

24th August 2017, 11:00 to 1 pm

Panel 3: Urban Governance

(Discussant: Amit Prakash, Chair:)

The Role of the State in Urban Violence Against Marginalized Castes: Manual Scavenging in India Today

V. Ramaswamy & V. Srinivasan

“Few object to liberty in the sense of a right to free movement, in the sense of a right to life and limb. There is no objection to liberty in the sense of a right to property, tools, and materials, as being necessary for earning a living, to keep the body in a due state of health. Why not allow a person the liberty to benefit from an effective and competent use of a person's powers? The supporters of Caste who would allow liberty in the sense of a right to life, limb, and property, would not readily consent to liberty in this sense, inasmuch as it involves liberty to choose one's profession.

But to object to this kind of liberty is to perpetuate slavery. For slavery does not merely mean a legalized form of subjection. It means a state of society in which some men are forced to accept from others the purposes which control their conduct. This condition obtains even where there is no slavery in the legal sense. It is found where, as in the Caste System, some persons are compelled to carry on certain prescribed callings which are not of their choice.”

– B.R. Ambedkar, *Annihilation of Caste*.

“Mainstream political parties are vying with each other to appropriate Dr Ambedkar's legacy. Unless they recognize that the deaths that occur in sewer and septic tanks are not accidents but political murder, we do not think they have the right to project themselves as defenders of the rights of Dalits and highly marginalized communities such as manual scavengers.”

– Bezwada Wilson, Safai Karamchari Andolan.

The Millennium Development Goals (MDG) define an improved sanitation facility as “one that hygienically separates human excreta from human contact.” These facilities include connections to public sewers, as well as onsite sanitation systems such as septic tanks, pour-flush latrines, simple pit latrines, pit latrines with slabs, ventilated improved pit latrines, and composting toilets. On paper, the progressive adoption of these facilities counts towards reaching the MDG targets, but in reality, most improved urban sanitation facilities may in turn be leading to the violation of the human rights of highly marginalised communities. Based on UNDP data from 2006, WaterAid reported that India's military budget is eight times greater than their funds allocated to water and sanitation. Diarrhoea claims some 450,000 lives every year in India – more than in any other country. During a meeting in Bellagio, Italy, in 2000, an expert group brought together by the Environmental Sanitation Working Group of the Water Supply and Sanitation Collaborative Council agreed that current waste management policies and practices are abusive to human well-being, economically unaffordable and environmentally unsustainable. They therefore called for a radical overhaul of

conventional policies and practices worldwide, and of the assumptions on which they are based in order to accelerate progress towards the objective of universal access to safe environmental sanitation, within a framework of water and environmental security and respect for the economic value of waste.

In this backdrop, we can look at the inhuman practice of manual scavenging that is found in India. This came to be established in India as part of the modern system of urban sanitation during the colonial era. It was banned only in 1993. The law was essentially aimed at putting an end to the use of 'dry latrines', which required manual cleaning, and to this end, the central government provided a subsidy for the conversion of service latrines into sanitary latrines. It was a long time before urban local bodies across the states of India acted to implement the law. It was only as late as in 2003 that some state governments issued a notification prohibiting manual scavenging and dry latrines.

A public interest litigation against manual scavenging was filed in the Supreme Court by the Safai Karamchhari Andolan (SKA), an organisation representing manual scavengers in India. The Supreme Court passed its final order on the case in 2014. Earlier, in 2013, a new law on manual scavenging was passed by the government of India, in response to Supreme Court orders. The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act was also amended in 2015, bringing manual scavenging under its purview. However, notwithstanding all this manual scavenging continues to exist in many parts of the country, with the inevitable consequence of deaths of the workers. The subject of manual scavenging is repeatedly raised in parliament, with nothing but empty words, if not falsehood, given in response. The Railways continues to be largest employer of manual scavengers. According to the Safai Karamchhari Andolan, despite the apex court's strict directions, things have not changed and over 1,300 people have died while working in septic tanks or sewers. The SKA organised a Bhim Yatra across India on the issue of manual scavenging. "I have been to all 30 states in the last 125 days and manual scavenging and sewer deaths exist everywhere", said Mohana Priya, a Bhim Yatri.

In 2016, the authors, who are social activists and public policy professionals, conducted a study of data, information, reports etc available in the public domain in order to arrive at an understanding of the actual structural roots of the practice of manual scavenging – both in the physical context of the kind of sanitation arrangements which households adopt and urban local bodies oversee, as well as in the social and institutional space within which the oppressed citizens who are manual scavengers live – and die. Specifically, the link between manual scavenging and caste was sought to be investigated.

The paper will share the findings of the authors on some of the reasons why manual scavenging continues to exist in India today. The very existence of manual scavenging must be seen as a form of state violence, especially when there are explicit orders from the Supreme Court on the matter. The authors hold the state culpable of criminal neglect leading to preventable death of individuals from the most vulnerable section of society. The state is directly responsible, through its acts, or failure to act, and the state also supports and reinforces attitudes and social practices stemming from caste and untouchability.

The deaths of manual scavengers must be seen as acts of ultimate violence on certain castes. This is bound to occur as part of the everyday operation of the urban system, which is a flawed system. The flawed system has come about because of the state's neglect of its vital oversight role, as well as the unconstitutional and inhuman practices and procedures by the urban local bodies and government departments. A good part of the urban sanitation system in India may be seen as being subsidized by the dignity and lives of the manual scavenging castes. The contract system and privatization of municipal work by urban local bodies is a major factor pushing workers to manual scavenging, for sheer survival. This state of affairs is able to exist because of the continuing operation of caste and untouchability in society and the apathy of the state towards the marginalized castes.

DRAFT