

**Status of Sanitation Workers in India: A Socio-Legal Study with
Reference to Human Rights Perspective in Lucknow City,
Uttar Pradesh**

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Introduction

The sanitation, open defecation, and public health were always been a major challenges towards India as a developing nation. The sanitation has been considered as crucial issue under the human rights discourse at contemporary International and National levels. The United Nations General Assembly on July, 2010 passed a resolution and expressly recognized water and sanitation as human rights. This resolution has also acknowledged that Water and sanitation are essential to realize all other human rights. The General Assembly also called upon States to provide financial and technical resources to scale up efforts to provide safe, clean, accessible, and affordable drinking water and sanitation for all. Right to sanitation became an integral part of human life. In India, the implementation of adequate sanitation was always been a tough task because the major population belongs to rural parts of the nation. The India witnesses demands for sanitation services mostly in urban areas but when Prime Minister Narendra Modi launched a Swachh Bharat Mission in 2014, the demands for accessing flush toilets and improving other sanitation facilities have been suddenly increased. The government aimed Open Defecation Free (ODF) India by 2019. Under this program the government constructed 92% toilet in all over India replacing dry toilets. The significant construction of toilets increases the number of Sewer Treatment Plants (STPs) and Faecal Sludge Treatment Plants (FSTPs). These developments however, shows the growth of sanitation services, whereas the sanitation workers continuously facing the problem of dignity and safety due to their hazardous working conditions and stigma on the caste they belongs to.

The protection of rights of sanitation workers specifically, manual scavengers is a matter of grave concern in the society because these workers have faced social exclusion, caste discrimination, health problems, and poor living standards, since ages. The sanitation worker implies in collection of waste, garbage, sewer cleaning, disposal of human excreta, transport faecal sludge, treatment of solid waste, and other associated work related to hygiene promotion in the city and town. With the advancement of science and technology, the sanitation work has

assumed great importance in urban development, City and Municipal administration for cleanliness and hygienic condition of citizens, and controlling of environment pollution and surrounding atmosphere. But the condition of sanitation workers is most ignorant in overall developments.

Sanitation workers refer to a wide variety of workers engaged in “cleaning, maintaining, operating, or emptying sanitation technology at any step of the sanitation chain”.¹ They perform a wide variety of tasks, such as sewer cleaning, cleaning from dry or single pit latrines and septic tanks, cleaning of railway lines, cleaning the school and public or community toilets, sweeping and drain cleaning, and work in treatment plants.² Most sanitation workers are engaged in hazardous jobs and experience socio-economic vulnerabilities due to their occupational conditions and social status.³

In Indian context, the “sanitation worker” has not been properly defined. However, we understand that the Sanitation Worker is only known by performing work related to cleanliness but when these Sanitation Workers get involved in cleaning related work in civic areas like cleaning of sewer, septic tanks etc. it became hazardous and unhygienic causing health problems to them.

Particularly, in Indian social context, the sanitation work has been related to social stigma and discrimination based on caste as in Indian social hierarchical order the sanitation related work has been performed by a particular lower caste, known as ‘Manual Scavengers’. The practice of manual scavenging is directly associated to the Indian caste system. The caste system in India has existed for nearly 3000 years. Therefore, a link between caste and sanitation is deeply rooted, which mainly works in two ways:

¹ The World Bank, “Sanitation Workers: Light at the End of the Tunnel?” *available at:* <https://www.worldbank.org/en/news/feature/2019/11/19/sanitationworkers#:~:text=Sanitation%20workers%20%2D%2D%20the%20men%20and%20women,the%20first%20global%20effort%20to%20undertake%20advocacy> (last visited on April 13, 2022).

² A. Bakshi, K. Kanoria, *et. al.*, India Development Review, “No Progress for Sanitation Workers: What must Change” *available at:* <https://idronline.org/article/water-sanitation/no-progress-for-sanitationworkers-what-must-change/> (last visited on April 15, 2022).

³ Dalberg Advisors, *Sanitation worker Safety and Livelihoods in India: A blueprint for Action*, *available at:* <https://www.susana.org/en/knowledge-hub/resources-and-publications/library/details/3483#> (last visited on April 24, 2022).

First, the caste system treats people belonging to the lower caste as “Pollutants” or “Untouchables”. Thus, the idea of cleanliness is not limited to physical conditions of sanitation workers, but is a social construct too.

Second, the caste system allocates all menial jobs to lower castes. An overwhelming majority of the sanitation workers in India comes from certain lower castes.

They are identified with different names in different parts of India such as *Balmikis* in Rajasthan and Punjab; *Mehtras* and *Mushers* in Bihar; *Bhangi* and *Mangs* in Maharashtra; *Bhangi*, *Balmiki* and *Domes* in Uttar Pradesh. Manual scavengers basically treated as untouchables. These people are the most discriminated community of the Hindu society. Thus, they were treated as most untouchable among untouchable’s communities and worst sufferer of the caste and sanitation in India, which is underlined by B.R. Ambedkar, as he observes:

*“Our society is like a multi-storied pyramid and there are no stairs or doors for entering into these stories. One has to die in the storey in which one is born.” The members of a particular community would continue to engage in occupations of their ancestors a far cry from any modern notion of decent employment.*⁴

Meaning thereby, the members of a particular lower community would continue to engage in such filthy occupations done by their ancestors, which is a far cry from any modern notion of decent employment. The practice of manual scavenging is still exists in some parts of India. This practice passes through generation to generation without accepting scientific advancement and technological approaches for disposal of human excreta. The alternatives of simple and low-cost mechanism can eradicate the problem of manual scavenging and safe disposal of human excreta. There are several factors are responsible for enduring nature of this practice of manual scavenging such as numerous government schemes, laws, policies that aimed to eradicate manual scavenging but failed in its strict implementation. Another reason is lack of reliable data of manual scavengers which directly affects the policy implementation. The corruption among regulatory authorities and strict caste hierarchy exacerbates the problem that

⁴ Rajendra Kumar, “Eradication of Inhuman Practice of Manual Scavenging and Comprehensive Rehabilitation of Manual Scavenging”, available at: <https://www.worldpulse.com/community/users/swabhiman/posts/23807> (last visited on January 10, 2020)

exists in rural as well as urban areas of India. The sacred scriptures throw some light on the existence of a system for the disposal of night-soil.

According to the writings of sacred scriptures and other literature, the work of scavenging has been seen in existence since the beginning of civilization, especially the disposal of night soil and human excreta which has been collected and disposed by particular lowest castes of Indian society. The *Bhangis*⁵ were the people who do the job of manual scavenging were placed at the lowest rung of caste ladder. The nature of job or work traditionally associated with them or imposed upon them, pushed them to the lowest strata of the social hierarchy of exterior castes. The work of cleaning others excreta and night-soil was the most inferior occupation due to direct contact with human excreta by the scavengers' community.⁶ These people were economically poor and socially backward due to which they were not able to raise voices against the unjust treatment and sanctions. Consequently, they did not able to get social justice or the human treatment from the upper caste of the society.⁷

After independence, the Indian Constitution in 1950 had incorporated important provisions for abolishing practice of untouchability against lower caste. This provision was a significant contribution of B.R. Ambedkar to lower caste community in a way this has legally prohibited the practices of untouchability against them, particularly to those who are working as a manual scavengers and sanitation related works. The brutal practice of untouchability has been legally prohibited by abolishing the practice of untouchability.⁸

The Article 17 (abolition of untouchability) has been made to legally prohibit the practice of untouchability against lower caste such as of civil rights protection and the source of caste and class annihilation i.e., article also came into force. Unfortunately, the spirit of Article 17, Constitution of India, was followed in principle rather than in practice.

⁵ Bhangi is literally used as a derogatory name used to refer to people from the caste traditionally responsible for manual scavenging.

⁶ Human Rights Watch, Cleaning Human Waste: "Manual Scavenging", Caste and Discrimination in India, available at: <https://www.hrw.org/report/2014/08/25/cleaning-human-waste/manual-scavenging-caste-and-discrimination-india> (last visited on March 11, 2024)

⁷ Bindeshwar Pathak, "Road to Freedom: A Sociological Study on the Abolition of Scavenging in India", (1999)

⁸ The Constitution of India, Article 17.

A plethora of legislations like Protection of Civil Rights Act, 1955; Schedule Castes and Schedule Tribes Act of 1988 etc., were enacted to ensure an equitable and casteless society, but the condition of the weaker sections has failed to show satisfactory signs of amelioration. Even today caste remains a major source of occupational and class division. When the world has made significant progress in human development, in India there exist a community which make its living by carrying human excreta and servicing the community sanitation with a baggage of their caste identity.

