

## IMBALANCED INCLUSIVE GROWTH WITH SPECIAL REFERENCE TO MANUAL SCAVENGERS IN UTTAR PRADESH

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*This article accords with our Indian constitution provisions and inequality in society which eventually leads to social injustice in India. The utmost purpose of our constitution to enclosure of economy towards inclusive path. This can only be achieve when all unit of society go through the path of liberty, equality and fraternity. Liberty, equality and fraternity talks equity in terms of economic development as well as social development for each individual but traditional composition of society acts as an obstacle in inclusive growth since 1990s. Socio-economic inclusion is a pre-eminent for overall socio-economic development in India. Although in India social exclusion has been prevalent on the basis of caste and occupation and most suitable illustration is manual scavenging. The exclusion of particular group is transparent in the form of practice of manual scavenging. Our government has been paying entire attention towards "Make in India", Swachh Bharat campaign. Campaign should emphasize on human dignity and their inclusion rather than purely on sanitation issue. Manual scavenging anywhere in the world is dehumanizing practice and the most mortifying surviving practice of untouchability. Full participation and active involvement will not be possible without elevating these undignified practices.*

**Keywords:** *manual scavenging, constitutional provisions and socio-economic discrimination*

### Introduction

The late 1990s saw the prologue of some new terms and concepts in the discourse around inequality, poverty, fairness and justice. One of these ideas was that of "social exclusion". This term is now virtually ubiquitous, and therefore, it is useful to recall that this is of comparatively current origin. It is also important to remember that the concept of social exclusion started off in the North, or the present-day developed countries, even though it is now a standard part of the development lexicon of the South, or the developing countries. Given the northern roots of social exclusion, there was an understandable skepticism in the reign of whether this

concept would be used to assess "southern realities in terms of the extent to which they converge, or diverge, from some 'standard' northern model (Kabeer, 2000, p. 83), or whether it would add something comprehensible and novel to our understanding of deprivation. Prior to the emergence of this concept, social policies were deliberated in requisites of poverty, inequality, distribution: concepts which were well-defined, well-understood, accepted, and rigorously researched. The analytical rigor of these theories is reflected in their durability and the lack of vagueness. This is essential to understand, as measuring even one part of human well-being, viz. economic or material well-being is hard, and each measure of economic well-being has inherent strengths and weaknesses. However, while the discussions over which poverty and/or inequality amount is better can continue, and individual researchers would have gripping motives to use one measure over another, each measure itself is clearly demarcated and well-understood by those who use it. The concept of social exclusion has a more fluid quality, in that while the literal meaning might be easy to clasp, the operational sense is often tough to capture. Thus, several researchers have asked the question: what is the further dimension that the concept of social exclusion provides to our understanding of poverty and inequality, remarkably as we are moving towards multi-dimensional measures of poverty (i.e. not based on a single quality, such as income or consumption, but encompassing a wider range of disabilities)?<sup>2</sup> A key distinction between social exclusion and say, scarcity or inequality, is that the former is a group phenomenon, whereas the latter are stereotypically measured over individuals. Thus, as Kabeer (2000, p. 84) suggests, social exclusion captures "an important measurement of the experience of certain clusters of being somehow 'set apart' or 'locked out' of participation in social life" (italics added). However, this distinction is not as watertight as might appear at first sight, since, for instance, while most measures of income inequality measure the dispersion in individual incomes, there are inequality measures which are decomposable, such that overall inequality can be decomposed into "between-group" and "within-group" components. In other words, while the concept of inequity is conservatively defined over individuals, some measures can be adapted to capture inequality between groups. What social exclusion does is to help us, arguably, understand how "the various institutional mechanisms through which resources are allocated ... operate in such a way as to systematically deny particular groups of

people the resources and recognition which would allow them to participate fully in the life of that society” (Kabeer, 2000, p.86). Seen this way, a thorough examination of social exclusion must necessarily make allusion not only to material denial, but moreover to institutions and processes which reproduce that disadvantage or deprivation.

### Manual scavenging in India

Gandhi and Ambedkar followed different approaches to the abolition of untouchability and the extermination of the practice of manual scavenging. The former advocated change of heart and morality on the part of the autocrat castes, while the later entitled for political praxis, agitation and legal intervention, especially by the victims of the caste system.

