



VIOLATION OF HUMAN RIGHTS AGAINST MANUAL SCAVENGERS

Jayageetha G.

**Ph.D. Scholar , Department of History , Meenakshi College for Women ,
Kodambakkam , Chennai.**

ABSTRACT

The caste system originated in the Tamil society on the basis of the different professions undertaken by the people. The people, who were exploiting the working classes, without doing any physical labour, created a sense of caste superiority and inferiority among the people, positioning themselves as superiors and treating the working class people as inferiors. Apart from regional and local occupational variations the Dalit had mainly two main categories of hereditary occupations namely leather processing cleaning or sweeping. A particular caste working as remover of night soil and cleaner of latrines belongs to a well defined group in the Indian social structure. All such kind of workers in India are today covered under the general term "Scavenger".



In the Human Rights Language, the Dalits are victims of large scale human rights violation of society. They were denied of their basic needs land rights legal discrimination, infringement of civil liberties, dehumanizing living and working conditions, impoverishments, malnourished, poor health condition , high level of illiteracy and continuing social ostracism. Manual Scavenging violates the Fundamental Rights guaranteed by the constitution.

The government of India has enacted rules to prohibit manual Scavengers. The act has come because of the path is given through the supreme court in the year 2013. So, it requires scientific equipment technology, control system people's cooperation. Scavenging is linked to the sanitation. Unless scavengers cannot be rehabilitated. Scavenging must be in a more scientific way. Salary for scavenging the cleaning work has to be accelerated proper rehabilitation work must be performed.

KEYWORDS: Scavengers, Caste System, Manual Workers.

INTRODUCTION

The caste system originated in the Tamil society on the basis of the different professions undertaken by the people. As the people took up such of the professions hereditarily by the members of the family, these professions became the identity of their castes. The people belonging to the higher classes have tried to fit in this division of castes by profession with the divisions made by Varnasrama followed even before the 12th Century in North India. As such an imposition was only superficial; caste system was followed on the basis of the professions of the people in South India But equality was lacking among the people of the working classes

Thiruvalluvar Says:

"Though all living beings are equal by birth,

People are discriminated on the basis of their profession"

The people, who were exploiting the working classes, without doing any physical labour, created a sense of caste superiority and inferiority among the people, positioning themselves as superiors and treating the working class people as inferiors. They kept the people of the working classes separately without allowing them to join together. The codes of conduct of the higher castes are also reiterating these discriminations¹.

When the group of caste system originated earlier, castes were divided into two groups the left groups and right groups from the 12th Century onwards. From the middle of the 16th Century, step by step from the areas adjacent to the seashores to other interior areas, when the people of foreign Christian missionaries came forward to mingle and reside along with *Barathar* (fishermen), *Sanar* (called as *Nadars* at present), *Pallars*, *Parayas*, *Chakkilis*, to serve them giving them educational and medical services and to make them converted to the Christian religion, these people are identified not only in the name of the caste to which they belong, but also as people of depressed, oppressed and untouchable communities².

After the work of Census enumeration was completed in Britain during 1801, the work of informal Census enumeration was undertaken in all the districts of the Madras Province in 1822. The enumeration of the population was grouped under the broad headings of Brahmins, Other Hindus, Muslims, Christians and Europeans. In the administrative report published by C.D. Maclean in 1885, people belonging to many castes including Tamil *Parayas*, *Pallars*, and *Chakkiliyars* are classified as *avarnas*, people belonging to the castes outside the four divisions of castes as per *Manusmiruthi*. In the 1891 census enumeration the category of 'Other Hindus' were further divided into castes belonging to non-Brahmin Hindus, *Parayars*.

In that this group includes the people belonging to castes of *Chakkiliar*, *Samar*, *Sandalar*, *Kolayar*, *Madhiga*, *Mala*, *Mosi*, *baithi*, *Pallar*, *Banar*, *Parayar*, *Pulayar*, *Thotti*, and *Valluvar* etc. They were identified under the broad group of *Panchamas* from the year 1892. The word *Panchama* was considered as an inferior identity given to the people not coming under the four fold *Varna* system of castes and were kept below the people of all other castes³.