In 1993, the first Act, specifically for the protection of manual scavengers was enacted called the “Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993”. It defines ‘manual scavenger’ as “a person engaged in or employed for manually carrying human excreta.”⁹ The employment of manual scavengers according to the act is prohibited as a criminal offence however no one was charged with employing workers in the 20 years the law came in to force. Further, the government enacted “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013”, which gives a detailed definition of ‘manual scavenger’ as follows:

Section 2 (g) of PEMSR Act, 2013 defines manual scavenger as “a person engaged or employed...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 on a railway track or in such other spaces or premises...”¹⁰

The government only recognizes latrine cleaners, railway cleaners, sewer cleaners and faecal sludge handlers as manual scavengers, but the data is very poor and almost everyone agrees that these figures are a gross under representation. Estimates made by different organizations have yielded numbers of workers ranging from 182,000-2million for these types of work. Waste treatment plant workers, drain cleaners, community and public toilet cleaning, domestic workers and school toilet cleaners are not recognized under the Act, though they work with human faecal matter and other dangerous waste too.

⁹ Section 2 (1)(j) of The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

¹⁰ Section 2 (1)(g) of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

Distinction between Manual Scavengers and Safai Karamcharis

- i. Safai Karamcharis normally include persons engaged as ‘Sweepers’ or ‘cleaning workers’ in municipalities, government and private offices. They may be direct employees of these bodies (municipalities, government/private sector organizations) or may be contract employees who happen to be working for these organizations. However, Safai karamcharis, per se, are not manual scavengers.
- ii. Manual Scavengers are usually self-employed or contractual employees. “Self-employed” means a person who scavenges a group of household dry latrines or drains etc. in a particular area for which they get payment in cash or in kind from the owners. While contract employees would be hired by contractors of municipal body, any organization or a group of house-owners, to scavenge individual or community dry latrines and open drains where night soil has been disposed of.

Thus, Sanitation Worker is a broader term which is used for both the category of cleaning workers. Throughout the research work the researcher has used sanitation workers for the workers employed as cleaners while manual scavenger is specifically used for the sewer and septic tank cleaners.

Nature and Types of Sanitation Work

Sanitation workers are exposed to hazardous environments resulting in adverse health outcomes, sometimes even leading to death. As per government data, during the last five years, 347 sanitation workers have lost their lives.¹¹ Their working conditions exposed them towards various communicable diseases and hazardous surroundings. Due to lack of equipment they suffer fatal injuries and if equipment somehow available to them they find it inconvenient to use

¹¹ I. Bhatnagar, Data: 347 Sanitation Workers Died in last 5 years across India, *Hindustan Times* July 20, 2022, available at: <https://www.hindustantimes.com/india-news/347-sanitation-workers-died-in-last-5-yrsacross-india-up-highest-govt-data-101658290506681.html> (last visited on April 17, 2024).

during work of cleaning.¹² They also have a lower life expectancy and suffer from psychological impacts and substance abuse due to degraded working conditions.¹³

Most sanitation workers have informal or contractual employment and do not have adequate employment benefits or job security. Due to their low income and social status, they are also more likely to live in overcrowded, environmentally degraded habitats that lack adequate basic services.¹⁴ A major portion of sanitation workers are engaged in informal jobs and hence they are unable to get benefits under governments schemes, although those sanitation workers who works in formal jobs receive some degree of social protection and employment benefits from the government. Outsourced and contractual sanitation workers earn less than one-fourth and between one-half to one-fourth of permanent workers' salaries, respectively.¹⁵

Hazardous working conditions and high economic insecurity are further worsened by the social stigma of caste attached to sanitation work in India. These sanitation workers face three-fold discrimination on the basis of caste, gender and untouchability. Due to this three-fold discrimination, they do not get respect or dignity from the society, and are bound to spend their whole life in misery and vulnerability.

The sanitation workers can be categorized into three types such as manual scavengers, sewerage workers/septic tank cleaners and sweepers. Despite manual scavenging, the sanitation workers also performed other sanitation related activities such as:

- i. disposal of animal carcasses,
- ii. assisting in child birth,
- iii. acting as masseurs,

¹² Shailesh Darokar, "Manual Scavengers: A Blind Spot in Urban Development Discourse", in M. Sekher & R. Carciumaru (Eds.), *Including the Excluded in South Asia* 209–218 (Springer Singapore, 2019)

¹³ Hemali Oza, M.G. Lee, S. Boisson, Frank Pega, K. Medlicott and T. Clasen, "Occupational Health Outcomes among Sanitation Workers: A Systematic Review and Meta-Analysis", 240 *International Journal of Hygiene and Environmental Health*, 113907 (2022).

¹⁴ World Bank, Health, Safety and Dignity of Sanitation Workers: An Initial Assessment *available at: <https://documents1.worldbank.org/curated/en/316451573511660715/pdf/Health-Safety-and-Dignity-of-Sanitation-Workers-An-Initial-Assessment.pdf>* (last visited on April 17, 2024).

¹⁵ PRIA, "Lived Realities of Women Sanitation Workers in India" (Occasional Paper), *available at: https://www.pria.org/knowledge_resource/1571820425_Lived_Realities_of_Women_Sanitation_Workers_in_India_20-10-19.pdf* (last visited on April 17, 2024).

- iv. informing villagers about death rites,
- v. beating drums in funeral processions and other occasions,
- vi. taking the clothes of the dead persons from the cremation places,
- vii. assisting in post-mortem as well as cremating unclaimed corpses,
- viii. castrating animals,
- ix. cleaning drains,
- x. sweeping,
- xi. disposing animal feaces,
- xii. cleaning safety tanks,
- xiii. rearing pigs,
- xiv. cleaning work in weddings and other functions as well as cleaning the leftovers and plates after the wedding/function is over,
- xv. drum beating and singing songs on the occasions of festivals and fasts, lunar and solar eclipses, pilgrimages, births and marriages and deaths.

In spite of performing different kind of duties, these sanitation workers were merely earned money for their food and breads/rotis. Sanitation workers were engaged as scavengers, sweepers, rag pickers, coolies and other kinds of odd jobs which are almost ignorant and merely considered to be important, however, a sense of wretchedness and filth is attached to them which was based on the notion of *'purity' 'pollution'*.

Though, sweeping is a routine activity which is not hazardous in nature, but it should not be, on the basis of caste in any municipality. It should open for everyone. This should ensure by every municipality that the sweepers they employed are doing their work, because in many instances where the sweepers employed by the local bodies take their salaries but do not carry their work. Instead they pay a small amount of their salary to the scavengers to do the work on their behalf. This encourages a contract labour system.

Deaths of Workers during Manual Scavenging

The Ministry of Social Justice and Empowerment (MSJE) have conducted two surveys for the identification of manual scavengers during the year of 2013 and 2018. According to the data, there are total 58,098 eligible manual scavengers have been identified.¹⁶ Further, the Union Ministry of Social Justice and Empowerment revealed that between 2016 and November 2019, 282 sanitation workers lost their lives while cleaning sewers and septic tanks across the country. However, around 339 people died while cleaning sewers and septic tanks in India in the last five years, according to government report.¹⁷

According to the government data, on the deaths of manual scavengers across India there are nine deaths were recorded in 2023; 66 deaths recorded in 2022; 58 deaths recorded in 2021; 22 died in 2020; 117 died in 2019 and 67 deaths recorded in 2018.¹⁸ These workers died while working in hazardous cleaning of septic tanks or sewers and no death caused due to manual scavenging. While the fact is that hazardous cleaning is also a part of manual scavenging, change in terminology cannot changed the destiny of a scavenger.

Many times it is found that sanitation workers lost their lives while trying to help their trapped colleagues, who were battling from the toxic fumes in the gas chambers that are septic tanks. Due to this hazardous and suffocating job of cleaning and emptying of sewers and septic tanks, more than 82 percent deaths found that indicates that these deaths are not just accidents but cases of lack of structural execution. The Government is completely reliant on newspaper reports and civil society organizations for monitoring the death of sanitation workers. There is no robust system for monitoring the deaths of sanitation workers caused by entry into the sewer and septic tanks. However, The Government of India has inducted an inter-ministerial coordination effort between ministries that are critical for sanitation and sanitation workers, to work towards ending manual scavenging and improving the safety of sanitation workers.

¹⁶ Government of India, Ministry of Social Justice and Empowerment, “National Survey on Manual Scavenging” (Lok Sabha Unstarred Question No. 3742 for answer on 21.12.2021), *available at*: <https://sansad.in/getFile/loksabhaquestions/annex/177/AU3742.pdf?source=pqals> (last visited on October 20, 2023).

