



A STUDY ON STATUS OF WOMEN MANUAL SCAVENGERS IN 75 YEARS OF INDEPENDENT INDIA - A LEGAL ANALYSIS

By R.Dhivya
Assistant Professor, SRM School of Law,
SRMIST, Kattankulathur, Chengalpattu,
Tamil Nadu

Abstract:

When it comes to power and influence, women are viewed as a minority group. Despite their contributions to many aspects of life, they suffer in silence and belong to a class that is disadvantageous as a result of numerous obstacles. Even after passing of the Act called Constitution of India it is still a distant dream for women manual scavengers are struggling to find an alternative employment. Manual scavenging is considered to be an old age practice even before independent India. Women manual scavengers are exposed to several health hazards along with gender discrimination. Women Manual scavengers continue to experience systemic prejudice and are barred from other employment. This research was carried out with an aim of identifying the status of Women Manual Scavengers and their rights in India. The researcher used empirical study in finding out the discrimination faced by the women Manual Scavengers in India with a sample size of 200 by the convenient sampling through. In this research it finds out that the Women Manual Scavengers are exposed to discrimination based on their gender and working conditions.

Key Words: Employment, Manual Scavenging, Obstacles, Gender, Discrimination

Introduction:

In a civilised and democratic society, manual scavenging would be considered inhuman, but it is still done in India. Even though the preamble of the Indian constitution guaranteed equality and dignity for every Indian, the hereditary profession of manual scavenging is perpetuating itself from generation to generation by eroding the dignity of the people. Society has breached it by subjecting a group of people to this degrading occupation. Women manual scavengers experience significantly greater health issues as a result of their work. Because they come into contact with human waste on a regular basis, women employees have been suffering from a variety of illnesses. The International Labor Organization (ILO) distinguishes three forms of manual scavenging: removal of human excrement from public streets and dry latrines, cleaning septic tanks, and cleaning gutters and sewers.

Manual scavenging in India is the lifting and removal of human excreta or night soil manually. It is considered an unclean occupation. Under section 3(25 A) of the Chennai city municipal corporation Act, 1919 “scavenger” means a person employed to collect or remove filth, to clean drains, latrines or slaughter-houses and use carts for the removal of filth. According to Section 3(28), “Scavenger” is a person who will collect or remove filth, clean drains, latrines or slaughter houses and use carts for the removing filth. According to section 2(j) “manual scavenger” means a person employed or engaged in manually carrying



human excreta. According to section 2(1) (j) “manual scavenger” means a person employed or engaged by an individual, an agency, a local authority, or a contractor for manually cleaning, carrying, or handling human excreta in a latrine or an open drain or pit in which the human excreta is disposed from the insanitary latrines, on a railway tracks or other space or premises, etc. Under Article 21 of the Constitution, it guarantees right to livelihood, In *Olga Tellis Vs Bombay Municipal Corporation* which is popularly known as “Pavement Dwellers Case”, it was stated that an equally important facet of right is the right to livelihood because no person can live without means of livelihood. In *Charu Khurana Vs Union of India*, it was stated that duties of citizens enshrined in Article 51-A has been extended to collective duty of state which as such owe duty to provide equal opportunity to all citizens and to frame policies to ensure livelihood to men and women. *State Of Maharashtra Vs Sau Shobha Vitthal Kotte*, In this case the court observed that right to work can be considered as fundamental right only in cases where legislative guarantee is given in the form of legislation.

Status of Women Manual Scavengers in pre independent and Independent India:

Even after 75 years of independent India the practice of manual scavenging is still in existence in India. The practice of manual scavenging is believed to be in existence even before independent India. It is believed to have existed since British rule. Manual scavenging represents the worst form of caste discrimination and dehumanizing forms of work. During the Pre Independence period manual scavenging became an institutionalized form. Posts were specially created for manual scavengers in army

cantonment and municipalities. Instead of eradicating the manual scavenging they institutionalized it and spread it to every corner of the country. Expansion of cities during that period increased the number of people employed as manual scavengers; the population is another reason for manual scavenging during that period. The illiteracy rate is high so the people were not aware of this menial job. Unemployment is also another reason for the practice of manual scavenging. After independence the Indian central government has adopted effective legislative and policy efforts to end the manual scavenging. Women Manual Scavengers are facing gender discrimination when it comes to Scavenging. For rehabilitating and liberalizing manual scavengers several rehabilitation and liberalizing schemes and programmes have been launched for eradication of manual scavenging and rehabilitating women manual scavengers. Since India got independence certain committees and commissions have been set up to give recommendations for the eradication of manual scavenging and improving the conditions of manual scavengers and also providing schemes for Manual Scavengers including Women Manual Scavengers. The status of women manual scavengers is still a questionable and challenging one when it comes to women empowerment.

