

# FACT FINDING ON MANUAL SCAVENGING

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**By Adv. Aman Khan**

## INTRODUCTION

A team comprising one lawyer from Human Rights Law Network (HRLN), a law student and a couple of local Social Activist, working for dalit rights in the city of Kanpur conducted this fact finding in Kanpur on March 2, 2019. The first fact finding was done in November 2018. The mechanism used was to visit houses of victim families, and interact with experts including social activist working for this cause. Limitations of fact finding would include time constraint, and the fact that the tragic deaths occurred few years back.



## ISSUE

There were primarily three issues.

1. People are still employed in Manual Scavenging
2. Deaths due to toxic gases.
3. There has been no compensation by the government.

## HISTORY OF MANUAL SCAVENGING

Manual Scavenging refers to the practice of manually cleaning, carrying, disposing or handling in any manner, human excreta from dry latrines and sewers. It often involves using the most basic of tools such as buckets, brooms and baskets. According to Socio Economic Caste Census 2011, 180,657 households are engaged in manual scavenging for a livelihood. The 2011 Census of India found 794,000 cases of manual scavenging across India.



**“Manual scavenger”** means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, 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 the human excreta from the insanitary latrines is disposed of, or railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression “manual scavenging” shall be construed accordingly.



Government has passed the new legislation in September 2013 and issued Government notification for the same. In December, 2013 Government has also formulated Rules-2013 called as "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules 2013" or "M.S. Rules 2013". The practice of manual scavenging is linked to India's caste system.

## **VICTIM FAMILIES**

**We visited a total of 10 victim families who lost their children.** It was the most important and challenging part of the fact finding. After visiting the families, there were some common issues which we could identify which almost every one suffered. People are still employed in Manual Scavenging, no equipments and safety tools are available. No specific

health and sanitation schemes are being provided to these scavengers. The Govt. has failed to take any measure to prevent death of people employed in scavenging and there has been no compensation to the victim families.



## TESTIMONY BY FAMILIES

1. Name of the deceased: Anshil  
Age: 27 years

Testimony by father: My child Anshil died on 7th October 2018 at 7:30 p.m.. He is survived by his two daughters and wife. He was employed by the Jazz Infex, a tannery in Kanpur. He was working there for one and a half months and was paid Rs. 220/- per day. Anshil was cleaning a sewer with Rahul, Amit and Shivam. Anshil lost his life due to harmful gases.

2. Name: Rahul  
Age: 28 years

Testimony by himself: On 7th October 2018, Anshil, Amit, Shivam and I went to clean the sewer. Anshil lost his life because of the

harmful gases. Rest all three of us were admitted to the hospital as our case became serious and there was danger to our life. I am married and have a son and a daughter. I had been working in the tannery called Jazz Infex for past 15-16 years. Currently I am unemployed. The company paid for Rs. 60,000/- plus the medical expenses.

3. Name: Amit  
Age: 28 years  
Address: Baniya Bazaar Cantt. Kanpur  
Father: Ram Swaroop

Testimony by himself: On 7th October 2018, Anshil, Rahul, Shivam and I went to clean the sewer at Jazz Infex. Anshil lost his life because of the harmful gases. Rest all three of us were admitted to the hospital as our case became serious and there was danger to our life. I am unmarried and used to receive Rs.300/- per day. I was working there for 12 years. And after the accident I lost my voice till February 2019. The company paid for Rs. 60,000/- plus the medical expenses. I am unemployed after the incident.

4. Name : Shivam  
Age: 19 years

Testimony by himself: On 7th October 2018, Anshil, Rahul, Amit and I went to clean the sewer at Jazz Infex. Anshil lost his life because of the harmful gases. Rest all three of us were admitted to the hospital as our case became serious and there was danger to our life. Amit on the other hand lost his voice for few months. I am unmarried and used to receive Rs.350/- per day. I was working there since 6-7 months at the time of the instance. I am unemployed after the incident. I have failed in my high school. Earlier I used to work at a restaurant named Little Chef.

5. Name: Rohit  
Address: Baniya Bazaar Cantt. Kanpur  
Father: Pour

Age: 19 years

Rohit is unmarried right now and has received no compensation and was paid Rs. 300/- per day. He still has to take Rs. 3000 from his pay from the company.

6. Name of the deceased: Umesh  
Father: Pacchu “Nankahu”  
Date of Incident: 01/4/2013  
Body found: 08/04/2013  
Place of Incident: Near Commissioner’s Bungalow, Apartment opposite Sheiling House School.

Umesh is survived by his son, Kamlesh. Umesh was engaged privately to clean the sewage. No safety kit was given to Umesh to clean the sewage. Family of Umesh did not receive any compensation after his death. His son Kamlesh was given compassionate appointment. Umesh went to clean the sewage on 1/4/2013. He was missing since then. His body was found after a week on 08/04/2013. Thana took the body and Nigam workers came and informed after the body was found floating in Ganga. Meanwhile, a report on missing person was filed. Body when found was burnt around 8/04/2013.

## **RECOMMENDATIONS**

Following are the recommendations:

2. To ensure that manual scavenging should not occur and to supply and to equip Kanpur’s Municipal Authorities so that they can deal with the cases of cleaning gutters, pot holes, sewage by machine.
3. To ensure that measures are being taken by government for better conditions of sanitation and hygiene.
4. To allot funds to Medical College to conduct research on the issue and also upgrade the facilities and capacity of municipal authorities in order to cater to the need of situation.

5. To identify the authorities responsible for existence of manual scavenging and take action against them.
6. Compensation to be given to the victim families.