¹⁷ PTI, “339 people died while cleaning sewers, septic tanks in last 5 years: Centre”, *The Indian Express*, July 25, 2023, *available at*: <https://indianexpress.com/article/india/339-died-cleaning-sewers-septic-tanks-last-5-years-centre-8859409/> (last visited on April 17, 2024).

¹⁸ *Ibid* at The Indian Express.

This research study analyses and examines the human rights issues and challenges faced by sanitation workers. It is mainly focusing on the conceptual, socio-political, and legal implications of their work on their quality of life and the enforceability of their rights. The basic sanitation system serves as a crucial connection between life, health, society, and the environment. The study also underscores the significance, complexity, and fragmented nature of the laws and policies related to sanitation workers, highlighting the urgent need for comprehensive legal and policy reforms to protect and empower this marginalized community of sanitation workers.

Statement of the Problem

The Sanitation has been recognized as matter of human rights in India for more than two decades, mainly with judicial pronouncement in Indian courts and the Indian government has also enacted several law and policies for reforming the status of sanitation workers such as, The Protection of Civil Rights Act (1955), The Schedule Castes and Schedule Tribes Act(1988), The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act(1993),The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, (2013) etc.

The issue of Sanitation has been progressively integrated into the international human rights law framework such as the Universal Declaration of Human Rights (UDHR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) etc. The key issues persists concerning the realization of the right to sanitation for all, the scope of the right, its link with the other rights, like health, gender equality and environment as well as its specific relevance in the Indian context such as manual scavenging.

Sanitation workers are the one who are facing risk such as injury, diseases, mental illness and death because of not protecting by any adequate health and safety measures. The sanitation workers are majorly deals with severe medical conditions due to hazardous cleaning such as, headache, dizziness, fever, fatigue, asthma, gastroenteritis, typhoid, hepatitis, cryptosporidiosis, eye and skin burn and other skin irritation, back pain, blunt force trauma, and fatality.

The common accidents that are frequently reported are losing consciousness and death by asphyxiation due to inhaling toxic gases in septic tanks and sewers. They also face severe wounds and cuts due to pit collapse or falling masonry. There are many manual scavengers or pit emptier prefer to work in the night, to avoid neighbour objections and sanctions, but the habit of alcohol and drugs put them in the risk of accidents.

Apart from that, the sanitation workers are mainly engaged in hazardous cleaning activities without equipping any safety gears or Personal Protective Equipment (PPE). Sanitation services are mainly provided by informal and temporary manner. It has been seen that many sanitation workers are engaged in hazardous cleaning activities without having any formal training about the work. Their employers are usually ignorant about the health and hygiene of sanitation workers. Since, the sanitation workers including manual scavengers are majorly belong to vulnerable communities and lowest in the social stratum, which encourages their employers to dominate them.

The maximum number of sanitation workers usually works informally because of the stigma attached with their occupation and prohibition of the practice of manual scavenging by law. Lack of good quality evidence and data makes it more difficult to persuade authorities to take decisive action to improve the lives of sanitation workers. Thus, it is an urgent need to look into the adequacy of the law, role of the law enforcement agencies, accountability mechanisms and other institutional arrangements for addressing the plight of sanitation workers.

Under this background, the research work has been designed to study the problems and challenges of sanitation workers in India, which they are facing in their daily life. The researcher had attempted to understand the nature of social exclusion, discrimination and economic deprivation, subjugation and other form of discrimination in the society. Many sanitation workers are working with Municipal Corporations, or Nagar Nigam and their service condition are very deplorable and in many case their service benefits, rights are not duly protected. The researcher has examined the service conditions, nature and working pattern of employed sanitation workers with Nagar Nigam. The unhealthy working condition of sanitation workers is a big problem to them; study on them is also crucial.

The lack of data on classification of sanitation workers, numbers of employed sanitation workers on government pay roll, casual or contractual workers are vital issue for managing the data of sanitation workers. This issue becomes problematic mainly in case of deaths of these workers. Notably, there are laws, policy guidelines for sanitation workers available in civic bodies, it is pertinent question whether these are properly implemented or not? The researcher intended to focus on these some aspects through conducting empirical study to find out the actual results.

Objectives of the Study

This Research study seeks to achieve the following objectives:

1. To analyze the nature, type and risks of sanitation work faced by sanitation workers.
2. To understand the stigma of caste and untouchability as a main source of human rights violation of sanitation workers.
3. To examine the human rights of sanitation workers through international legal perspective.
4. To analyze the existence of gap between law and policies related to sanitation workers and its implementation mechanism through national legal framework.
5. To examine the role of social reformers, civil society and NGOs to protect the rights of sanitation workers.
6. To understand the role of judiciary in recognition and interpretation of the right of sanitation workers.
7. To examine the socio-economic condition and problem of human right abuses of sanitation workers by conducting an empirical study in Lucknow city.

Literature Review

Road to Freedom: A Sociological Study on the Abolition of Scavenging in India by Bindeshwar Pathak (1991), this book is updated and revised version of the doctoral thesis of

Dr. Pathak. This book provides valuable insights into the socio-economic and cultural dimensions of manual scavenging in India. This book underscores the importance of a multifaceted approach to abolishing manual scavenging. Dr. Pathak argues for the necessity of transforming societal attitudes towards sanitation workers and integrating them into mainstream society with dignity and respect. The author also delves into the role of non-governmental organizations (NGOs) and social reformers in advocating for the rights of manual scavengers and promoting alternative livelihoods.

Manual Scavenging in India: A Disgrace to the Country by B.N. Srivastava (1997), this book provides a thorough examination of the deeply entrenched and dehumanizing practice of manual scavenging in India. The author's work is a critical exploration of the social, economic, and legislative aspects of manual scavenging, underscoring the urgent need for its abolition. The book vividly describes the daily plight of manual scavengers, who are forced to clean human excreta from dry latrines and open drains, often with minimal or no protective gear. It also highlights the severe health risks, social stigma, and economic exploitation faced by these workers.

Untouchable Freedom: A Social History of a Dalit Community by Vijay Prashad (2001), this book provides detail information of the historical experiences and socio-economic conditions of the "*Balmiki*" community within the context of sanitation work in colonial Delhi. It sheds light on the challenges faced by sweepers and scavengers, as well as the broader implications of ineffective sewage management practices on public health and urban infrastructure development during the colonial period. The book also discusses the inadequacies of sewage disposal technologies, including sullage plants and "sewage farms", which were introduced in the 1930s but failed to achieve their intended outcomes. As a result, sweepers employed under the DMC continued to transport "refuse" including night soil, in carts and lorries to designated dumpsites and landfills.

Water, Environment and Sanitation Assessment, by Ramesh Chandra and Ritu Aneja (2004), This book highlights the importance of preserving water resources and environment and practicing hygienic life style for sustainable development. Water crisis and sanitation challenges faced by poor people around the world are described elaborately in this

book. The authors emphasized the importance of community participation, capacity building, and inter-sector co-ordination in achieving sustainable development. They also discuss the role of technology and innovation in improving water and sanitation services.

India Stinking: Manual Scavengers in Andhra Pradesh and their Work by Gita Ramaswamy (2005), in this book the author provides deep analysis of the lives and work conditions of manual scavengers in Andhra Pradesh. This book provides critical analyses of the undignified practice of manual scavenging, where individuals, predominantly from marginalized castes, are forced to clean human excreta from dry latrines and open drains. The book delves into the daily lives of these workers, describing the hazardous conditions they endure, including the lack of proper protective gear and exposure to harmful pathogens. This book presents a powerful critique of the entrenched caste-based inequalities in India and a call to action for addressing one of the most egregious forms of social injustice. The author's meticulous research and empathetic portrayal of manual scavengers aimed to mobilize policymakers, activists, and the general public towards creating a more equitable and just society.

Caste-Based Discrimination in International Human Rights Law, by David Keane, (2007), this book contains detailed work on caste system of India as well as violation of human rights due to caste discrimination. This book tells us about those descent-based communities under their jurisdiction who suffer from discrimination, especially on the basis of caste and analogous systems of inherited status. This book also highlights that at the international level there is confusion on caste and decent based discrimination. The book has not argued on caste is the same as race. The religious element in caste-based discrimination makes it a unique problem that has to be assessed in its own right.

'Squatting with Dignity: New book on rural sanitation in India', by Alok Kumar, (2010) this book presents a historical account of the importance of sanitation and hygiene evident in ancient India and the evolution of sanitation policy in modern India. This book further, presents a detailed account of the development of the rural sanitation movement in India in the last decade.