Self-employment scheme for rehabilitation of manual scavengers:

This scheme was introduced in January, 2007. The object of introduction of this scheme is to rehabilitate remaining manual scavengers and their dependents in alternative occupations. It is for eradication of manual scavenging and rehabilitation of manual scavengers through self-employment



schemes. The manual scavengers and their dependents, irrespective of their income, will be eligible for assistance. The central sector self employment scheme for rehabilitation has been revised under ;The prohibition of employment as Manual Scavengers Act, 2013. The eligibility criteria for this scheme are that the person identified as manual scavenger or safai karamcharis and their dependents.

Manual scavenger means the term manual scavenger defined under the prohibition of employment as manual scavengers and the safai karamcharis means the term defined under national commission for safai karamcharis Act, 1993. Dependent means the person related to scavenger or safai karamchari and which includes members of his family and dependent on them for getting financial assistance the dependent should attain the age of 18 years or above and the age limit for getting skill development training is 17 years to 50 years. Under the pre-revised scheme there was no provision relating to cash assistance for persons identified as manual scavengers. In the revised scheme one from each family identified as manual scavenger immediately would be eligible for receiving cash assistance of Rs.40,000 , payable in monthly installment of maximum of Rs.7000. quantum of loan upto a maximum cost of Rs.10 lakh and Rs.15 lakh in case of sanitation project .

Pre-Matric scholarships For the Children of Those Engaged in Unclean Occupation:

The objective of this scheme is to provide financial assistance to the children of manual scavengers, tanners, flyers etc. For the student as hostellers who is in class eight to ten shall receive scholarship at the rate of Rs.700 per month for 10 months, for the day

scholar students who is in class one to ten shall receive scholarship at the rate of Rs.110 per month for 10 months and Ad-hoc grant of Rs.750 per annum to the day scholars and Rs.1000 per annum to hostellers etc.

Integrated Low Cost Sanitation Scheme:

This scheme was initiated in the year of 1981 by the ministry of home affairs for eliminating the inhuman practice of manual scavenging who physically carried night soil and it was a centrally sponsored scheme for urban low cost sanitation which was later implemented through the ministry of social justice and empowerment. The objective of this scheme is to convert or construct low cost sanitation units through two pit pour flush latrines and construct new latrines for the people who are all economically weaker sections households have no latrines in order to prevent inhuman practice of defecating in the open in urban areas. This scheme is limited to economically weaker sections households only. This scheme will be directly implemented by the ministry of housing and urban poverty alleviation.

National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS):

This scheme was launched with a view to provide alternate employment to scavengers and their dependents, to liberate scavengers and rehabilitate them and their dependents by the Government of India in the year of March, 1992 . The responsibility of execution of this scheme has been assigned to the state government through the scheduled castes financial and developmental corporation. Under this scheme the scavengers and their dependents are trained in trades of their aptitude which provide alternative employment to them. The trainees get stipend upto Rs.500 per month and tool



kit allowance of up to Rs.2000 during their training period. There is a prescribed financial package for different trades by which financial assistance up to Rs.50,000 can be provided for their rehabilitation. Under this scheme, the guidelines has been formulated and issued by the Government of India to all states and their special central assistance to form group of 5-25 scavengers to start a production-cum-trading-cum service centre for conversion of dry-latrines through sanitary marts in which the loan competent would be provided by the National Safai Karamcharis Finance and Development Corporation.

Objectives:

- To identify the causes for Manual Scavenging in India
- To analyse the impact of the Constitutional provisions and legislations on upliftment of women manual scavengers
- To identify the status of women manual scavengers in Pre Independent India
- To identify the status of women manual scavengers in Independent India

Hypothesis:

- There is a significant relation between Gender Discrimination and existence of practice of Manual Scavenging
- There is significant relation between Poverty and Existence of Practice of Manual Scavenging

Review of Literature:

In Seventy Five Years of Independent India, even after the passing of the Act called the Constitution of India which guarantees social justice and basic human rights are still distant dreams for women Manual Scavengers in the society. Even after passing the Manual

Scavenger Act,1993 and 2013 , the appropriate authorities are facing challenges in eradicating these kinds of practices.

