



Safe and Dignified Sanitation Work: India's Foremost Sanitation Challenge

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India's continued focus on sanitation has resulted in increasing toilet coverage and disposal infrastructure: the Swachh Bharat Mission has reported an increase in toilet coverage from less than 40% to above 98% in the period from 2014 to 2019, while the total capacity of disposal infrastructure has increased from more than 4716 MLD (CPCB 2013) to 6190 MLD.¹ This effort is, however, undermined by the continued persistence of manual scavenging and unsafe sanitation work. It is estimated that five million people in India are engaged in sanitation work (that is, work relating to the cleaning and management of toilets and human excreta), of which two million are likely to be engaged in 'high-risk' work such as cleaning sewers

and septic tanks.² Moreover, much of this sanitation work is performed in degrading and demeaning conditions, and for low wages and in insecure working conditions. These poor conditions reflect the continued indifference of the society at large, and an incomplete understanding on the policy side of what the sanitation challenge consists of. Crucially, workers (and the families of sanitation workers) remain trapped in circumstances in which they have to keep performing unsafe and humiliating sanitation work, in spite of the heavy price they have to pay for it. This is India's foremost sanitation challenge; addressing this issue in a comprehensive manner should be the cornerstone of India's next sanitation policy.

The term ‘manual scavenging’ in Indian law refers to the practice of manually carrying human excreta. In the historical context, this refers to the practice of removing excreta from dry latrines and railway lines – practices that were prohibited by the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, and sought to be eliminated through government investments in pour-flush toilets and rehabilitation schemes. The proliferation of modern sanitation technologies brought, in addition, new forms of manual scavenging work, which include manual and unsafe cleaning of drains, sewer lines, septic tanks and latrine pits. A new law in 2013 – the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 – covered this work too, and mandated a list of safety equipment to be provided in cases where manual entry into underground sewerage infrastructure was unavoidable. Needless to say, both old and new forms of manual scavenging work persist. In this note, we consider the issues and challenges of sanitation workers who deal with human excreta, and in the maintenance and management of sanitation infrastructure.

Sanitation workers bear the multiple stigma of offensive and unclean work, low wages and a highly dangerous form of employment that results in long-term health impairment and an unacceptably high chance of accidental death. Sanitation work in India has a long association with caste-based oppression. Almost all the sanitation workers who deal with human excreta are from certain Dalit castes and communities. Such work can also be extremely dangerous: excreta contained in enclosed spaces create a mix of poisonous gases (methane, hydrogen sulphide, carbon monoxide, sulphur dioxide, ammonia, nitrogen dioxide and traces of carbon monoxide) that can result in loss of consciousness and death. Safai Karamchari Andolan has recorded close to 2000 sanitation worker deaths, but experts believe that actual figures could be even higher if a complete count was possible.

High-risk sanitation work is also increasingly informalized. From recent reports of sanitation worker deaths, and our engagements with sanitation worker networks, we learn that the deceased workers often had no institutional relationship with the owner of the infrastructure, but were hired either by contractors responsible for infrastructure maintenance or on-the-spot for a specific job.³

Incomplete Policy and Strategy Thus Far

India's policy attention to sanitation workers is heavily oriented towards rehabilitation of manual scavengers (by training them for alternative income generation), and some limited forms of compensation and welfare support (as mandated by the Supreme Court). And yet, the schemes for compensation and welfare have been severely underperforming.⁴ The findings of an ongoing study are that families of sanitation workers are unable to get meaningful training or financial support for alternative employment from government programmes designed for this purpose.

And yet, how does this square up with the high levels of investment in sanitation? India's faulty metrics count toilets constructed, sewage pipelines laid, and treatment facilities constructed, but pay little attention to safety standards in design and maintenance. We have also ignored the service networks and workers who are expected to maintain this infrastructure. As a result, deaths of sanitation workers are being reported even from new and sophisticated treatment infrastructure – whether government-owned sewage networks, Sewage Treatment Plants, or on-site facilities owned by high-end hotels, malls and residential societies. On the other hand, more than half of India's toilet users rely on septic tanks and leach pits for their waste disposal,⁵ but little attention is paid to safe design and maintenance norms for these tanks and pits. There is, for example, no technical reason why cleaning of household containment tanks should require manual entry – as the de-sludging of tanks

is a relatively simple mechanical operation – and yet, deaths of workers during septic tank cleaning is reported with sickening regularity. It is even more ironic that many of these deaths are reported from India's highly developed and urbanized towns and cities, where safer waste management practices could have easily been put in place.

India's policy framework supports our selective inattention to sanitation work. While sanitation programmes and policy consider the question of sanitation work as an after-thought, if at all, issues of safety and dignity of the workers are left to a different ministry. All of the public investments and policy frameworks for sanitation are made by urban and rural development ministries, who keep no track of the impact these investments and policies have on sanitation workers. The Ministry of Social Justice and Empowerment, which has no hand in planning and investments of sanitation infrastructure, is responsible for counting and identifying manual scavengers; it is allocated funds to provide for a few compensation, rehabilitation and welfare measures.

On the institutional side, there is a confusing mix of public and private roles: public authorities consider themselves responsible only for drainage and sewerage, leaving residents who use septic tanks and leach pits much to their own devices. And on their part, drains and sewers owned by the public authorities are often of poor technical specification. Mixing of storm water, sewage, debris, silt and solid waste further compromises the functioning of these drains and sewers, resulting in frequent blockages that require human intervention. On-site sanitation users meanwhile understand little of their on-site infrastructure, and usually rely on low-end informal cleaning services. This inattention is no doubt not accidental, but made possible by our collective social disregard for the lives of sanitation workers.