The Politics of Sanitation in India: Cities, Services and the State by Susan E. Chaplin, (2011) this book, used the term "scavenger" for those who were employed to manually

clean dry latrines. This book argues that both scavengers and sweepers fall under the broader category of Bhangi. The term Bhangi was applied as an occupational descriptive term, to refer to scavenging communities among Muslims, Sikhs, Neo-Buddhists or Christian. While scavengers and sweepers employed by municipal authorities are referred as “safai karamcharis”, and there exists a hierarchy among them. Sweepers considered themselves as superior to scavengers due to their avoidance of direct contact with human excreta, while municipal scavengers consider themselves superior to those servicing private latrines, primarily because they are entitled to pensions. Further, this book distinguishes between two categories of sweepers: **dry sweepers** who were responsible for cleaning roads, factories, and housing complexes, and **wet sweepers** who were tasked with cleaning sewers, septic tanks, and cesspools, often without adequate protective equipment. Within this hierarchy, women are positioned at the lowest rung, typically employed for scavenging private latrines. They are deemed unfit for roles involving heavy lifting associated with mechanized garbage collection or sewer cleaning due to societal perceptions of their physical strength.

Cleaning Human Waste: “Manual Scavenging”, Caste, and Discrimination in India by Shikha Silliman Bhattarjee and edited by Meenakshi Ganguly. **New Delhi: Human Rights Watch (2014)**, this publication indicates the prevalent practice of manually cleaning excrement from both private and public dry toilets, as well as open drains, across various regions of South Asia is highlighted. The report sheds light on the daily routine of manual scavengers, who collect human excreta and transport it in cane baskets carried as head-loads for disposal. Within the context of caste-based discrimination, the report underscores the derogatory usage of the term “*Bhangi*” to denote individuals from the caste traditionally associated with manual scavenging. Additionally, the term “*Dalit*” is employed to refer to those deemed as “*untouchables*” within society. It further elucidates the gendered division of labor within this caste, where women typically undertake the cleaning of dry toilets within households, while men are tasked with the more physically demanding work of cleaning sewers and septic tanks.

Rural Sanitation in India: Compendium of case studies, by Alok Kumar and A. P. Singh (2014), This book explores the different case studies from different states of the nation, covering various aspects of sanitation programme. These programmes are helpful to the officials of states and districts to design lessons for improving the programmes and its implementation in

districts. This book highlights the key learning elements from the case studies which can be used by the others in sanitation sector as well as other social development programmes. In addition the book offers them the opportunity to learn from the existing experiences in the field and make necessary programmatic improvements.

‘Unseen: The Truth about India’s Manual Scavengers’ by Bhasha Singh (2014), this book exposes the plight of manual scavengers across eleven Indian states. Singh states that manual scavenging deals with cleaning human excreta from dry-latrines, collecting it in baskets, and then carrying it away for disposal. She points out that Dalit women who are forced to do this degrading work remain invisibles, and are thus relegated to the margin of the society. Her findings reveal that despite the law banning the practice of manual scavenging, the dehumanizing practice continues to sustain across most parts of the country. Singh argues that individuals compelled to undertake this degrading work remain invisible and marginalized within society. Despite legislation prohibiting manual scavenging, Singh's findings reveal that this inhumane practice persists in many parts of the country.

Ministry of Urban Development, Government of India, Guidelines for Swachh Bharat Mission (2014), these guidelines were released by government for eradication of manual scavenging. The main objective was conversion of dry latrines into flush latrines. Under this scheme the government provided 4000 Rs for the construction of individual household latrines. However, the government forgets to state the rehabilitation of manual scavengers under this scheme.

‘Sanitation Law and Policy in India: An Introduction to Basic Instruments’, Edited by Philippe Cullet and Lovleen Bhullar (2015) this book contains most comprehensive work on sanitation law in India. The book provides an overview of the existing legal as well as policy instruments related to sanitation in India and tried to fill the existing gap, both in knowledge and policy instruments, related to sanitation. This book also shed light on the importance of sanitation, its complexity. This book is a complete bundle of knowledge to understand the Sanitation law and policy.

Sociology of Sanitation, by Dr. Bindeshwar Pathak, (2015), this book is compiled with the experience of a National Conference on “Sociology of Sanitation: Environmental Sanitation,

Public Health and Social Deprivation” conducted by Sulabh International Social Service Organization held on January, 2013, in New Delhi. The author discusses the social attitudes towards sanitation and hygiene in this book. This book discusses the social structure and sanitation in ancient India, as well as the undignified practice of manual scavenging. The author has also discusses about his innovative sanitation solutions such as two-pit pour flush toilet, which transformed whole sanitation system in India.

Sanitation in India: A Historic-Sociological Survey, by Hetukar Jha (2015), the book deals with comprehensive and critical examination of sanitation practices and policies in India. The author explores the mixed approaches of social, cultural, economic, and political factors that have influenced sanitation practices and policies over centuries. Further, the details of the habits and practices regarding sanitation which prevailed in different periods of our history have been discussed. Besides, an attempt has also been made to examine the socio political and cultural conditions which forged and promoted the association of some communities with the tasks of sewage disposal, cleaning streets, etc. The author has also critically examined the campaign’s approach, achievements, and challenges, emphasizing the need for sustained political will, community engagement, and a shift in societal attitudes towards sanitation.

Caste, Occupation, and Sanitation: A Study of Manual Scavenging in India by R. George (2016), this book broadly discussed the historical perspective which is essential for understanding the persistence of the inhumane practice of manual scavenging despite various legal and social reforms. The author discusses that how caste-based discrimination forces untouchables into this filthy occupation, creating a cycle of poverty and social exclusion. The book also provides a detailed analysis of the socio-economic conditions of manual scavengers, highlighting the lack of alternative employment opportunities and the social stigma they face. In this book the author also discusses different rehabilitation programs, assessing their impacts and explored the gaps in their implementation. The author also advocated for a holistic approach that includes education, skill development, and social integration to ensure sustainable livelihoods for former manual scavengers.

Clean up Your Act: the State of Sanitation in India, by [Sushmita Sengupta](#) (2016), this book contains and comments on the well-designed community centric programmes, its

communication and awareness campaigns connecting with toilets and sanitation to health and women's dignity. The author discusses an insightful analysis of the sanitation landscape in India, focusing on the progress, challenges, and future directions of sanitation initiatives. The author also discusses the Swachh Bharat Abhiyan (SBA), launched in 2014. She provides a critical analysis on the objectives, strategies, and outcomes of SBA. She also highlights the ambitious targets of the campaign SBA, such as open defecation-free India, and also examines those measures which are taken to achieve the goals of SBA, including the construction of flush toilets and the promotion of social change among sanitation workers.

'Where India Goes: Abandoned Toilets, Stunted Development and the Costs of Caste' by Diane Coffey and Dean Spears (2017), this book is winner of the *Joseph W. Elder* prize in the social sciences. This book demonstrates the real picture of open defecation in India which is not only the result of poverty but also a direct consequence of the caste system, untouchability and ritual purity. This book shows that beliefs about purity, cleanliness, caste and untouchability generate a steel fence that prevents change in traditional ways of disposing of human faeces. This book offers a nuanced perspective on the sanitation crisis in India, emphasizing the need for a holistic approach that considers cultural, social, and economic factors to effectively tackle the problem of open defecation and its associated impacts on development.

Towards a Casteless Society by Swapan K. Biswas (2019), in this book the author provides detailed critique of the various legislative and policy measures aimed at addressing caste-based discrimination, such as the reservation system and affirmative action policies. The book highlights the successes and struggles of various movements, emphasizing the importance of collective action and solidarity in the fight against caste-based oppression. The book is a significant contribution to the ongoing discourse on caste and social reform, offering a hopeful perspective on the possibility of achieving a more inclusive and egalitarian society.

Wasted: The Messy Story of Sanitation in India, A Manifesto for Change by Ankur Bisen (2019), in this book the author hits relentless questions like why are Indians so stubbornly undisciplined in keeping their surroundings clean? Why is it so that Indians keep their homes relatively clean while treating public spaces as their rightfully owned dumping ground for all kinds of garbage? Does this have anything to do with the socio-cultural structure of the Indian

society? Through these questions the author tries to provide an insight into the psyche of the Indian society that so unhesitatingly gets accustomed to living in unhygienic neighborhoods. The book attempts to unravel the mystery that surrounds the ambiguous behaviour of Indians about the very concept of sanitation. The twin concepts of cleanliness or purity and pollution are anchored deeply in the socio-religious psyche of the Indian society, and it is not surprising then that this binary opposition of these constructs is treated as the guideline in all banal activities. The private space is treated as pure while the public as impure and polluted.