It is found out that there are so many journals, articles, books, and research articles that were published related to Manual Scavenging. In the past decades, there were several articles posted online as well as offline regarding Manual scavenging especially about Women Manual Scavengers.. In those articles, most of them were identified as victims to Gender Discrimination, caste-based occupation, Working Conditions etc. In most of the Articles and journals, it has been found that the practice of Manual Scavenging is in existence in every part of India.

Materials and Methods:

The researcher used both doctrinal and non-doctrinal research methodology by using random sampling Method and used Interview method in collecting the data. The researcher used both doctrinal and non-doctrinal research methodology. Under the doctrinal research books, journals, articles, magazines, cases were used. Under the non-doctrinal research the interview method and questionnaire method were used as a tool. The Primary data collected under this technique were analyzed accordingly and findings from the basis of the conclusion and suggestion in this paper. This Study has a sample size of 200 women manual scavengers, women and limited women Manual Scavengers and women.

Results and Discussion

There is a significant relation between Gender Discrimination and Existence of Practice of Manual Scavenging. Because of the gender discrimination the women are

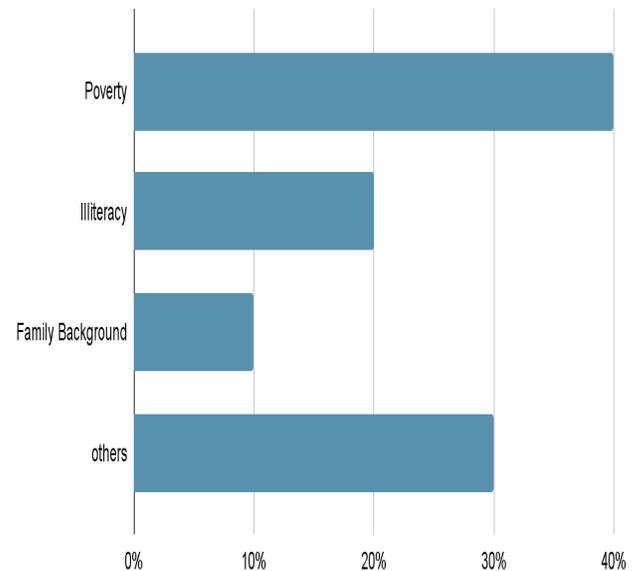


forced to do manual scavenging. There is a significant relation between poverty and existence of practice of manual scavenging . Because of poverty women are forced to find employment to bear the needs of their family members which leads to women entering into manual scavenging. Apart from poverty, illiteracy , familbackground and other causes women become manual scavengers to feed their family. When it comes to the schemes and rehabilitation it is not possible for all the women manual scavengers to make use of it unless they register themselves as Manual scavengers because of lack of awareness they are abv to avail those benefits from the appropriate authority. The upliftment of status of women manual scavengers in 75 years of independent India is also questionable because of the existence of the practice of manual scavenging. It is still a challenging one when it comes to upliftment of women manual scavengers in providing alternative employment and making them empowered.

Findings:Based on this data it expresses that most of them are aware of the existence of manual scavengers and 80% of them are aware of Women Manual scavengers and only 20% are not aware of women manual scavengers.

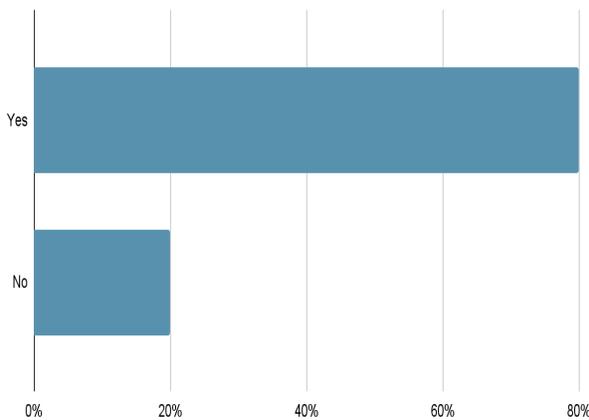
2.Why Manual scavenging still exists in India?

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1. Are you aware of Women Manual Scavengers?