While some works have discussed and analyzed various sociological and anthropological aspects of manual scavengers, the impact of the law, legal mechanisms and welfare schemes for them have not been properly dealt with. Many of the works on manual scavengers are of regional and/or autobiographical nature. The official reports of the National Commission for Safai Karamcharis are constructive for general and first-hand information on demography and developmental pointer of manual scavengers and different factors responsible for the poor delivery of welfare schemes meant for these communities. The Five Year Plan(2007-2012), which formally proclaims inclusive growth through inclusive policies, refers to issues of manual scavengers as allegedly a matter of priority. It notes, “Among the SCs, persons engaged as manual scavengers need special attention to put an end to the degraded practice of manual scavenging. Despite commitments made to the aboliteration of the obnoxious and dehumanizing practice of handling night soil manually, it still continues.

### Definition of Manual Scavengers

Manual scavengers are among the most excluded and exploited communities among the Dalits. They are considered to be the lowest in Hindu caste hierarchy and, therefore, suffer multiple forms of discrimination and social exclusion at the hand of caste Hindus and the state's functionaries. They are found in almost all cities of India—where they sweep the streets and manually engage in carrying night-soil. Women from these communities are the worst victims as they constitute more than eighty per cent of work force of manual

scavengers. Apart from the social stigma that they suffer, their work is low-paid. Further, it causes various health problems, those who engage in this work being exposed to the most virulent forms of viral and bacterial infections that affect their skin, eyes, limbs, respiratory and gastrointestinal systems . Vast numbers of manual scavengers have died while cleaning sewage.

As per the annual report of the Ministry of Social Justice and Empowerment (Government of India 2009), there are 7, 70,338 manual scavengers and their dependents across India. The highest number of manual scavengers was in Uttar Pradesh (2,13,975), followed by Madhya Pradesh (81,307), Maharashtra (64,785), Gujarat (64195), Andhra Pradesh (45,822) and Assam (40,413). The same report mentions that a total of 4,27,870 manual scavengers have been assisted under the National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS) and are, therefore, ineligible for availing any further assistance under this programme. The remaining number of manual scavengers who are yet to be rehabilitated is 3, 42,468 . While the official report asserts there are no manual scavengers in the states of Andhra Pradesh, Punjab and Chhattisgarh, since all of them have been allegedly rehabilitated under the policies and schemes meant for them, various studies and experiences of rights activists and community organization like the Safai Karamchari Andolan reveal that the state machinery hides the inhuman practice of manual scavenging which continues in those states.

The National Commission for Safai Karamcharis, a statutory body, has pointed out the use of dry toilets and continued employment of manual scavengers by various departments of the Union of India, particularly the Railways, the Department of Defence and the Ministry of Industries. The Indian railways is one of the largest employers of manual scavengers While states like Haryana deny employing manual scavengers, other states like Andhra Pradesh employ them through municipalities. The practice continues in almost all states, including even the country's capital, Delhi.

**Law of 1993: manual scavenging has long been acknowledged as an offensive and inhuman practice in civilized society.**

The legal mechanism that addresses the issues and interests of manual scavengers is based on the various provisions of the Constitution of India. A few special laws and rules framed under them, like the Protection of

Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocity) Act, 1989, are equally applicable to manual scavengers. Moreover, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (hereafter the Act, 1993) and the National Commission for Safai Karamcharis Act, 1993 are exclusive laws meant for manual scavengers, which require analysis in detail.

It is discernable that the Act places more emphasis on sanitation, the protection of the environment and so on than on the human dignity of the manual scavengers. S.R. Sankaran rightly comments that “the Act ignores the issue of human dignity mentioned in its own preamble. By making the existence of adequate facilities for use of water seal latrine a precondition, section 3(2) makes it virtually impossible to abolish manual scavenging. This entire section appears misconceived and goes contrary to the very objective of the abolition and prohibition of the dehumanizing practice of manual scavenging”.