The Sanitation Triangle: Socio-Culture, Health and Materials, edited by Taro Yamauchi, Seiji Nakao, Hidenori Harada (2022), this edited book is a collection chapters which deals with different aspects of global sanitation. The concept of the *Sanitation Triangle*, which considers the interconnections of health, materials, and socio-culture in sanitation, as a holistic approach, and the case studies based on the *Sanitation Triangle* by diverse disciplines such as Cultural Anthropology, Development Studies, Health Sciences, Engineering, and Science Communication. By the deep theoretical examinations and inter-dialogues between the different disciplines, this book explores the potentialities of inter-disciplinary studies on global sanitation.

Hypotheses

The Research study has following hypotheses to examine:

1. Manual scavenging is not just an occupation; it is a stain on the dignity of vulnerable community.
2. The caste stigma is deeply attached with sanitation workers and they still face social exclusion, economic subjugation, and caste atrocities in the society.
3. Ignorant behaviour of administrative authorities and local bodies obstructs the effective implementation of policies and programs for sanitation workers.
4. The Indian judiciary plays a vital role in protection of the rights of sanitation workers.

Research Methodology

This research study based upon socio-legal methodology. According to Nichole Graham, “*Socio-legal research brings legal and social scholarship together, and analyses legal phenomena and the relationship between law and wider society.*”¹⁹ It is a heterogeneous field that encompasses a broad range of topics. It is sometimes referred to as ‘law in context’, ‘sociology of law’ and ‘law in action’.²⁰ Along with the doctrinal methods for identifying the nature of social, economic and legal status of sanitation workers in India, the researcher has under taken empirical method to understand the interaction of law with the people (sanitation workers) who are affected by law.

The present study has applied doctrinal as well as empirical methods. The researcher has mainly focus on the method of doctrinal, empirical analytical and observational simultaneously. Additionally, the descriptive, explanatory methods are also applied in accordance with the need of the study. All the primary and secondary sources have been used and utilized. The researcher has used various books, journals, judgments of Supreme Court and various High Courts of India. Apart from that the researcher has also analyzed various international documents, legal journals, national policies, schemes; government publications, reports, articles etc. have been used as important research tools.

The empirical or non-doctrinal research has also been adopted, wherein the researcher collected data primarily from the sanitation workers engaged in various hazardous and non-hazardous cleaning activities in Lucknow city. The primary data has been collected through scheduled questionnaire. The researcher has prepared questionnaire based on the objectives of the study.

Universe of the Study

The Universe selected for the present study was hospitals, institutes, streets, and railway station of Lucknow city. The researcher has randomly visited to the sanitation workers working in Lucknow city and collected data through questionnaire. The data and information has been collected through a scheduled questionnaire and random sample survey method from the sanitation workers (manual scavengers) indulged in street cleaning, sewer cleaning, public toilet cleaning, emptying septic tanks etc. at the different areas of the Lucknow city.

¹⁹ Nicole Graham, Margaret Davies, *et. al.*, “Broadening Law’s Context: Materiality in Socio-legal research”, 26 (4), *Griffith Law Review*, 482 (2018).

²⁰ Fiona Cownie and Anthony Bradney, “Socio-legal Studies: A Challenge to the Doctrinal Approach” in Dawn Watkins Mandy Burton, *Research Methods in Law* 41 (2nd edn., Routledge, London, 2021).

The 350 sanitation workers has selected randomly from different cluster and strata of the Lucknow city, as a sample size. The researcher has applied Statistical Package for Social Sciences (SPSS) software for analyzing the collected data. The interpretations are made for testing of hypothesis and the conclusion has been drawn from the findings of the empirical study.

Tools and Techniques for Data Collection

The data have been collected through the help of both qualitative and quantitative methods. The scheduled questionnaire has been prepared consisting different questions divided into four sections namely; Part A – Personal Information, Part B – Working Status, Part C- Socio-Economic Status and Part D- Health Status. The researcher has personally contacted with respondent through field survey. Since, the respondents are illiterate the researcher has himself filled questionnaire by asking them about their issues mentioned in questionnaire. Through various field visits, observations and frequent personal contacts with sanitation workers, the researcher has succeeded in required information from all respondents. Apart from this, the information was also sought from the concerned relevant authorities for study. Lastly, the obtained data was processed with the help of statistical tools namely Statistical Package for Social Science (SPSS).

Significance of the Study

This research has following significance:

- Understanding the status of sanitation workers is crucial for promoting social justice and dignified life to them. It helps in identifying the challenges and barriers faced by sanitation workers in accessing opportunities and resources.
- The study shed light on the working conditions and human rights violations faced by sanitation workers. This information is essential to advocating for hazard free working conditions and discrimination less job opportunities.
- Sanitation workers are bound to live in worst living conditions. Examining the economic activities of sanitation workers can provide insights into their level of

economic empowerment. To promote economic independence it is important to identify those factors that hinder economic empowerment.

- Sanitation work is directly connected to health of sanitation workers because during work they are in direct contact with hazardous materials which negatively impact their health. Through research the health and well-being of these sanitation workers recommended for improvement.
- The study contributes to community development by highlighting the role of sanitation workers towards society. This information can be used to create community-based initiatives that empower and support workers in various aspects of their lives.
- By disseminating the findings, the study contributes to raising awareness in society about the challenges faced by sanitation workers. This increased awareness can lead to greater sensitivity and support from various stakeholders.
- The study adds to the academic knowledge base by providing empirical insights into the status of sanitation workers in Lucknow City, Uttar Pradesh. It can serve as a reference for future research and contribute to the broader discourse on equality, dignity and labor studies.”

Scope of the Study

Since, the sanitation worker is an umbrella term and every sanitation worker is not a manual scavenger. Hence, the present study is focuses on examining the status of sanitation workers inhabited or migrated from other states in Lucknow city. Through empirical study the researchers has tried to get information about socio-economic and health status of sanitation workers working in Lucknow city. This study also focuses on the practical difficulties faced by the sanitation workers due to the ineffectiveness of constitutional guarantees to safeguard their rights. Apart from that, this study also focuses on caste discrimination with the sanitation workers.

Chapterization

This thesis comprises seven chapters as follows:

Chapter I- Introduction

Chapter II- An Analysis of Caste Stigma, Social Exclusion and Dignity of Sanitation Workers

Chapter III- International Framework for the Protection of the Rights of Sanitation Workers

Chapter IV- Study of National Law and Policies on Sanitation Workers in India

Chapter V- Judicial Articulation for the Protection of the Rights of Sanitation Workers

Chapter VI- An Empirical Study on Status of Sanitation Workers in Lucknow City

Chapter VII- Conclusion and Suggestions

Scheme of the Study

Chapter I: Introduction This chapter proposes the broad framework of thesis. It will provide the general introduction on the subject. Further the researcher would briefly discuss the statement of problem, objective of study, research questions, Limitation of the study and the scope of study followed by the review of literature along with research methodology which would be adopted for the study.

Chapter II: An Analysis of Caste Stigma, Social Exclusion and Dignity of Sanitation Workers, deals with various issues like caste stigma, social exclusion and violation of right to dignity of sanitation workers. The purpose of this chapter to analyze the world's longest surviving system of social hierarchy, which is also most rigorous and torturous. In the chapter we find that the caste system represents a social hierarchy where castes are ranked, have specific occupations, and are segregated from each other in terms of marriage, physical interaction, and dietary practices based on purity and pollution rules. The division by birth is maintained through

practices like marrying within the caste and controlling women's choices regarding sexuality. Unlike class and other stratifications primarily focused on production, caste encompasses both the creation of goods and the perpetuation of its own structure through reproduction.

Further the study shed light on the evolution of toilets, drains and sewerage which became a reason of evolution of manual scavengers. The chapter also discusses the role of civil societies, NGOs and social reformers who fight for the rights of sanitation workers. This chapter is about history and evolution of manual scavengers in India and about their situation that has consistently remained worst and more pathetic throughout the ages. It can be said that the caste system has evolved and adapted itself from the different eras of the history of India. This all started with the Aryan encroachment, Mughals invasions, British colonization, and now globalization and neo-liberalization.

Chapter III: International Framework for the Protection of the Rights of Sanitation Workers, this chapter discusses the provisions of various international legal instruments that deal with the protection of the rights of sanitation workers, expressly or impliedly. The issue of sanitation workers has been neglected for a long time because the work done by sanitation workers was unhealthy and dirty in nature. In 2015, 2.4 billion people worldwide were estimated to be using unimproved sanitation facilities. Among them, nearly a billion people practice open defecation, which is a major cause of malnutrition, stunting, and increased diarrheal disease, among other negative impacts. Whereas the sanitation workers were facing double whammy i.e. their health and hygiene and the other is social discrimination and abuse. But it has changed progressively over the past few decades and sanitation gets recognition with other important human rights i.e. right to life, right to health and right to dignity etc.