UNTOUCHABLES

There was no caste discrimination in Tamil Nadu previously. The caste names were used only for the identification of the professions the people undertook. Even after 800 A.C. the practice of inter-marriage and inter-dining was in practice among the people engaged in different professions. When the fourfold *Brahmana*, *Shatriya*, *Vaisya*, *Sudra* caste system was attempted to be introduced in Tamil Nadu, the Brahmins have placed themselves at the top of the division without giving any equal position to others. In respect of their dietary practices, practising of profession, religious practice and place of living, Aryans and Dravidians continued to be flesh eaters till 250 A.C. When the religion of Jainism originated, they stopped eating the flesh and became vegetarians. Cattle, especially milking cows, loved by Brahmins became superior domestic animals and they considered their slaughter as a sin. They considered the cow, which gives *Pancha Komyam*, as sacred. It was mentioned in *Pathu Pattu* and *Pura nanooru* of *Sangam* literature that the hunters used to drink intoxicants and eat pork, the meat of pigs and forest cows, As the *Parayas* used to eat the flesh of cows killing them, Brahmins used to treat them as most inferior of all the people and treat those untouchables⁴.

Manual Scavenger

Apart from regional and local occupational variations the Dalit had mainly two main categories of hereditary occupations namely leather processing cleaning or sweeping. A particular caste working as remover of night soil and cleaner of latrines belongs to a well-defined group in the Indian social structure. All such kind of workers in India is today covered under the general term "Scavenger".

Cleaning or Sweeping of streets drains and sewers removal of human and animal excreta without flush. The Scavengers have to carry human excreta simply with buckets without any safety equipment's. Their jobs are not only degrading polluting and tedious but they are also poorly paid⁵.

The people doing the work of manual scavenging are used to be called in different names in different parts of our country. Similarly, the methods of their working and the wages they are receiving differ from place to place. Whatever be the differences between them, the only aspect uniting them is their caste.

DALIT'S ARE ENGAGED IN MANUAL SCAVENGERS

Dalit's are forced to be the victims of doing the manually clean and carry other human beings excreta detected in open field and in private and public dry latrines in urban and rural areas. They are those who dive in a manholes and clean gutter and remove blockage if any they are sweep and clean streets and lift and dispose dead animals carcasses belonging to individuals and groups and also unclaimed ones manual scavenging is most demeaning defiling unhygienic and hazardous work that one can ever think of. The fact is that a large majority of them belongs to lowest caste if Hinduism they were known as avarnas (people without *Varna* or those falling outside the pale of *Varna* system) whom the upper castes have labelled as Panchamas (fifth *Varna*) or Ati shudras and treat them untouchables. They are identified with different names in different parts of India. In Tamil Nadu they were known by the names of *Adi Andras*, *Thotis*, *Mala*, and *Madigas* also *Sakiliars*⁶.

DANGERS THEY HAVE TO FACE:

For a Field worker, i.e. scavenger going down in the underground drainage system to attend repairs and to remove blockades is not given any other equipment except the only the rope tied on their west. The worker going down the drainage with the rope tied, whenever he faces some danger for his life, is to give signal by pulling the rope to the person holding the other end of the rope, who will pull him out of the drainage and save his life. Many times, this rope was useful only to pull out the dead body of the worker⁷.

Violations of Human Rights

In the Human Rights Language, the Dalits are victims of large scale human rights violation of society. They were denied of their basic needs land rights legal discrimination, infringement of civil liberties, dehumanizing living and working conditions, impoverishments, malnourished, poor health condition, high level of illiteracy and continuing social ostracism.

The most inhuman work that the Safai Karamcharis (Manual Scavengers) are traditionally expected to engage in includes carrying of night soil by way of manual scavenging it is one of the most indecent, inhuman and degrading works and it is that the people concerned are made to carry out violation the rights of Man. Manual Scavenging violates the Fundamental Rights guaranteed by the constitution⁸.