#### **Socio economic exclusion of manual scavengers –**

Manual scavenging is not just leading to undignified and dehumanizing practice of occupation but also leads to negative spillover effects over a long period of time. It is a particular group of society which suffers from social and economic exclusion. The intensity of taste for socio economic discrimination is maximum for this community.

The document of the Eleventh Plan of the Government of India (2007-08 to 2011-12) started with a chapter titled “Inclusive Growth: vision and strategy”, signalling the strategic importance of inclusive growth in India’s planning vision. The Approach Paper to the 12th Five Year Plan (2012-2017) goes a step further, as reflected in its title “Faster, Sustainable and More Inclusive Growth” (Planning Commission, 2011). However, the critical issue to keep in mind is that while plan documents do outline the vision of the government towards the development process, they are a legacy of the time when economic development in the country was actively shaped by the planning process. In this day and age of market-led economic growth, and high levels of global integration, both the willingness and the ability of the government to sculpt the growth process to achieve broader developmental objectives seems weak, and the broader, overarching vision for development is hard to find.

If state intervention in the economy is constrained, then we simply have a high growth scenario, which means a bigger cake, with distribution between groups unchanged. However, either due to state policies and/or due to the nature of the growth process, the growth process could be “inclusive”, which would mean growth, i.e. bigger cake, with an altered distribution which includes the hitherto marginalized groups. Also, in addition to the governments’ own agendas, most developing countries are committed to the UN Millennium Development Goals (MDGs), which tie the governments down to certain well-defined goal which, if achieved, could advance the cause of inclusive growth.

The focus on inclusive growth highlights a shift away from the “trickle-down” paradigm, where it was assumed that even if growth is inequality-inducing, the benefits of growth would gradually trickle down to sections which were initially excluded from the process of development. A variant of the trickle-down paradigm involving the state is the “growth-first-redistribute-later” paradigm, which incidentally, draws a large number of adherents. Without going into a detailed critique, we can note some critical problems with the latter paradigm. For one thing, if growth is inequality inducing, some groups end up as beneficiaries, and hence strong votaries of the specific patterns which are promoting growth. If those patterns establish their stronghold, any redistribution ‘later’ is likely to be opposed by those who have ended up becoming powerful in the process of growth. Thus, ‘redistribution later’ might be easier said than done. Secondly, the state will forever be playing catch up – first wait for growth to increase inequality and then struggle to find solutions to mitigate the adverse impact of rising inequalities. Since these are not instantaneous phenomena, by the time the state figures out a set of ‘optimal’ responses to rising inequalities (assuming heroically that clear-cut, optimal responses exist and are achievable), it might be too late. The discontent set in motion by rising inequalities could have spread far and wide, and the net outcome might simply be high growth, higher inequalities and deep tensions which could exhibit themselves in the form of violence, which could derail the growth process in the future. Thus, even if one was not committed to inclusive growth or equity, one needs to pay attention to these simply from the operational point of view of sustaining the growth process.

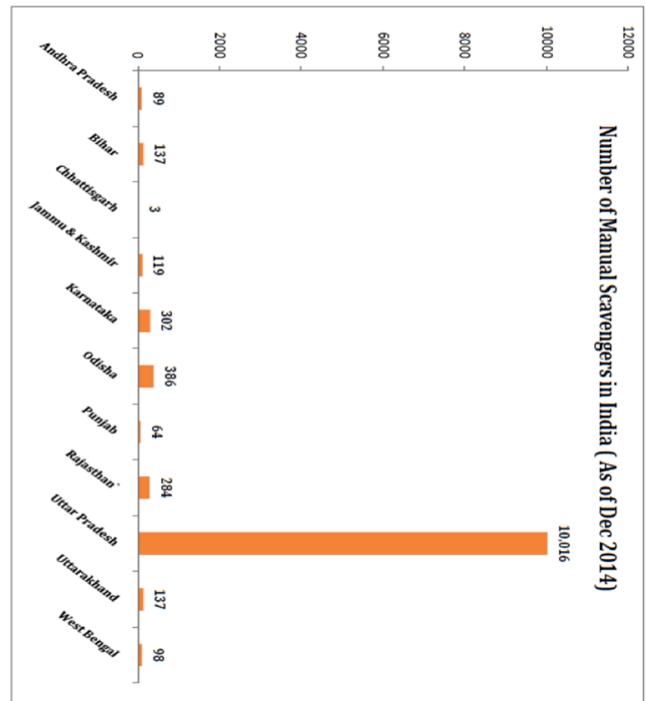
Finally, it can be asked if we are setting for inefficient growth by meddling with market signals in order to meet the needs of some social objectives, such as facing