Hence, this chapter broadly discusses the concept and approach of human rights towards sanitation workers, role of international instrument related to sanitation workers such as UDHR, ICCPR, ICESCR, ILO, ICERD and CEDAW and other various provisions applicable to sanitation workers have been discussed. Further, the role of sustainable development and its impact on sanitation workers has been discussed. SDG 6 focuses on '*ensuring access to clean*

*water and sanitation for all*²¹, and SDG 8 ‘*decent work and economic growth for all workers*’²²; while other related goals also play a vital role in protecting the rights of sanitation workers. Lastly, the problem associated with the implementation of international law in domestic law that plays a main role in protection of the human rights of sanitation workers has been discussed.

Chapter IV: Study of National Law and Policies on Sanitation Workers in India, this chapter is devoted to constitutional and legal framework for sanitation workers. Apart from that the chapter also discusses various governing statutes, schemes, programs, policies etc. The status of sanitation workers in India is complicated because it is not explicitly recognized as a standalone right under the Constitution of India. Further, the chapter discusses the plethora of Constitutional provisions; the government of India has enacted some other important legislation to deal with the problem of manual scavenging and to deal with rehabilitation of manual scavengers. The chapter further discusses the government committees, commissions, schemes and programs initiated to uplift sanitation workers such as Barve Committee Report, 1949, Backward Classes Commission (Kaka Kelkar Commission), 1953, Central Advisory Board for Harijan Welfare, 1956, Scavenging Conditions Enquiry Committee (Malkani Committee) 1958, Committee on Customary Rights to Scavengers, 1965, National Commission on Labour, 1966, Committee on Condition of Sweepers and Scavengers (Pandya Committee) , 1968, National Commission For Safai Karamcharis, 1993 etc. Lastly, various policies and schemes have been discussed through which the government try to fill the gap in the legal framework. There are various schemes such as Centrally Sponsored Scheme for the Liberation of Scavengers, Integrated Low Cost Sanitation Scheme (ILCS), National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS), Total Sanitation Campaign (TSC), Nirmal Gram Puraskar Yojana (NGP), Valmiki Ambedkar Malin Basti Awas Yojna (VAMBAY), Pre-Matric Scholarship for the Children of those Engaged in Occupations Involving Cleaning and Prone to Health Hazards, Resolution of National Advisory Council (NAC), National Safai Karamcharis Finance and Development Corporation (NSKFDC), Self-Employment Scheme For Rehabilitation of Manual Scavengers (SRMS), National Action for Mechanized Sanitation

²¹ TRANSFORMING OUR WORLD: THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT, A/RES/70/1, available at: [21252030 Agenda for Sustainable Development web.pdf \(un.org\)](#), (accessed on June 14, 2022).

²² Ibid.

Ecosystem (NAMASTE), Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi (PM-DAKSH) Yojana have been discussed.

Chapter V: Judicial Articulation for the Protection of the Rights of Sanitation Workers, this chapter devotes to the judicial decisions and judgments of the High Courts and the Supreme Court related to sanitation workers. It is clear from many incidents and news that the judiciary alone playing a significant role for the protection of the rights of sanitation workers by giving directions to implementation of existing laws, as well as providing necessary assistance to sanitation workers. There are numerous cases where positive directions have been given by the court. The Indian judicial system has making efforts and brought social justice for sanitation workers. The Supreme Court and well as different High Courts of India are proactive in matters related to sanitation workers and issued number of guidelines in context of elimination of manual scavenging, cash assistance for deceased family, reservation, health and hygiene. The Supreme Court in **Safai Karamchari Andolan case** emphatically declared that manual scavenging violates human dignity and is inconsistent with constitutional values. The court issued various guidelines and directed the government to strictly enforce the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013. The SC also issued guidelines for manual scavengers for their rehabilitation and upliftment. The court directed the **Delhi Jal Board case** to provide proper safety equipment and adhere to strict safety protocols, reinforcing the legal and moral obligation to protect the health and safety of sanitation workers. The honorable Supreme Court in **Balram singh case (2023)** issued strict guidelines for the implementation of Act of 2013 and ensures the welfare of sanitation workers. The SC allows Rs. 30 Lakh compensation on a death of any sewer worker, which was previously 10 lakh. Apart from that, those victims who are suffering from disabilities due to sewer work are compensated with minimum Rs.10 Lakh for any kind of disability and in case of permanent disability more than Rs. 20 lakh will be provided for their livelihood. Therefore, these judicial pronouncements played a vital role in highlighting the problems faced by sanitation workers and manual scavengers, pushing for legislative and administrative actions to improve their working conditions and safeguard their rights. However, the effective implementation of these judicial directives remains a challenge. Continuous monitoring and proactive engagement by the

judiciary are essential to ensure that the constitutional promise of dignity and equality is realized for these marginalized communities.

Chapter VI: An Empirical Study on Status of Sanitation Workers in Lucknow City, this chapter deals with the findings of the empirical study based on scheduled questionnaire on ‘Status of Sanitation Workers in Lucknow City’ for the purpose of empirical research. The researcher has visited randomly in the hospitals, railway station, public toilets, streets, institutes of Lucknow city to observe the condition of sanitation workers in those places. The researcher has made a questionnaire and personally contacted with respondents through field survey. Since, the respondents are illiterate the researcher himself filled questionnaire asking them about their issues mentioned in questionnaire. The questionnaire, consisting of different questions divided into four sections namely; Part A – Personal Information, Part B – Working Status, Part C- Socio-Economic Status and Part D- Health Status has been used to collect primarily data of sanitation workers in Lucknow city. Through various field visits, persuasion and frequent personal contacts with sanitation workers, the researcher have succeeded in getting feedback from 350 respondents. Apart from this, the information from other relevant authorities has been collected through interview. Lastly, the obtained data was processed with the help of statistical tools namely Statistical Package for Social Science (SPSS). The main objective of this chapter is to examine the social, economic and health status of the sanitation workers in Lucknow city. The researcher intends to know the situation of sanitation workers in the city by approaching workers indulged in heinous and hazardous cleaning in Lucknow city. This chapter is the heart of the complete research work. Through textual discussion, tabular and graphs, the data is critically analyses and reported along with the findings.

Findings of the Survey

This empirical study has been conducted to understand and analyze the nature of problems related to sanitation workers in different parts of Lucknow city. The aim of the survey is to examine the socio-economic and health status of sanitation workers. The researcher has collected information through conducting a survey with the help of questionnaire and interviews. The findings and inferences drawn from the study are as follows:

- Data analysis from gender-wise participation of sanitation workers in Lucknow city reveals that maximum males (66.3%) are engaged in all type of sanitation tasks while females (33.7%) sanitation workers are mostly engaged in sweeping streets, cleaning toilets in institutes, hospitals and offices etc. This indicates that males are highly involved in harmful cleaning work rather than females.
- Age-Wise participation of respondents shows that the participation of minor age groups i.e. below 20 years is least; they work as sanitation workers due to their poor condition. The maximum sanitation workers of middle age group are indulged in sanitation work at both the government and unorganized sectors.
- Data analysis of sanitation workers professing different religion which reveals that maximum (76%) sanitation workers professed Hindu religion while rest (24%) professing Muslim religion. The workers from other communities are not found during survey. It is observed that person of lower caste hindu (Bhangi, Dom etc) are primarily engaged in sanitation work. Similarly, the person from lower caste muslims (Hela, Halalkhor etc) are engaged in the sanitation activities. Mostly the hazardous and menial work are practiced by manual scavengers of the both religious community.
- The data of study reveals that maximum 61.4% respondents are from Scheduled caste community and around 30% are from OBC community. It is found that in the sanitation occupation most of the persons are engaged or employed are from the lower caste of Hindu society i.e. Scheduled Caste (*Dalits*) and among them the manual scavengers are belong to lowest community (untouchables among untouchables) who are indulged in the menial or unpure work of cleaning of sewers, drains, and septic tanks etc. It is notice that sanitation workers belong to upper caste were not found doing menial sanitation work.