Health of manual scavengers

The preamble of world health organization succinctly underscores the enjoyment of the fundamental right of every human being. Dalits are identified with the most deplorable works like sweeping and manual scavenging and they were one of the India's most exploited communities. The effect of Scavenging work adversely affects not only the social but also the physical and mental health status of these who engaged in unclean occupation. They were severely affected by skin disorders, communicable disease, Respiratory disorders, parasitic disorders, Diminishing vision, and Diminishing hearing⁹.

Centre and State Laws against the Manual Scavengers

After Independence, the government of India took up many legal and social policies to remove the social disabilities in order to remove exploitation of these marginal or vulnerable sections in the hands of Upper caste.

Our constitution has abolished Untouchability and atrocities against Dalit. Yet, it is continues to be practiced despite the law against it.

There were two main affirmative action programs

- Protection of Civil Rights Act 1955 (No. 22 of 1955)
- Schedule caste and the Schedule Tribe Prevention of Atrocities Act 1989 (No. 33 of 1989)
Two more Act for prohibition of employment of Manual Scavenging
- The Employment of Manual Scavengers and construction of Dry Latrines (prohibition) Act 1993 (No. 46 of 1993) 5th June 1993
- The prohibition of employment as manual scavengers and their rehabilitations Act 2013 (No 25 of 2013)

The Prohibition of Employment as Manual Scavengers and their Rehabilitations Act 2013

The act defines manual scavenging very clearly for the benefit of easy operationalization. Manual scavenger means a person engaged or employed on regular or frequent basis by an individual or a local authority or a public private agency for manually cleaning carrying, disposing of or otherwise handling in any manner human excreta in an insanitary latrine or in an open drain or pit into which excreta from insanitary latrines in disposed of or on a railway track before the excreta fully decomposes and expression “Manual Scavenging” accordingly:

- Every insanitary latrines shall be demolished or be converted into sanitary latrine
- Every person engaged or employed as manual scavenger shall be immediately discharged from doing manual scavenging
- For employing manual scavenger and or constructing insanitary latrines first time imprisonment up to one year and penalty of Rs. 50,000/ or both and for subsequent violation imprisonment up to 2 years and penalty up to Rs. 1,00,000/ or both
- For employing any person for cleaning hazardous cleaning of sewer or septic tank, imprisonment up to two years and fine up to 2,00,000/- both and for subsequent violation imprisonment up to five years and fine up to 5,00,000/- or both ¹⁰.

CONCLUSION:

The work of manually removing human excretion is not a profession the Dalit people willingly undertaken. Toilets are introduced in India only after the advent of the Europeans. *Kakkoose* is the Portuguese word for latrine. Before that, all the Indians used to defecate in open fields away from their residences. Generally these human excretions are cleaned by pigs. It was really an irony that some people belonging to *Arundadiyar* community, who were forced later to manually clean the human excretion, were used to be called as scavengers

The government of India has enacted rules to prohibit manual Scavengers the act has come because of the path is given through the Supreme Court. So, it requires scientific equipment technology, control system people’s cooperation. Scavenging is linked to the sanitation. Unless scavengers cannot be rehabilitated. It’ll no longer come to end. Sanitation work has to be made talent based one and it needs to be entrusted to companies modern equipment might be used for cleaning the drainage as inside the west Furtherly, Scavenging must be in a more scientific way. Salary for scavenging the cleaning work has to be accelerated proper rehabilitation work must be performed.

Apart from the government The society also has to implement the Act of Prohibition of Employment as Manual Scavengers Since the caste system which is the root cause for untouchability was not abolished, society should realize that Co-Human being is Removing human excretion, repair the underground drainages. So, until society realize this cannot be eradicate the employment of Manual Scavengers and violation of human rights will be continued.

