

BETWEEN WORK AND RESPECT: DILEMMAS OF A MANUAL SCAVENGING COMMUNITY IN KASHMIR

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Abstract: Sheikh Community of Kashmir or Watalas as they were earlier known as forms the scavenging community of Kashmir. Manual Scavenging is a caste- based occupation involving the removal of human excreta by bare hands. Previously, they cleaned dry toilets and sewage pits but with the building of modern toilets in place of dry toilets, their mode of work also changed. Currently they clean septic tanks, sewer lines, open drains or pits in addition to insanitary latrines. Due to the lack of specialized tools for sanitation works, manual scavenging puts Sheikh Community into grave danger of contacting life threatening diseases. The problem also lies with the fact that the continued dependence on manual scavenging as the only way to maintain a basic economic status contributes to a conscious protection of manual scavenging as an occupation exclusively for the community through an assertion of manual scavenging as their cultural right, despite the stigma attached to the occupation.

Keywords: Manual Scavenging, Dry toilets, Sheikh Community, Septic tanks, Caste, Sewage pits

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1. Introduction

Caste system is considered as an integral part of Hinduism but its influence is not limited to Hindus only. It is present among the followers of other religions too. Kashmiri society with a majority of Muslim population also observes a version of caste system, based on occupational differences and shaped by notions of purity and pollution. The caste segregation in Kashmir goes back to pre-Islamic era when Hinduism formed the principle religion of the Kashmiri people. Down to this century, caste continues to influence how Kashmiris see themselves, who they can or should marry or eat with, or how they address each other. Caste has indeed become less rigid than before with growing modernization, mass education, and economic mobility but it still determines ones social position. The social stratification in the region is both social as well as economic. The Kashmiri society has become class as well as caste conscious over the years, even though in recent times the gap between the rich and the poor has further widened. As a result, a growing middle class has emerged in Kashmir with significantly more wealth than the rest. Yet, there are many underprivileged caste groups in Kashmir who face caste discrimination in their daily lives. These underprivileged groups include Sheikhs, Doombs, and Hanjis and so on. Sheikh community is the most depressed among these castes. Since Sheikhs were involved in works considered impure and polluted by the dominant castes, they held the lowest position in the society. Among the Sheikhs, people who were engaged in manual scavenging were discriminated more.

2. Manual Scavenging in India

The term ‘manual scavenging’ is mainly used in the Indian context only. Manual Scavenging is a caste- based occupation involving the removal of human excreta by bare hands. The practice is officially abolished in India but is still in practice in many states. The caste groups involved in this practice are mostly Dalits and within Dalits, manual scavengers are usually from the Hindu Valmiki sub-caste. Valmikis are further subdivided into regionally named groups such as Chuhada, Rokhi, Mehatar, Malkhana, Halalkhor and Lalbegi and among the Muslims Hela sub-caste. Manual scavenger is a person who is wholly or partially employed or engaged in, for any sanitation work or in manual scavenging. With the changing mode of work, the definition of manual scavengers has also been extended to those who clean septic tanks, open drains or pits and railway tracks along with insanitary latrines. According to the

Socio-Economic Caste Census 2011¹, 180657 households are engaged in manual scavenging for livelihood. The 2011 Census of India found 794000 cases of manual scavenging across India. The state of Maharashtra with 63713 tops the list with the largest number of households working as manual scavengers followed by the states of Madhya Pradesh, Uttar Pradesh, Tripura and Karnataka. Manual scavenging refers to the unsafe and manual removal of raw (fresh and untreated) human excreta from buckets or other containers that are used as toilets or from the pits of simple latrines. The official definition of a manual scavenger in 2013 Act² is as follows:

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

International Labour Organization (ILO) describes three forms of manual scavenging in India namely:

- Removal of human excrement from public streets and dry latrines
- Cleaning septic tanks
- Cleaning gutters and sewers

Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act 1993 bans manual scavenging of household toilets and requires State Governments to rehabilitate the workers. The act stipulated a year's jail and a fine of 2000 rupees for anyone engaging manual scavengers or building dry latrines. The Act left out workers who cleaned manholes, sewage pits, storm drains, and railway tracks. On the same pattern, The Jammu and Kashmir Employment of Manual Scavengers and Construction of Dry Latrine (Prohibition) Act 2010 was devised. The Act is applicable to the State of Jammu and Kashmir only and stipulates one year's jail and 2000 rupees fine for engaging anyone for manual scavenging or building dry latrines. However, Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill 2013 widened the definition of manual scavengers to include the manual removal of excreta from sewers and

railway tracks. It also increased the punishment for 5 years. In March 2014, the Supreme Court of India declared that there were 9.6 million dry latrines being manually emptied but the exact number of manual scavengers is disputed. Official figures put it at less than 0.7 million.³

