 manual scavengers have been identified since 06.12.2013 upto 31.01.2020.

- There have been no reports of death of persons due to manual scavenging. However, States have reported death of persons while cleaning sewers and septic tanks. Details of such deaths during last five years as reported by States to the National Commission of Safai karamcharis is at **Annexure**.

- Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act 2013) provides for a well laid down monitoring mechanism through Vigilance Committees at District and Sub-Division Level, State Level Monitoring Committee to monitor implementation of various provisions of MS Act, 2013. In addition, progress of implementation is also monitored through periodic reports, regular meetings with senior officers of the States and Union Territories and meetings of the Central Monitoring Committees under the Chairmanship of Minister of Social Justice and Empowerment from time to time.

However, this appears to be a gross overstatement of facts as different data sets present a vastly different scenario. The survey of manual scavengers in 2018 was conducted by the National Safai Karamcharis Finance and Development Corporation (NSKFDC) at the behest of the Ministry of Social Justice and Empowerment. According to the survey conducted by the government in 2018, there are about 25,015 manual scavengers. This data has been opposed by Safai Karmachari Andolan as the survey methods used were inappropriate². The survey excluded sewer and septic tank cleaners and was conducted in the District HQ, where the workers could not participate because the camps were only set up for a day or two. The official numbers provided by the government and the methods used for the survey reveal the government's blatant indifference toward manual scavengers. Therefore, the official numbers cannot be used to formulate welfare policies for the workers.

According to the 2011 census, there are 26,07,612 dry latrines in India (Census defines these as 'insanitary' latrines). Manual scavengers are employed in cleaning these latrines. Updated data are not available as

the Census 2021 has not yet been conducted. In response to a question in the Rajya Sabha in 2019, the government reported that they have no such data for urban areas. Further, in rural areas, it was reported that 2,73,909 latrines were identified, and of these 2,67,277 latrines have been converted to sanitary latrines. A large number are in urban areas and it seems like these are not even monitored.

The National Human Rights Commission (NHRC) has also condemned the numbers and this is recorded in the minutes of the Regional Workshop on Issues and Challenges of Manual Scavenging and Human Rights held on 18th December, 2020, where they state: "Many states make tall claim that they have zero manual scavengers, and nil insanitary latrines but these are far from truth. Accountability for such incorrect statements of the Authorities to be fixed. The figures emerging from the survey of manual scavengers should be cross checked with the figures which may be available with the Unions/Associations of Safai Karamcharis. Member of these Associations have more authentic information about the presence of manual scavengers."³

¹ <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1778858>

² <https://www.newsclick.in/govt-lacks-political-will-end-manual-scavenging-bezwada-wilson>

³ <https://nhrc.nic.in/activities/minutes-of-meetings/archive?page=5>

Deaths Of SANITATION WORKERS

Across the country the deaths of sanitation workers while working in the most hazardous and inhuman places have shown the denial of the government towards this workforce.

On manual scavenging, the government in its reply said, “No death has been reported due to engaging in manual scavenging (which is lifting of human excreta from insanitary latrines as defined in Section 2(1)(g) of the MS Act, 2013).” Therefore, the accountability and the acceptance of deaths due to manual scavenging in the country have still not been established.

The Government of India has repeatedly been pushing the issue of sewerage deaths under the carpet of accidental death due to hazardous occupation. This is a gross violation of the truth.

Questions were raised in the Rajya Sabha on September 2020 and February 2021. On both the ministry of Social Justice of Empowerment has given the standard answer, “ There are no reported deaths due to manual scavenging in the country. However as per reports received from states, 288 persons have died while cleaning sewers and septic tanks during the last three years from 2018 to 2020”.

However, approximately 472 scavengers

Annexure referred in reply to part (c) of the Lok Sabha Unstarred Question No. 2726 for answer on 02.08.2022 regarding Manual Scavengers.

Details of death of persons in sewers and septic tanks during the last five years (2017 to 2021)

| S No | Name of State/UT | Total Number of sewer death |
|------|------------------|-----------------------------|
| 1 | Andhra Pradesh | 13 |
| 2 | Bihar | 2 |
| 3 | Chhattisgarh | 1 |
| 4 | Chandigarh | 3 |
| 5 | Delhi | 42 |
| 6 | Gujarat | 28 |
| 7 | Haryana | 36 |
| 8 | Karnataka | 26 |
| 9 | Kerala | 1 |
| 10 | Maharashtra | 30 |
| 11 | Madhya Pradesh | 4 |
| 12 | Odisha | 2 |
| 13 | Punjab | 14 |
| 14 | Rajasthan | 13 |
| 15 | Tamil Nadu | 43 |
| 16 | Telangana | 6 |
| 17 | Uttar Pradesh | 47 |
| 18 | West Bengal | 19 |
| | Total | 330 |

lost their lives throughout the pandemic, according to data available with SKA ⁴. During the COVID-19 pandemic, when the lockdown was imposed, sanitation and sewer workers were categorized as essential services and considered frontline workers. However, during this period, 93% of these workers, including sewer workers, did not receive personal protective equipment (PPE) kits or training on how to protect themselves from COVID-19 infection resulting in their deaths ⁵.

