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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[18 August 2017]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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INDIA: Manual scavenging, the curse of a nation

1. The Asian Legal Resource Centre (ALRC) wishes to draw attention of the Human Rights Council to the continuing illegal and inhuman practice of manual scavenging that exist in India.
2. Reports indicate that in the year 2017 there were 39 deaths, of manual scavengers while at work due to the hazardous condition at work. Seven of these deaths are from the national capital. The causes for death include inhalation of toxic gases due to lack of safety equipment such as masks, gloves, protective clothing etc. Such inhuman working condition also leads to deaths of workers over a period of time due to ailments and other infections these workers contact due to exposure.
3. The prevalence of manual scavenging is despite the current government's flagship programme known as 'Swachh Bharat Abhiyan' (Clean India Mission) emphasizing on building toilets and sanitary conditions especially in rural India. The scheme covers 4,041 towns and aims to clean the streets, roads, and infrastructure of the country.
4. The focus on building toilets however, has not significantly reduced the number of manual scavengers or provided for their rehabilitation. The Supreme Court of India has outlawed the practice of manual scavenging since the past several years. In its judgment, the Court had fixed the responsibility with the chief executive officer (or equivalent authority) of civic bodies where the practice is found to continue, be it a panchayat or a municipal corporation. Ending manual scavenging in these institutions by demolishing dry latrines, and stopping cleaners from entering sewers, is the primary responsibility of the chief executive officer of the local body. By failing to prevent manual scavenging, all these officers are currently violating the Supreme Court's judgment, with impunity.
5. To avoid responsibility for the existence of scavengers in their respective states, the local bodies have roped in contractors who employ manual scavengers. Through this, the state bodies have tried to evade their responsibility with regards to complying with the prohibition. This allows the state to officially declare that they no longer employ manual scavengers. The contractors provide low wages, guarantee no rights, and no safety gear is provided to the manual scavengers they employ. As a result, those involved in scavenging stand the risk of deaths and injuries and are simultaneously rendered invisible and non-existent by the state.
6. The current estimates of manual scavengers are severely underreported by various states. It is reported that India still has 2.6 million dry toilets but the number of manual scavengers are under reported. For instance, as reported by various news websites and organisations in India, in December 2015, the state of Telangana reported 157321 dry latrines but zero manual scavengers. Himachal Pradesh declared 854 dry latrines in the state but zero manual scavengers, while Chandigarh reported 4,391 dry latrines but only 3 manual scavengers. These figures indicate that the state is consciously engaged in misinforming about the number of manual scavengers in their jurisdiction.
7. As per the government statistics in the Socio-Economic and Caste Census held in 2011, approximately 182505 houses were dependent on manual scavenging for their income. This practice continues despite the passing of The Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act in 1993 and a revised version of this act in 2013 which emphasized on rehabilitation of those relying on manual scavenging for their income.
8. The Socio-Economic and Caste Census highlighted the state of Maharashtra as the worst offender regarding manual scavenging with other states such as Karnataka, Uttar Pradesh, Tripura, Punjab as states where the practice is still common. The 2013 Act on manual scavenging includes within its ambit the manual handling, disposing or otherwise handling in any manner human excreta. This definition must be extended to include working in open sewers, septic sewers and railways tracks.
9. States like Tamil Nadu, Kerala, Goa, Andhra Pradesh, Telengana, Gujarat, Assam, and Manipur have engaged in such denial, repeatedly, while numerous surveys of organizations like Garima Abhiyan and Safai Karmchari Andolan expose the lies. Additionally, deaths have occurred in the process of sewers being cleaned, which is a practice outlawed

by the Supreme Court. These deaths, across the country, have made news from time to time prove that no Indian states can claim to be manual scavenging free.

10. Manual scavenging continues in other ways, in the form of manual cleaning of sewers, manholes, and others parts of urban sewage treatment systems, practices that the Supreme Court is supposed to have prohibited on 27 March 2014. The Asian Human Rights Commission, sister organization to the ALRC, has consistently documented and reported cases of sanitation workers dying while cleaning sewers. The media has also been reporting on similar cases. And, yet, the authorities continue to deny prevalence of these banned practices.

11. It is significant to note that the basic safety requirements for those working on cleaning sewage and septic tanks are routinely flouted. This results in long term diseases including skin infections and respiratory diseases, none of which are officially documented or followed through. In fact, it is difficult to find any official statistics on the health impacts caused due to scavenging. The lack of basic safety equipment and timely treatment in case of any disease is a cause for serious concern.

12. Despite the 1993 prohibitory Act and the 2013 Act, the rate of convictions of those who employ manual scavenging is significantly low. Apart from the state, for whom scavengers do not exist, the public apathy towards manual scavenging needs to be highlighted. Many houses continue to build septic tanks knowing that they can get them cleaned by manual scavengers each month.

In light of this, the ALRC urges the Council to:

- a) Ask the Government of India to begin a nationwide programme in order to bring all Indian citizens under sanitation coverage, irrespective of their socioeconomic status. The Government of India needs to provide for rehabilitation of existing scavengers to other professions. Such a measure would also address the stigma associated with scavenging and the caste ramifications of scavenging as a profession.
 - b) Ask the Government of India to implement the law that prohibits manual scavenging. In addition, the Government of India needs to commence a time bound demolition drive against dry latrines. There is a need to implement the Supreme Court's order on the same and ensure prosecution of chief executive officers of local bodies continuing the practice.
 - c) Ask the government to put an immediate end to the practice of people entering manholes or sewers in order to clean them.
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