The Interview schedule shows a contract based swage field worker from Dalit Community is working with unstable condition how treated on them Human Rights violation and discrimination in working place compare with permanent sewage field worker from other than Dalit community See Annexure 1.

ANNEXURE 1 CASE STUDY

In connection with the writing of this article, I interviewed two Field Workers doing the work of removing the human excretion. Mr Ponnurangan and Mr Loganathan said the following at the time of my interview.

1. Mr Ponnurangan.

I, Ponnurangan, am living for the past 25 years with my wife and two children in Korattur area of Chennai. For the past 15 years, I am working as a contract Field Worker of the Chennai Metro Water and Sewage Board. I belong to the caste of *Paraya of Adi-Dravidar* Community. This work is not my hereditary profession. After I have tried my best to seek any other employment for my livelihood in vain, I came to this profession as I had no other alternative. I am getting a monthly salary of Rs. 10,500 now. When I am doing my field work, necessarily I have to fear for my superior officers. They will charge that I have not completed my work, even though I have completed it actually. They will threaten me that they will replace me with another new worker. They will tell that if I leave the job, somebody else will come to this place. Whenever I am threatened like this, I will fear whether I will lose this job. I could not reveal all these insults and threats even to my family. Having a weak economic background, I am pulling on in the work with the fear of losing my job lurking always in my mind. I am doing the work of manually removing the human excretion. Though some of the modern equipment's are available, I was not given any safety equipment's.

I have to remove the excretion only with my hands. I will often get irritation, itches etc. in my hands and legs. Having accustomed to all these, I am removing the human excretion manually. I am sending my children to school even borrowing money for their expenditure with the fond hope that they will do some decent job after completing their education.

Ponnurangan pleads with tears in his eyes and demanded that the Government should recognize their services and deposit his entire salary in his bank account.

2. Mr Loganathan

I, Loganathan, am living in Red Hills area with my wife and three children. I am working as a Permanent Field Worker in the Chennai Metro Water and Sewage Board. I belong to the *Hindu-Giramani* community. This is not my hereditary profession. When my father, who was working as watchman in the Board, died while in service, I was appointed by the Government under compassionate grounds in this post of Field Worker. As I am a regular servant, I am now getting a total salary of Rs.20, 000 per month. I am running my family preparing budget for my income and expenses. Though I have no savings, I am living in my own house. I am doing the work of manually removing the human excretion. Initially, even my family members used to look at me with hate and aversion. My condition is far better than the Field Workers appointed on contract basis. When I am engaged in the work of removing human excretion, safety equipment are issued to me and machines have been engaged in this work. Hence, this work is not as dangerous as it was before. While removing the excretion, we can't avoid it contacting our hands or legs. My skin was accustomed for such contact. Nobody shows any discrimination against me. I do not have the inferiority complex of doing an inferior job. I consider this work of scavenging as divine. Want of sufficient field workers is a great problem in this field. My condition is far better than any other field worker appointed on contract basis.

These workers doing the work of manually removing human excretion are divided into two categories i.e. Permanent Workers and Workers on Contract Basis. When comparing with the Permanent Workers, the condition of the workers appointed on contract basis is totally different and deplorable. They are lagging behind both socially and economically. It is true that they are also in a weak condition professionally, physically and mentally. Even then, they are doing this work of manually removing excretion whole heartedly without considering it as an inferior profession. Lack of sufficient number of workers increasing their workload is their only grievance.

From the interviews I have undertaken in this regard, I found out that more people belonging to the scheduled castes are engaged on contract basis in the work of manually removing human excretion, they are allotted a heavy workload, they are neglected by the superior officers, they are unable to get proper recognition for their profession from the society, they are being shown discrimination by members of other communities and other professionals and we are able to witness all these are gross violation of human rights of these contract Field Workers of manually removing human excretion.

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Case study

Interview with Mr Ponnurangam, Dated on 5th, August, 2018.

Interview with Mr Loganathan, Dated on 6th, August, 2018.