⁴ <https://www.newsclick.in/govt-separate-entity-address-issue-manual-scavenging-bezwada-wilson>

⁵ https://www.academia.edu/43470203/Condition_of_sanitation_workers_in_India_A_survey_during_COVID_19_and_lockdown

REHABILITATION Of Manual Scavengers

Entitlements for Manual Scavengers

In accordance with the PEMSRA and the Supreme Court judgement, those classified as manual scavengers are entitled to relief under the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) that comprises the following:

- ▶▶ Onetime cash assistance of Rs.40000/- to identified manual scavenger. (OTCA)
- ▶▶ Credit linked back-end capital subsidy upto Rs. 3.25 lakh with provision of concessional Loans for project cost upto Rs. 15.00 lacs.
- ▶▶ Skill Development Training upto two years with stipend of Rs.3000/- per month to the manual scavenger/ dependent who opts for such training.
- ▶▶ Subsidy on Loans to manual scavengers/ sanitation workers and their dependents for sanitation related projects (for projects upto Rs. 15 lakh)
- ▶▶ Coverage of Manual Scavengers for Health Insurance under Ayushman Bharat (PM-JAY) Yojana

- ▶▶ Behavioral Skill Development Training (RPL).
- ▶▶ Health Camps.
- ▶▶ Workshops on Hazardous Cleaning of Sewers and Septic Tanks.

In addition to the above they are also entitled to Scholarships for their children - Pre Matric Scholarship for children of those employed in unclean occupations; Post Matric Scholarship for SCs.

BUDGET ALLOCATION IN 2020-2021:

While the government has expressed its goal to eliminate manual cleaning of sewers, as mentioned in the budget speech, funding for the 'Self-Employment Scheme for Rehabilitation of Manual Scavengers' (SRMS) has remained stagnant from 2019-20 to 2020-21. In contrast, the allocation for the 'Pre-Matric Scholarship for Children of those in unclean occupations and exposed to health risks' saw a significant rise from Rs. 5 crore in 2019-20 to Rs. 25 crore in 2020-21. However,

the Post-Matric Scholarships, which support students' continued education, experienced substantial budget cuts in 2019-20. The funding for the 'National Commission for Safai Karamcharis' remained Rs. 10 crore in 2020-21.

This year's budget largely overlooked specific issues affecting Scheduled Castes (SCs) and Scheduled Tribes (STs), with insufficient attention to their challenges reflected in the allocations. The government's stated priorities are not always supported by adequate funding, with key issues like disaster preparedness and support for women, who face dual disadvantages, being largely ignored. While new initiatives such as the Scheme of Fund for Regeneration of Traditional Industries (SFURTI), the Prime Minister's Employment Generation Programme (PMEGP), and scholarships for Jammu and Kashmir were announced, the budget very conveniently ignores the needs of SCs and STs. This leaves significant gaps in creating a compassionate, aspirational, and economically developed New India for these communities.

STATUS OF ACCESS TO ENTITLEMENTS:

One Time Cash Assistance: According to the information was given by Minister for Social Justice and Empowerment Dr. Virendra Kumar in the Lok Sabha in a written reply on 07 December

2021⁶ all the 58,098 identified manual scavengers have received the OTCA. According to the 24th Annual Report of NSKFDC for the year 2020-21, 44217 manual scavengers were identified and received OTCA as of March 31, 2021⁷. Such discrepancy in numbers can only be avoided if accurate data regarding the number of safai karamcharis is made available. As long as there is no clear indication of the numbers, the invisibilization of the community will continue and they will continue to be denied their entitlements.

Capital Subsidy and Skill Development Training: According to the information was given by Minister for Social Justice and Empowerment Dr. Virendra Kumar in the Lok Sabha in a written reply on 07 December 2021 following is the status for capital subsidy and skill training.

The state-wise breakdown as of November 30, 2021, shows significant variation, with Uttar Pradesh having the highest number of identified manual scavengers at 32,473, followed by Maharashtra (6,325) and Uttarakhand (4,988). Rehabilitation efforts included:

SCHOLARSHIPS FOR CHILDREN:

Specific data on the exact number of children from the manual scavenging community who accessed the Pre-Matric Scholarship for the 2020-21 academic year is not comprehensively available in the public domain at a

national level. The data is maintained at the State Level and is not collated and presented at the national level. For example, for Tamil Nadu, earlier data (2016-17 to 2020-21 up to 31.12.2020) indicates that Tamil Nadu consistently had significant coverage, with 40,536 students benefiting in 2013-14 alone, suggesting a stable trend. It must be stressed that in the absence of exact numbers of manual scavenging families, it is difficult to say with certainty if the children from these families are benefitting or not.