The Indian Constitution abolished Untouchability in the Article 17 which states, “Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law”. Also the Protection of Civil Rights Act, 1955 prohibits anyone to practice manual scavenging. Despite making Article 17 a fundamental right, manual scavenging and the caste taboos attached to it remained integral to the Indian society. The failure to prevent the sewer deaths has raised serious questions on the honesty of the government to check this degrading practice in India. Many attempts were made to define the scavenger but no effort was made to uproot this obnoxious practice altogether and honour Article 17 of the Constitution. Instead, Government brought the Swachh Bharat Mission for clean India which not only made manual scavenging modern but also increased the risk of scavenger deaths. Statistical data shows that sewer workers die as young as 40 years after contacting many deadly diseases like cholera, hepatitis, meningitis, typhoid, and cardio-vascular problems. In fact, repeated handling of human excreta leads to many respiratory and skin diseases, anemia, jaundice, trachoma, and carbon monoxide poisoning. Due to these multiple health issues, many manual scavengers could not carry on with their works which puts additional financial burden on their families. Upendra Baxi writes, “The issues of the rights of sweepers and scavengers have never entered the mainstream legal consciousness in the country”⁴ The Indian legal system has never shown the same seriousness to eliminate this practice as it has shown in other matters concerning Indian society. Most importantly in a country where Durga and Kali are revered as goddesses and women are rapidly making their mark on the social and economic fronts, women of untouchable communities continue to work as manual scavengers. Among the manual scavengers working in India, 92% are women according to the Commission of Scheduled Castes. Since women are paid fewer wages than their male counterparts, women are preferred for manual scavenging. According to the Human Rights Watch report, on an average woman gets paid as little as between 10 rupees and 50 rupees every month per household. It is much less than men who get paid 300 rupees a day for cleaning sewer lines⁵. Constant efforts are being made by the Indian government to end

the practice of open defecation in Indian villages and towns but at the same time there is no structural framework available with the government to replace manual scavenging of thousands of toilets built in place of that.

3. Methodology

This is a qualitative study that uses both primary and secondary sources as the tools of data collection. The study was carried out in rural as well as urban areas of Anantnag District of Jammu and Kashmir. These areas have a significant Sheikh population who have long resided in the region, have established kinship networks, and possess traditional, uninterrupted memory of their community's history. The author has spent a significant amount of time in the region even before her research commenced, and speaks the same language as the members of Sheikh Community which is a key to understanding their experiences. For the sample size, fifteen people each from the rural and urban sites were randomly identified for informal interviews. Differentiation of respondents was done on the basis of gender, age, educational status and profession, so as to get a wide range of perspectives on the social transformation, or lack thereof, and the economic mobility among Kashmiri Sheikh Community. In-depth interviews of respondents were carried out to encourage free expression about their experience and opinion. Interview questionnaire with open ended questions was used as the interview guide. Besides, ethnographic observation was carried out during the interviewing process and during extensive visits to field sites to yield data on the behavior of the respondents. During the process of conducting the research; questions were asked to respondents followed by thorough discussions. However, several problems were encountered by the author during the data collection process. The biggest problem was the indifference of the respondents and their lack of interest in the research process. Initially, they suspected the author to be a government official. Secondly, due to large-scale illiteracy, most of them seemed unaware about the problem of caste system and were unwilling to talk about it.

4. Formation of status of Sheikh Community

Regarding the Kashmir history, many records reveal that Hinduism was the primary religion of Kashmiri people. Kalhana who himself was from a Brahmin caste has written extensively about the Brahmins of that time. In his work *Rajatarangini*,⁶ he has written about the social