exclusion. Here is evidence available to suggest that if groups are systematically ejected from the process of growth, not only is it inequality enhancing, it would also result in a rate of growth lower than the potential for the economy. This is because productive individuals in disadvantaged groups, due to discrimination on account of their individuality, would be excluded from the productive economy or would be included on contrary terms, and thus, their full productive potential will not be accomplished. Esteve-Volart (2004) models gender discrimination as perfect exclusion of women from the labor market, or as the exclusion of women from managerial positions. Using statistics from India, she finds that types of discrimination relate with lower economic growth; the former lowers per capita GDP and the latter distorts the allotment of talent. This analysis can be extended to other social groups to indicate that discrimination (which effect in exclusion of productive individuals) can actually be inefficient, in that it prevents the realization of the full growth potential of the economy.

S.NO.	Name of State	No. of manual scavengers identified
1.	Andhra Pradesh	89
2.	Bihar	137
3.	Chhattisgarh	3
4.	Jammu & Kashmir	119
5.	Karnataka	302
6.	Odisha	386
7.	Punjab	64
8.	Rajasthan	*284
9.	Uttar Pradesh	10,016
10.	Uttarakhand	137
11.	West Bengal	98
	<b>Total</b>	<b>11,635</b>

State-wise number of manual scavengers identified by States.

Source: - Ministry of social justice and empowerment in India



Source: Table drawn on the basis of above data

The "Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 has come into force w.e.f. 6.12.2013. The rules under the Act have been gazetted on 12.12.2013, which would also serve as model rules for the States. Union Minister, Minister of State, Secretary and other senior officers of the Ministry of Social Justice and Empowerment have held exclusive meetings in 15 States/ UT to sensitize the State Government machinery in this regard and review the status of action taken by them for implementation of the Act.

A Central Monitoring Committee (CMC) has been constituted on 13.1.2014, under the Chairmanship of Union Minister, Social Justice and Empowerment. Two meetings of the CMC have been held on 28.1.2014 and 21.8.2014 to review the progress of implementation of the Act. Major recommendations/ observations of the Central Monitoring Committee, inter alia, include that the States/UTs should:

- Complete surveys of insanitary latrines and manual scavengers in a time bound manner.
- Make payment of onetime cash assistance to identified manure habilitation.
- Identify cases of sewer deaths since 1993 by the State Governments/UTs and payment of compensation to the affected families, as per Supreme Court's directive.

(iv) Constitute the Vigilance and Monitoring Committees and hold their meetings at the earliest scavengers and make their comprehensive.

### **Status of districts comes under Uttar Pradesh for manual scavenging occupation**

As per UP government's own admission in a government order (GO) - issued on March 21, 2012, - there are 5,530 human scavengers in 42 districts of the state. Meerut tops this list with 799 scavengers followed by Muzaffarnagar (574) and Farrukhabad (555). In fact western UP districts have a much bigger share of such people, when compared to central UP. The practice is alive in cities supposed to be a strong hold of the present government as well. These include Rampur (100), Etah (78), Mainpuri (74), Kannauj (48), Firozabad (27) and Etawah (12). Big cities of Ghaziabad (281), Aligarh (144), Lucknow (57), Kanpur (34), and Agra (12) are also a part of the list.

The numbers may however be an underestimation of the prevalent scenario. Details gathered from the state Panchayati Raj department show that there are over one lakh dry toilets in 53 blocks of 18 districts. These blocks have been identified as highly vulnerable to polio. Against this, the GO issued on March 21, 2012 says that there are just 34,921 dry toilets in 42 districts. Incidentally, the 18 districts figure in state government list as well.