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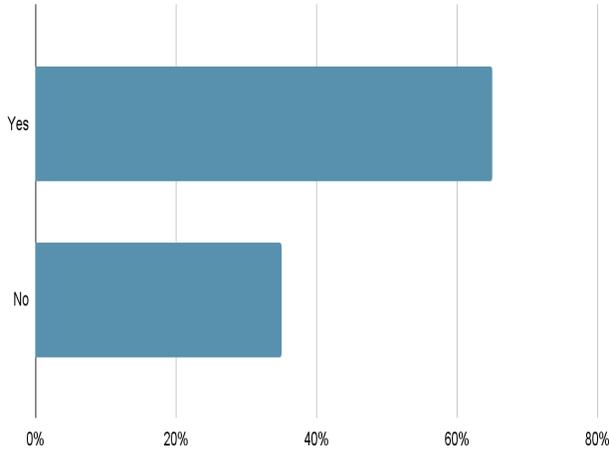
Why Manual scavenging still exists in India?

Findings:Based on this data it expresses that the main cause for existence of manual scavenging is Poverty when compared with others causes illiteracy, Family Background and others .

3.Are you aware of the schemes and rehabilitation programmes available for Manual Scavengers?



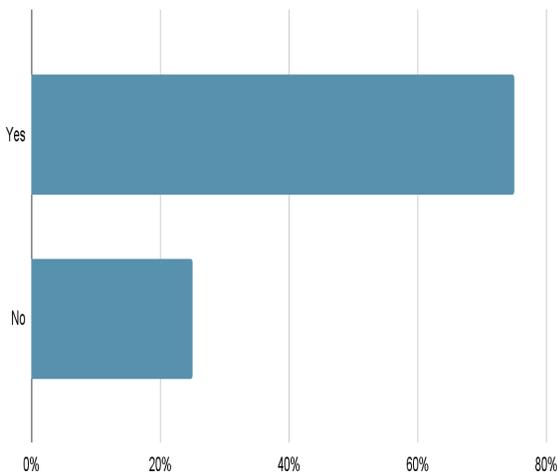
Are you aware of the schemes and rehabilitation programmes available for Manual Scavengers?



Findings:Based on this data it expresses that only 60% of them are aware of the schemes and rehabilitation programmes available for Manual Scavengers.

4. Is it possible for the eradication of manual scavenging?

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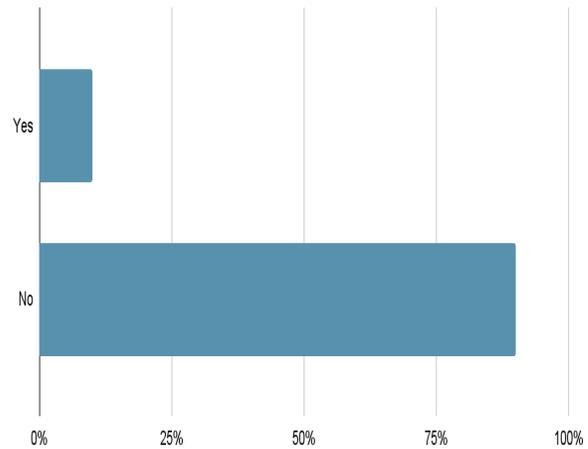


Is it possible for the eradication of manual scavenging?

Findings:Based on this data it expresses that only 75% of them think it is possible for the eradication of Manual scavenging.

5. Do you think there is an upliftment of women Manual Scavengers in 75 years of Independent India?

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Do you think there is an upliftment of women Manual Scavengers in 75 years of Independent India?

Findings:Based on this data it expresses that only 90% of them expressed that there is no upliftment of women manual scavengers in 75 years of Independent india.

Conclusion:

The status of women manual scavengers in 75 years of independent India has not been uplifted as expected because of numerous factors which plays an important role in preventing appropriate authorities in uplifting the status of women manual scavengers by eradicating practice of manual scavenging.Even in this technological era it is still believes to be challenged able one. By creating awareness among manual scavengers by providing alternative employment will lead to upliftment of their



life in the society. There is a significant relation between gender discrimination which force women to be a manual scavengers and poverty forces women involve in these kind of practices in India. Thus the study makes a conclusion that there are various factors that tend to influence a women to be manual scavengers which preventing their upliftment in the society in this 75 years of Independent India.

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