- Most of the sanitation workers accepted that they are doing this filthy occupation just to survive and feed their families.
- Only few percentages of sanitation workers are found educated but due to the non-availability of dignified jobs, they are compelled to do the sanitation work or engaged in this occupation. This shows their pathetic socio-economic condition of the sanitation workers. It is also found that due to poverty most sanitation workers are not able to afford education for their children. Thus, their children are educationally deprived that will impact to the future generation as well.
- It is observed that most of the sanitation workers earn less than Rs. 7000 per month, which is not sufficient lead a better life. However, their contribution towards society seems to be much more than that amount they earn.
- The researcher found that maximum numbers of sanitation workers are engaged in the cleaning and sanitation activities in the public premises such as educational institutes, hospitals, offices etc. even in public sector or in the private sector. The data from the table 6.12 revealed various types of sanitation work in which these workers found engaged in Lucknow city. Around 9.7% engaged in cleaning of railway platforms and coaches of train; 25.7% were found sweeping on streets; 21.7% were found cleaing sewers, septic tanks, drains etc.; 14% were engaged in cleaning of public toilets and rest 29.1% were engaged in premises of institutes, offices and hospitals. The manual cleaing of sewers and septic tanks indicates that manual scavenging is still prevlent in Lucknow city.
- The maximum sanitation workers are employed by contractors and they worked as contractual workers and daily wagers. It is also revealed from the study that due to job insecurity these workers face many hurdles to earn their livelihood.

- It is observed that social behaviour towards the sanitation work has transformed from earlier period. Currently, the family of sanitation workers are getting social acceptance, they don't face severe discrimination by the other caste people. Only manual scavengers still face social and economic discrimination by the society.
- Most of the sanitation workers found suffering from the problem of delay in wages. The data from the table 6.18 indicates that maximum workers are not getting their wages on time. It is observed that because of working as contractual and daily wage labourers their employer dominates them. The workers informed that their employer delay the payment of wages by giving the reason of lack of budget.
- Most of the sanitation workers are not aware of their legal rights as well as compensatory rights. This is because of illiteracy and ignorant behaviour of authorities. 96% sanitation workers denied of getting any compensation or other help from the employer.
- The caste discrimination is one of the major discrimination faced by sanitation workers at workplace. This has been supported by the 30.6% respondents who experienced caste based discrimination at workplace while 48.3% said that they didn't face any kind of discrimination.
- Most of the sanitation work is manually being done by sanitation workers in the Lucknow city. The data from the table 6.23 revealed that only 18% respondents are using machine during the cleaning work while 81.7% are manually engaged in cleaning jobs.
- Awareness regarding ban of manual scavenging is not found upto the mark. Around 42.3% workers accepted awareness regarding prohibition of manual scavenging. Most of the sanitation workers are ignorant about the laws which prevent manual scavenging. Around 57.7% sanitation workers are not aware of the prohibition of manual scavenging. They informed that the sanitation

work is in their destiny and they engage in this occupation for years. The prohibition of manual scavenging law does not bother them lot because for feeding their families they have to engage in this unhealthy and dirty profession time and again in sewers and septic tanks.

- Most sanitation workers are not having their own houses; they live in rented houses and in slums areas. They left their hometown for earning livelihood in cities.
- Sanitation workers have poor access to pure drinking water and electricity in their locality. Around 54.9% respondents denied to proper access to drinking water and only 40.9% not have access of proper electricity.
- Sanitation workers are facing problem of good accessibility of toilets in their home and locality. Only 64.9% sanitation workers have toilets in their houses, rest uses public toilet or go for open defecation. Access to sanitation facilities is essential for maintaining hygiene, health, and dignity, and the prevalence of open defecation among sanitation workers underscores the need for improved infrastructure and sanitation services.
- It is observed that the family members of sanitation workers were also engaged in similar task due to caste discrimination, poverty, limited opportunities in education, lack of alternative occupation etc.
- It is observed that the majority of sanitation worker's living within the lower to middle income status. The limited number of households with higher income levels indicates socio-economic disparities within the sanitation worker community. This shows the income inequality and need of improving economic opportunities for sanitation workers which is essential for enhancing their livelihoods and socio-economic well-being.
- It is observed that majority of manual scavengers who worked as occasional workers and as daily wagers is not having any bank account. While employed

sanitation workers who are engaged in less hazardous work of sanitation are accessing bank accounts and PPF accounts.

- Regarding pecuniary benefits to sanitation workers, it is observed that majority of them are not getting pecuniary benefits from their employers. Occasionally sometime they get little money as a bonus and sweets during festivals.
- The survey indicates that 71% sanitation workers get benefits of free ration provided by the government while 29% were not getting any ration. The data also shows that majority of sanitation workers get food security benefits by the government bodies, whereas those who don't have identity card or Aadhar card are not have access to ration benefits.
- The families of sanitation workers reside in Lucknow are largely found happy with the behaviour of neighborhood community. They do not face any discrimination from society due to their occupation of sanitation. However, some sanitation workers still experienced social discrimination from society due to their engagement in sanitation tasks.
- It is generally found that the sanitation workers largely face health problems. The data reveals that sanitation workers particularly, manual scavengers faced various health problems due to their work such as breathing diseases (5.7%), skin diseases (22%), mental illness (10.6%), and fatal injuries (3.1%), However, 58.6% respondents were not found suffering from any health issue due to sanitation work.
- The majority of sanitation workers informed that their employer do not provide any kind of PPE kit and tools for cleaning. Only those sanitation workers who worked in hospitals get PPE kits.
- Consumption of Alcohol and tobacco is prevalent among the scavenging community. It is observed that manual scavengers do not enter in the septic tank, sewer and drain without having alcohol. According to a manual

scavenger “alcohol is like an energy source which provides power to enter into the hell and clean it for the society.”

Chapter VII: Conclusion and Suggestions, This is a final chapter of the research work which consists conclusion and suggestions by the researcher. After the detailed analysis of international legal instruments, national legal framework of policies and schemes and judiciary role in protection of sanitation workers and after conducting micro-level empirical study on status of sanitation workers in Lucknow city the researcher has arrived at the following conclusion and suggestions:

Conclusion:

Sanitation Workers particularly manual scavengers faced double discrimination from the society: Discrimination, exclusion and dignity are always a reason of vulnerability to sanitation workers specifically manual scavengers have faced double discrimination from the society and this discrimination is still there. The people from upper caste have treated them as untouchables and the lower strata people also discriminate them as pollutant or filthy and hates them. The Indian caste system which is based upon social hierarchy has bound the manual scavenger’s community to do specific job of handling and disposal of human excreta in ancient time and presently cleaning of sewers, septic tanks etc. This practice also segregated them from other communities in social interaction like marriage and social behaviour where they are discriminated on line of purity and pollution.

Sanitation Workers are neglected and fragmented part of the society: Sanitation workers are still marginalized and their problems are largely ignored by the successive representatives (government). Rather than focusing on their needs and welfare, the government have overlooked their problems and often used the problems of sanitation workers as a tool of political gain in the electoral politics. This widespread neglect has led to a dearth of holistic strategies aimed for removing the obstacles in the welfare of the sanitation workers. The division within the sanitation sector on the basis of different types of sanitation activities has constituted the challenges in formulating impactful policies and programs for the benefit of sanitation workers. The lack of a holistic approach has resulted into fragmented efforts in allocation of

resources, which has impeded the advancements in enhancing the living and working condition of sanitation workers.

Non-Committal towards International instruments: Despite India's participation as a signatory to numerous international conventions and treaties, the Indian government has failed to honor its obligations towards achieving the objectives outlined in these international agreements. Despite India's commitments made at the international forum, the socio-economic situation of sanitation workers have not improved significantly this indicates the difference between international commitment and domestic implementation. There is need for the Indian government to prioritize the well-being and protection of rights of sanitation workers.

Legislation pertaining to sanitation workers is not sufficient: Although, the Indian government has enacted legislation called Employment of Manual scavengers and Construction of Dry Latrines (Prohibition) Act in 1993 with the objective of installing flush toilets in place of dry latrines and prevent practice of manual scavenging. Later, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 has replaced the Act of 1993. This Act provides penal provisions to eliminate the dehumanizing practice of manual scavenging. However, both the legislations have not particularly mentioned any rights of service providers (sanitation workers). This shows that the present legal framework regarding the welfare of sanitation workers is incomplete and not protecting their right to health and dignity. It is important to remove the lacuna of legislation through amendments by adding or ensuring the protection of rights of sanitation workers with effective implementation. The proper implementation of legislation would not only provide clarity and legal certainty but also ensure the adequate protection of the health and well-being of sanitation workers, thereby advancing social justice and equity in the workforce.

Ensuring right of sanitation workers is still a challenge for government: Despite of various legislations and statutes which are made to protect the welfare of sanitation workers, ensuring the protection of rights of sanitation workers remains a challenge for the government. Sanitation workers work in informal sector and face lack of access to social security and legal protection. Many are forced to work for long hours without proper safety equipment or training

that exacerbating their vulnerability to workplace hazards. This result shows the neglected and irresponsible attitude of the government bodies.