SELF EMPLOYMENT SCHEME FOR REHABILITATION OF MANUAL SCAVENGERS:

While looking at the physical progress in SRMS, data provided in the responses by the Ministry of Social Justice and Empowerment to Parliamentary questions in 2021 show that 58 thousand manual scavengers have been identified from the two surveys up to November 2021. It is also stated that there is no reporting on the practice of manual scavenging in the country today. The lack of complete and credible identification of manual scavengers has been among the biggest challenges for the scheme. Furthermore, there were about 26

lakh unsanitary latrines in the country a decade ago (Census 2011), which suggested the existence of a sizeable number of manual scavengers. As per revised Socio-Economic Caste Census (SECC)-2011 data, there are 1.68 lakh self-declared manual scavengers in rural areas. However, no SECC-2011 data relating to urban areas has been made available. The latest national survey on manual scavengers was conducted in 2018, and identified 42,303 manual scavengers, which is only about 25 per cent compared to data from Registrar General and Census Commissioner of India and SECC. Further, the Union Ministry of Social Justice and Empowerment has claimed that all the identified manual scavengers have received one-time cash assistance of Rs 40,000 per head. However, it was found that only 2.7 per cent and 31.3 per cent of the total identified manual scavengers received the capital subsidy and skill development training, respectively. This low achievement against the required levels of skill development training and capital subsidy indicates that the long-term objectives of rehabilitation of manual scavengers in terms of sustained livelihoods have not been fulfilled.

6 <https://pib.gov.in/PressReleaseIframePage.aspx?PRID=1778858>

7 <https://nskfdc.nic.in/en/content/home/annual-reports>

POLICY REVISIONS

During the Lok Sabha discussion, the Minister of Social Justice and Empowerment was asked whether the Government had any plans to introduce 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2020 ,' and if so, to provide details about it. The Minister was also inquired about the technology that would replace manual scavengers in cleaning tasks following the new amendment act.

In response, the Minister stated that there is no such proposal. However, what was not mentioned was the government's work on budget cuts for the SRMS Scheme. Instead of addressing these concerns, the Minister focused on defining manual scavenging and claimed that the government is promoting mechanical cleaning, but did not provide any concrete plans on how this would be implemented.

Unpacking budgets for manual scavengers Despite The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, the practice of manual scavenging has continued. The Union Ministry of Social Justice and Empowerment (MSJE), in a reply to Rajya Sabha unstarred question No. 2701, revealed that 282 sanitation workers died while cleaning sewers and

septic tanks in the country between 2016 and 2019. In spite of the government's vision to move towards an India where there is no manual cleaning of sewers or septic tanks as mentioned in the budget speech, the allocations for 'Self Employment Scheme for Rehabilitation of Manual Scavengers' (SRMS) saw no increase from 2019-20 (BE) to 2020-21 (BE). However, 'Pre-Matric Scholarship for Children of those engaged in unclean occupations and prone to health hazards' reflected a significant increase from Rs. 5 crore in 2019-20 (BE) to Rs. 25 crore in 2020-21 (BE). While the pre-matric scholarship is aimed at increasing enrollment, Post-Matric Scholarships which are meant to enable students to continue with their education, faced massive budget cuts in 2019-20. Budgetary allocations for 'National Commission for Safai Karamcharis' have reported a marginal increase to Rs. 10 crore in 2020-21 BE" (CBGA Decoding-the-Priorities-An-Analysis-of-Union-Budget-2020-21). However the same union budget allocated 2300 crores for Swachh Bharat Abhiyan Urban for construction of toilets. This has revealed the priorities of the government lies in infrastructure more than on the liberation and rehabilitation of safai karmacharis with dignified non-scavenging livelihoods.

⁸<https://sansad.in/getFile/loksabhaquestions/annex/177/AU3694.pdf?source=pqals>

CONCLUSIONS

- ▶▶ The people of the Safai Karamchari continue to be overlooked systemically with all measures proposed being merely cosmetic.
- ▶▶ The State appears to be reluctant to acknowledge the actual number of manual scavengers in the country, and the numbers are being played with to show a non-existent decline in numbers.
- ▶▶ While there appear to be a slew of schemes and programmes for the upliftment of safaikaramcharis, only a few actually benefit from them. It is not clear who exactly benefits from the schemes.
- ▶▶ The 2020-21 fiscal year was affected by COVID-19, leading to reduced expenditure across many schemes. The Standing Committee on Social Justice and Empowerment (2022) noted that allocations for broader scholarship programs were slashed at the RE stage (e.g., from Rs. 7355.76 crore to Rs. 5472.50 crore for SC scholarships). This suggests that the unclean occupations scholarship, a smaller subset, may have seen proportional adjustments, though exact RE figures for this scheme alone are not publicly isolated.
- ▶▶ There is an urgent need for a rigorous census exercise to identify all those who belong to the safai karamchari community so that adequate resources can be allocated and spent.

Notes

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