structure of that period which covered 12th century A.D and before that. At the same time he has also written about the presence of Hindu Varna⁷ system in the valley according to which there were four castes present in the society namely Brahmins, Kshatriyas, Vaishyas and Shudras. Brahmins formed the priestly class, Kshatriyas were warriors and controlled the administration too, Vaishyas were merchants and agriculturalists and Shudras worked on farms or performed other specialized trades in villages. There were other groups as well that were considered “impure” by the privileged castes and were publicly despised. They were neither regarded as a separate caste nor were included in any of the four castes. They were “outcastes” who fell under none of the four categories of the Hindu Varna System, and were labeled as untouchables. Sheikhs were one such group. They were earlier known as Watalas and formed the untouchable caste of Hindus. They were involved in works like manual scavenging and other cleanliness related jobs, skinning of the dead animals, shoe repairing, making winnowing trays from leather and straw and sometimes cattle grazing. All these chores awarded them lowest status in the society. For many centuries, these were the only works they did for the living. However, in the 14th century A.D, with the arrival of Sufi preachers from Middle East, Islam spread to the whole valley and people converted to Islam. Despite the egalitarian message of Islam, stratification on the basis of caste remained. As a result, Sheikhs still hold the lowest position in the Kashmiri society.

5. Manual Scavenging in Kashmir

The Sheikh Community forms the scavenging community of Kashmir. In social position and status, Sheikhs stand equivalent to Dalits. Like Dalits, Sheikhs too are divided into many sub-groups on the basis of their occupation. This differentiation however, occurred only in the later centuries when Sheikhs started to venture into new jobs. Before that, Sheikhs largely worked as manual scavengers. Therefore, Sheikhs can now be categorized into general Sheikhs, Mochi Sheikhs, Gooru Sheikhs and Tshup Sheikhs. General Sheikhs live mainly in urban areas and most of them work in the sanitation departments of municipalities and other local bodies. In most of the cases they are employed as manual scavengers on the permanent as well as contractual basis. They are also known as Safai Karamcharis. General Sheikhs also work as daily wage labourers and some are even self- employed. Mochis on the other hand live in villages. Earlier, they were involved in activities like skinning the dead animals, repairing shoes and other leather

related jobs. Even now Mochis are largely involved in shoe repairing but in addition to that they have also started working as labourers. Like general Sheikhs, Mochis are also employed as manual scavengers on the permanent as well as contractual basis. In contrast to general Sheikhs and Mochi Sheikhs, many Sheikh Families are involved in cattle grazing for livelihood. They don't own cattle but work for upper caste people who in return pay them in cash or kind. Similarly, some Sheikh Families make winnowing trays for the living. They are known as Tshup Sheikhs as Tshup in Kashmiri language means winnowing tray. They are considered as the lowest among the Sheikhs along with the Sheikhs involved in manual scavenging. Ironically, Sheikhs too have a notion of superiority over each other owing to their economic position or living condition or nature of work. Talking about untouchability within the Sheikhs, Rukhsana a respondent in her early twenties said, "There is intra- caste division within the Sheikhs on the basis of cleanliness of homes. Explaining further she said, "Those Sheikhs who keep their homes dirty are despised by other Sheikhs and it does matter how poor they are". This classification of Sheikhs however, does not make any difference to the dominant castes in Kashmir. For them Sheikhs will always remain Sheikhs no matter how economically well off they grow. This attitude and social bias prevents upper castes from keeping any relationship with them.

Manual scavenging continues to remain the principal occupation of the Sheikh Community even now. Currently, manual scavenging includes cleaning septic tanks, open drains or pits along with insanitary latrines. Luckily, Kashmiri manual scavengers are presently spared of cleaning filthy railway tracks due to the absence of long distance trains in the valley unlike their Indian counterparts. According to a report submitted to the Supreme Court by Safai Karamchari Andolan⁸, there are 0.794 million open latrines in the country and apart from Uttar Pradesh and Tamil Nadu, Jammu & Kashmir (J&K) is one of the biggest violators in this regard, where 1,78,330 households need manual scavenging. According to this report, Shopian, Kupwara, Bandipora, Srinagar, Kulgam, Anantnag, Ganderbal, Budgam and Pulwama have very large number of dry toilets which need manual scavengers to clean them. The latest figures from the J&K government suggest that out of the total 1, 60,804 households in the rural areas, over 1, 49,492 are dependent on manual scavenging. Out of the total 5, 17,168 urban households, 17,768 houses are dependent on manual scavenging. According to the latest figures from Safai Karamchari Andolan⁹, the total number of dry toilets in Kashmir is 2, 32,211 which shows the