Ineffectiveness of the executive in implementing constitutional mandate: Over the years, both the government and the judiciary have taken significant steps in improving the working conditions and protection of rights of sanitation workers. As a result, enactment of legislation such as the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, which aims to eradicate manual scavenging and provide rehabilitation for affected workers. However, after some positive developments there is dire need of effective implementations of the legislation which has been hindered by administrative inefficiencies, lack of resources, and inadequate enforcement mechanisms. Due to which the sanitation workers are compelled to work in hazardous working conditions and have to face numerous challenges like lack of access to proper protective gear and healthcare facilities, and limited social security benefits.

Mechanization of work seems only solution to eradicate manual scavenging: The present era is known for science, technology and advancement where machine and technology are used to ease out the difficulties of human beings. Many mechanized equipment and tools are developed for the use of sanitation workers. A sweeper or scavenger is no longer scavenger if they use mechanized equipment for the work. It has become a need to done away with manual cleaning work and adopt a mechanical and technological based equipment for cleaning septic tanks, sewers and drains etc. which can provide a dignified life to the sanitation workers (including manual scavengers) and provide dignity or respect to the sanitation work occupations so that people from other communities can also engage in it. Cleaning of septic tanks and sewers should also performed by machines like suction machine and mini cranes. Robotics is the latest way to eradicate manual scavenging.

Judiciary played laudable role for sanitation workers: The judiciary has played a crucial role in upholding the rights of sanitation workers through landmark judgments and directives, emphasizing the importance of ensuring their safety and dignity at the workplace. However, despite these efforts, the lackadaisical attitude of government and its subordinate agencies towards implementing the courts directives has created difficulties for sanitation

workers in getting full-proof protection from unhealthy, unhygienic and hazardous working conditions. The authorities have taken few cases seriously, only when there's a fear of contempt for disobeying the court orders. This selective approach hampers the comprehensive implementation of court guidelines, limiting the impact of judicial activism on improving the conditions of sanitation workers.

Suggestions:

The drawbacks and deficiencies within any public system should not derail the path of development. A proactive and decisive approach is required to reach the objective towards sanitation workers. To accomplish this goal, the following effective steps must be taken:

- **Modernization and Mechanization of Sanitation Work:** Adoption of modern technology and mechanization in sanitation sector will definitely change the scenario of sanitation work. The technology is beneficial for the manual scavengers which prevent them to direct exposure of hazardous gases in the septic tanks, help to ease out other sanitation activities. This will lead to provide a dignity to the occupation or service of the sanitation workers. The introduction of modern technology in the sanitation sector by the government will certainly benefit in improving the socio-economic condition and life of sanitation workers. This will also attract people of other caste to join the sanitation work as an employment which entails dignity to this occupation and will help in complete eradication of undignified practice of manual scavenging.
- **Prosecution on violation of laws:** During the study it has been found that provisions of existing laws are not sufficient but those provisions which are efficient are violated due to lack of prosecution or punishment. Due to which sanitation workers faced many challenges. There must be strict and effective prosecution of each case of manual scavenging. The government should take serious concern on both the deaths due to manual scavenging and the practice of manual scavenging as serious violation of law. There is no single conviction after the enactment of Act of 2013 which is a matter of grave concern. For the effective prosecution FIR should be filed in cases of deaths during manual scavenging and

hazardous cleaning without gearing up with proper safety equipment under section 304 of IPC as well as section 9 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and if relevant under section 3(j) of Scheduled Caste and Scheduled Tribes (Prevention of Atrocities) Act. Through prosecution and punishment the best message can be conveyed to those who are responsible under the Atrocities Act, Act of 2013 and the key constitutional provisions. FIRs must also be filed for violations of other provisions of the Act of 2013 which targets to criminalize the practice of manual scavenging. This should activate the more use of Section 7 of the Act of 2013 which deals with those who employ any person in hazardous cleaning of a sewer or septic tank are liable for prosecution.

- **Change in Social mindset and behaviour:** The sanitation workers are always considered as *pollutants* rather than recognizing the fact that they are Heroes who clean society for its hygiene and health. This was exemplified during the pandemic COVID-19 (2020-2021) when sanitation workers took difficult responsibility as frontline workers for cleaning streets and other sanitation activities. Unfortunately their health and safety was not addressed at that time also. Thus, the social behaviour and mindset of society is needs to be change towards sanitation workers, so that they may also live with dignity.
- **Strict regulations against Manual Scavenging:** The *Grundnorm* of legal system i.e. Constitution protects the rights of every individuals. Although there are provisions for providing dignity and equality in fundamental rights and for protection of human rights of every citizen but due to lack of proper implementation the right of vulnerable communities are getting violated. Similarly, for the eradication of manual scavenging there is a law but still manual scavenging is exists in country. This could be prohibited only by strict implementation of existing laws and if needed regulate new laws. The government should consider amendments in the Act of 2013. Likewise, the Act of 2013 which allows manual handling of human excreta using safety gears should be removed because this violates the right of dignity. Further, the Sewerage

Treatment Plants (STPs) are growing rapidly in private apartments, complexes and public STPs where many deaths have taken place, this should be expressly included in the Act of 2013 under the definition of septic tanks.

- **Adequate allocation of Budget:** Health and sanitation sectors have never got desired attention of the government in the form of allocation of budget. Allocation of adequate budget in sanitation sector is crucial to improve sanitation facilities and services. The government needs to be focused on the welfare of sanitation workers, because these workers endangered their lives to clean our filth and lived in worst and inadequate conditions. An adequate budget allocation can enhanced the safety and working condition of sanitation workers. Budget can be allocated for purchasing of technological equipment and mechanical tools which are helpful for sanitation workers on safety protocols and handling of hazardous materials and in healthcare services. By prioritizing allocation of funds in safety equipment, healthcare services, social security schemes, and infrastructure development, the government can demonstrate its true commitment to safeguarding the well-being and dignity of sanitation workers.
- **Awareness against Manual Scavenging:** The stigma and taboos associated with castes are contributing in prevalence of inhuman practice of manual scavenging. At present it is necessary to understand that mere removal of dry latrines and construction of flush toilets is not sufficient measure to eradicate manual scavenging. The government and its agencies must prioritize the enforcement of laws for combating against social evil of manual scavenging. This entails stringent implementation of laws and proactive measures to eradicate the practice at its roots. Sanitation workers also need to have awareness about access other livelihood opportunities, access to education and skill development programs and the support from society. By prioritizing the welfare of affected individuals, enforcing laws, promoting sustainable sanitation practices, and challenging societal attitudes, the government can work towards eliminating manual scavenging and upholding the rights and dignity of all citizens.

- **Skill Development Programs:** Implementation of skill development programs designed to the specific needs and challenges being faced by sanitation workers. These programs should focus on equipping individuals with practical skills relevant to their work, such as waste management, hygiene promotion, equipment maintenance, and knowledge of safety protocols. By enhancing their skills and knowledge, sanitation workers can increase their employability and access to better job opportunities both within and outside the sanitation sector. By investing in human capital development and addressing structural barriers to employment, policymakers can foster sustainable development and improve livelihoods for sanitation workers and rural populations alike.
- **Intervention of Media:** Utilizing a range of media channels such as newspapers, magazines, television, radio, and online platforms to highlight issues and problems pertaining to sanitation facilities, sanitation workers, and governmental policies. Through news articles, feature stories, documentaries, and social media campaigns, the media can play a pivotal role by raising the voices of vulnerable sanitation workers and their issues in forefront of public consciousness and provide platform for discussions to get potential solutions.
- **Legal Awareness:** Raising the awareness among sanitation workers about their legal rights and entitlements related to health, safety, and dignity in the workplace could provide better protection of human rights of sanitation workers. This awareness program involves conducting workshops, distributing informational pamphlets, and providing legal assistance to sanitation workers whose rights are infringed. Thus, the legal knowledge and awareness empower sanitation workers about their legal protections so that they can better advocate for themselves and seek redressal for any injustices caused to them.
- **Advocacy and Empowerment:** A vibrant civil society organizations, advocacy groups, and grassroots activists are imperative to advocate for the rights of sanitation workers and ensure the government agencies accountability for welfare of sanitation workers. By mobilizing public support, organizing protests, and

lobbying policymakers, these entities can pressurize authorities to enact and enforce policies to safeguard the rights and dignity of sanitation workers. Consequently, effective communication through the media awareness campaigns and legal aid are essential for addressing the issues related to sanitation facilities and readdressing the problem of sanitation workers. This could help in promoting better social behaviour of society towards sanitation workers and establishing the culture of respect and dignity for all individual.