On the legal side too, municipal and environmental laws cover the sanitation and wastewater disposal – making no reference to sanitation work – whereas a different legal framework applies to manual scavenging. These latter laws address only the 'employer' of manual scavengers, but not the owner of unsafe infrastructure (except to the extent that they cover dry latrines). Moreover, in actual practice the laws become relevant only in case of the death of manual scavengers, and even then we do not know of a case of successful criminal prosecution under these laws. At present, no legal responsibility rests on owners of infrastructure – whether public agencies or private owners of septic tanks, pits and on-site treatment facilities – to ensure safe design and operations of their infrastructure. The legal responsibility for deaths, when they occur, is also easily passed on to intermediary contractors, especially when the owner is a public agency, corporate body or residential society.

What the Government Needs to Do

We suggest a new paradigm in which safe and dignified sanitation work is placed at the front and made the organizing principle around which the definition of 'safe sanitation' is rearticulated for future sanitation programmes. We also need to recognize that undoing several centuries of caste oppression and decades of policy neglect is not going to be an entirely technocratic exercise, but will require an actionable commitment from the government to eliminate all forms of demeaning and unsafe sanitation work.

Supporting the families of sanitation workers in transitioning out of manual scavenging and unsafe sanitation work is critical to this promise. Community activists stress that it is crucial for families to move out of sanitation work altogether, in order to escape the social stigma and caste

identification that comes with sanitation work. For this it is not enough to offer small loans to make sanitation workers self-employed entrepreneurs, as current government programmes do, but to make comprehensive provisions for income security, dignity and education. Providing salaried employment or income-generating assets could help replace the lost income from manual scavenging work far more effectively than self-employment schemes, especially considering that sanitation workers tend to have no prior entrepreneurial exposure or business networks.

The problem of sanitation work itself is no less important, and for that, the voice of sanitation workers is crucial. Sanitation workers associations could be organized at city and state levels, and such sanitation workers' groups must have a role in the formulation of sanitation policy, and in the planning and design of infrastructure. Sanitation workers groups also need to be involved in the implementation of welfare schemes, and in negotiating fair and dignified working conditions applicable to both public and private employers.

On the part of the government, the eradication of manual scavenging should be made a primary responsibility of local governments. They should be held responsible for: (i) ensuring the complete elimination of all forms of manual scavenging and unsafe sanitation work within their jurisdictional limits, and (ii) providing jobs, income support and welfare measures to help families break out of the cycle of manual scavenging and unsafe sanitation work.

To reflect this shift in paradigm in legal terms, we suggest that the same agency (ideally the local government) that is responsible for ensuring the elimination of manual scavenging and unsafe sanitation work is also funded to design and build its sanitation infrastructure. Much of this infrastructure is currently being designed, financed and built

without focus on appropriate design features for its safe operation and keeping local conditions in mind. The local government (or other single-point agency) should also be responsible for ensuring that organized and mechanized sanitation services are available to replace low-grade and risky services in which the safety risk is borne by the workers themselves.

We also need clear legal recognition that the owners of infrastructure – whether local government, housing communities or individual residents – are responsible for ensuring that their infrastructure can be cleaned and maintained without putting workers into direct contact with excreta, or in unsafe conditions. This is especially important considering India's heavy reliance on on-site sanitation infrastructure, septic tanks and leach pits, but also for on-site treatment facilities for real estate developments.

National and state governments need to take charge of the policy shift, to ensure that local governments given the responsibility for delivery of infrastructure and services are also made legally and institutionally responsible for ensuring the complete elimination of manual scavenging and unsafe sanitation work. National and state governments also need to set up technical standards for safety in each element of sanitation infrastructure. In addition, they should see that local governments have the staff, capacity and funds to bring about this change. Finally, they should announce clear safety related targets and progressively monitor the transformation of the sanitation infrastructure and services to incorporate safety elements in partnership with representatives from sanitation workers' groups and associations.

END NOTES

1. CPCB, 2017.
2. Dalberg Analysis, 2018, <http://sanitationworkers.org/wp-content/uploads/2018/04/Phase-1-Understanding-the-Problem-Part-I.pdf>.
3. There is no systematic evidence of the nature of employment of sanitation workers. In recent sanitation worker deaths in a sewage pumping station in Jahangirpuri owned by the Delhi Jal Board, in a private gated community in Moti Nagar, and in a Taj Vivanta hotel near Khan Market, all in Delhi, the workers were engaged on a monthly basis by contractors responsible for maintaining the infrastructure. On the other hand, workers who died cleaning sanitation infrastructure in Lajpat Nagar, Dabri and Lok Nayak Hospital were freelance workers who were hired for a job-fee for a specific assignment. (Sources: multiple newspaper reports, interviews).
4. Accountability Initiative, 'Budget Briefs: Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), 2017-18' (New Delhi: Centre for Policy Research, 2018), https://accountabilityindia.in/sites/default/files/pdf_files/Self%20Employment%20Scheme%20for%20Rehabilitation%20of%20Manual%20Scavengers_o.pdf.
5. Toilet waste could be disposed through a sewer network of closed, specially designed pipes that carry toilet waste along with other wastewater to treatment facilities. It could also be managed through on-site solutions – by evacuating it from household septic tanks or leach pits from time to time (de-sludging operations) and carrying it in specially designed trucks to treatment facilities; or using various technologies that provide on-site treatment. It is also often handled suboptimally, through open drains and water channels, or through a mix of sewage pipes, open drains and on-site containment systems.