



# drishti

## NCSK Data on Manual Scavenging Deaths

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Recently, five manual scavengers died after inhaling toxic fumes in Delhi's Moti Nagar Area.

- The National Commission for Safai Karamcharis (NCSK) collected data regarding deaths of Manual Scavengers in India since January 2017.
- It is the first such official attempt to account for the deaths of sewer and septic tank cleaners.

### Report Findings

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- Since January 1, 2017, 123 people employed in manual scavenging lost their lives i.e. on an average one person has died every five days while cleaning sewers and septic tanks across the country.
- Of the 28 states and seven union territories, the NCSK data has reported deaths from only 13 states and UTs.
- The number of manual scavenger deaths is highest in Haryana followed by Uttar Pradesh, Delhi, and Gujarat.
- In NCSK data, Larger states like Maharashtra and Madhya Pradesh have shown two deaths and zero manual scavenger deaths since January 2017 respectively.

### Issues

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- **Under-Estimation of Data**

- As per the Socio-Economic Caste Census (SECC) 2011, rural Maharashtra has 35% of the total 1.82 lakh such households in rural India where at least one member of the household is working as Manual Scavenger. But in NSCK data, Maharashtra has reported only two deaths.
- The state with the second highest number of manual scavenging in its villages, Madhya Pradesh at 23,105 as per SECC doesn't show any deaths in the NSCK data.
- According to data and post-mortem reports maintained by the NGO, Safai Karamchari Andolan, the actual death count since January 2017 is about 300.

- **Unavailability of Data**

- There are no data available on those employed in sewer and septic tank cleaning. All previous and ongoing exercises at compiling data have been restricted to accounting for those removing human excreta from dry latrines, open drains, and single pit toilets in villages.
- Due to lack of data regarding Manual Scavengers, sometimes family member of victims are denied their compensation. As per NSCK data, the Rs 10 lakh compensation mandated under the law in case of manual scavenging deaths, has been paid in only 70 of the 123 cases.

- A survey was carried out by the Ministry of Social Justice and Empowerment in 2017 to count the number of manual scavengers.

- States have identified up to thirteen thousand manual scavengers up to June 2018.
- This data also seems like gross under-estimation as it does not include all the districts in India.
- The count was limited to only 170 districts in 18 states and it also excluded sewer cleaners entirely as well as any form of manual scavenging in urban areas.
- Bezwada Wilson, the founder of Safai Karamchari Andolan (SKA), has asked the central government to extend the survey to include another 300 districts and sewer-septic tank cleaners.

## **Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013**

- The Act prohibits employment of manual scavengers, manual cleaning of sewers and septic tanks without protective equipment, and the construction of insanitary latrines.
- Section 7 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 prohibits the employment of a person as a manual scavenger for cleaning sewerage and septic tanks. Under provisions of this Act engagement of a person as Manual Scavenger is a punishable offense with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or both.

- Under the provision, no person, local authority or agency (like Municipal Corporations) should engage or employ people for hazardous cleaning of sewers and septic tanks. Mechanised cleaning of septic tanks is the prescribed norm.
- It seeks to rehabilitate manual scavengers and provide for their alternative employment. Each local authority, cantonment board, and railway authority is responsible for surveying insanitary latrines within its jurisdiction. They shall also construct a number of sanitary community latrines.
- Each occupier of insanitary latrines shall be responsible for converting or demolishing the latrine at his own cost. If he fails to do so, the local authority shall convert the latrine and recover the cost from him.

### **SC judgment in *Safai Karamchari Andolan & Others Vs. Union of India***

- The practice of manual scavenging has been directed to be closed.
- Entering sewer lines without safety gears should be made a crime even in an emergency situation.
- The persons included in the final list of manual scavengers have been directed to be rehabilitated as per the provisions of Part IV of the 2013 Act.
- Compensation of Rs.10 lakhs has been directed to be paid to the dependent family members of all persons, who had died in sewerage work (manholes, septic tanks) since 1993.

### Way Forward

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- It is necessary that the law Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and Supreme Court observations in *Safai Karamchari Andolan & Others Vs. Union of India* must be implemented in its letter and spirit.
- In the absence of political will and social pressure, more lives could be lost because more tanks are being built in rural and urban areas as part of the drive to construct toilets under Swachh Bharat Abhiyaan. It is necessary that State governments should address the lack of adequate machinery to clean septic tanks. The Ministry of Drinking Water and Sanitation in its manual of 2016 on toilet design has noted that in rural areas, mechanical pumps to clear septic tanks are not available.
- The Swachh Bharat Abhiyan should make expansion of the sewer network a top priority and come up with a scheme for scientific maintenance that will end manual cleaning of septic tanks.
- When a person engaged for cleaning of sewer/septic tank dies while cleaning the same, his family/ kin should be given Rs. 10 lakh compensation as mandated under Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

## **National Commission For Safai Karamcharis**

- The National Commission for Safai Karamcharis (NCSK) was constituted on 12th August 1994 as a statutory body by an Act of Parliament viz. 'National Commission for Safai Karamcharis Act, 1993'.
- The act "The National Commission for Safai Karamcharis Act, 1993" lapsed in February 2004.
- The Commission is acting as a Non-Statutory body of the Ministry of Social Justice and Empowerment whose tenure is extended from time to time through Government Resolutions.