Data revealed that this section of individuals excluded from inclusive growth concept. Manual scavengers as well as their children is excluded from current growth strategy. Besides social atrocities that scavengers face, they are exposed to various health problems by merit of their occupation. According to Shri Narayanan's public interest litigation filled in the Supreme Court, the hazards, inter alia, include exposure to harmful gases such as methane and hydrogen sulphide leading to death and /or cardiovascular degeneration, musculoskeletal disorder like intervertebral disc herniation, infections like hepatitis, leptospirosis and helicobacter, skin problems, respiratory system problems and altered pulmonary function parameters. Children of these individuals faces problem in access of education in schools and other basic facilities

The Manual Scavengers Act, 1993 – Key Gaps: Mr. Sheikh pointed out some of the critical gaps in the being Act as follows:

At large, the Act was devised taking only technical aspects into consideration.

It failed to deal with the human dignity aspect, which is primal to the whole issue of manual scavenging. It is silent on social issues such as, caste discrimination, rehabilitation gender discrimination as well as untouchability.

1. There was a critical element of free will as far as adopting this law by the States was concerned. From 1993-2010, the states adopted the law at their will. Many states were not willing to adopt it (and the National Human Rights Commission had to compel States to at least adopt the law).
2. Identification was not clearly acknowledged in the Bill. Also, while one State would refuse the existence of the apply yet at the same state, it would require money under the schemes for the manual scavengers.
3. Rehabilitation issues were missing. Ministry of Housing and Urban Poverty Alleviation (HUPA) did not take obligations and advocated that Ministry of Social Justice and Empowerment take the steer in rehabilitation issues.

### **Suggestions**

1. There must be an effective rehabilitation programme should govern by each state in order to contain this community in the growth peripheral.
2. According to survey of an NGO named as "Safai Karamchari Andolan" in Uttar Pradesh, I observed that no individual of general category has been working as manual scavenger, all are scheduled caste category. Here, I want to put forward government should eliminate vacancies for general category because there is not any single worker who belongs to general category working as manual scavenger as well. Getting regular wages without working is totally unproductive for an economy because it reveals misutilization of resources.
3. All manual scavengers should equip with the safety tools in order to get less harms while working in anxious conditions.
4. The most important that alternative jobs must be generated by all states and poor mindset of society is strongly needed to go for alteration.

5. Bonded or contracted manual scavenging practices should eradicate by state and Nagar Nigams should come at front, work for the fair dealings with the manual scavengers
6. All manual scavengers are not aware of their constitutional rights and provisions. Constitutional acts are limited to only a bulge of documents. Hence their must be large scale campaign should organize by the government in order to spread awareness among manual scavengers to minimize their socio-economic discrimination.

*deemed to have enforced a disability arising out of "untouchability." The section also provides for the punishment which shall not be less than three months and not more than six months. Explanation makes clear that "compulsion" includes threat of social or economic boycott.*

- *The preamble which makes reference to social justice, equal opportunities and dignity has direct bearing on manual scavengers. Fundamental Rights under Part-III guarantee substantial and justifiable rights to all citizens but sections which make provision for reservations and article 17, which abolishes the practice of untouchability, are of special significance for Dalits, including manual scavengers.*
- Quoted in Kalpana Kannabiran & Ranbir Singh, Ranbir (eds.), *Challenging the Rule(s) of Law: Colonialism, Criminology and Human Rights* 132 (Sage, New Delhi, 2008)
- Rajiv Kumar Singh and ziyauddin, *Economic & Political Weekly*, June 27, 2009 Vol xlv nos 26 & 27.

## Conclusion

To conclude, in order to reap the welfare of economic growth, we need to make it inclusive. In accession to being worthwhile for its own sake, inclusive growth could actually result in a virtuous cycle of fuelling further economic growth and in emphasizing trickledown effect. However, this virtuous cycle is unlikely to be unleashed on its own because our actual perspective and NITI perspective has huge divergence. The government, through pro-active policies, has to make it happen and this is one of the biggest challenges facing the Indian state.

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- *Section 7 A of the PCR Act, 1955 which was added through amendment in 1976 provides that whoever compels an person, on the ground of "untouchability", to do any scavenging or sweeping or to remove any carcass or to flay any animal or to remove the umbilical cord or to do any other job of a similar nature shall be*