sad state of affairs in Kashmir. Moreover, the structure of dry toilets in Kashmir is different from rest of India. In Kashmir, the dry toilets are usually made up of wood with a hole dug at the bottom to collect the excrement in contrast to dry toilets in India where metal is used for the construction of such toilets. The dry toilets have no flush system and are not connected to a septic tank or sewage system. Members of the Sheikh community who are engaged in manual scavenging clean these toilets manually on the daily basis. They use spades, shovels and large tin containers and put excrement into the *Reda* (a Kashmiri term used for a wooden carrier) and transport either to drains or use as manure. In public toilets, their work becomes more dreadful considering the fact that they have to clean these toilets on the daily basis two to three times a day and that too on meager wages. The remuneration of the Sheikh community for this kind of job is still nominal. The payments are below the norm, as the maximum for casual sweeper varies between 125 to 150 rupees per month in the government sector according to the Municipality records, and about rupees 300 to rupees 500 per month in private. The regular or permanent sweepers are paid more than 20000 rupees per month depending upon their seniority. However their salaries are never paid regularly due to the corruption at middle and lower levels. Despite a huge population of about half a million, members of the Sheikh Community are rarely seen to work outside their traditional occupation.¹⁰ Manual scavenging is the by-product of caste system which has singled out this community for this kind of job. Sheikhs hardly find any other work as easily as sweeping and cleaning. It would not be easy for Sheikhs to detach themselves from this humiliating practice and adopt any other profession. In the recent times however, Sheikhs have started exploring new occupations which could help them fulfill their needs and provide them with a respectable life. The first step towards this endeavor is the focus on the education of their children. The earlier generations of Sheikhs would hardly get a chance to receive education due to the poverty, unemployment and most importantly caste bias towards them. As a result, the present generation of Sheikhs is largely illiterate. Among all the Sheikhs 95% of Sheikhs are completely uneducated. Most of the students after reaching eighth standard drop out of the schools. Many families are completely hand to mouth and in such a situation; they think least about the education of their children. The uncertainty of future is also a big concern for the Sheikh Community. With no reservation in job sector and tough competition in the open merit, most of the Sheikhs do not go for higher education; instead they prefer to work as daily wage labourers to feed their families. There is no reservation in Kashmir for the Sheikh

community although they face similar kind of discrimination as Dalits in India. About lack of reservation, Javaid, a thirty- one year old specially abled person said, “Had the governments over the years done anything for our empowerment, we probably would not have faced such a degree of discrimination. The government has failed to formulate any socio-economic policy for our community. I am an educated person with disability and I had applied for small clerical job two years back but I could not get it because of the huge competition in job sector and a person like me can never get a job. If we had reservation like Schedule Castes in India, some things might have changed for us.”

Interestingly, Sheikhs do not practice gender discrimination. Sheikhs educate their children irrespective of gender. Despite the social bias and indignation towards them, they have progressive thinking as far as their women are concerned. In comparison to Indian Dalits, Sheikh Women do not work as manual scavengers except in some cases where the family is really in desperate condition or no male member is present in the family. Unlike India, where Dalits are the most oppressed group of the society and their women face mental and physical discrimination, Kashmiri Sheikh Community women are comparatively in a better position. Further, Sheikhs prefer strict endogamy in case of their daughters to protect their daughters from abuse. Sheikhs claim that the Casteism runs deep within the Kashmiri society and with this mind set, their daughters would suffer insults, abuse and name calling. People very often use derogatory words like Watal nasil (Lineage) or Watal khaslat (quality) to despise others. Sheikhs have been ostracized to such an extent that the word “waatul” has become a taunt and is used by people as an insult to refer to people from other castes. About endogamy, Ghulam Mohd Sheikh, a respondent of 60 years said, “People do not care for our feelings and frequently use derogatory words for us. Due to this reason we practice endogamy mainly in case of our daughters so that they are not harassed for being born as Sheikhs”.

6. Conclusion

Sheikh Community has a significant amount of population in the valley, yet they are socio-economically backward and lag behind other communities in many respects like social status, education, jobs, and safe living spaces and so on. The social status of the Sheikh Community has not seen much change from the pre-Islamic times. The constant display of superiority by the

dominant castes by detaching themselves from this community has completely alienated Sheikhs. Earlier, there were Brahmins who enjoyed superior status in the society and now it is the Syeds and Pirs (upper caste Muslims) who have kept the caste system live and thriving. Sheikh Community has little chance to evade this practice of manual scavenging on their own. It is the government which has to ensure their rehabilitation and provide them essential amenities like houses, food, clean water, proper health care and education and jobs. Government in association with the civil society and non-governmental organizations should also create awareness within the society against the continued practice of manual scavenging and its ill-effects on the Sheikh community. It is also necessary to criminalize the practice of manual scavenging and declare it as a crime against humanity. There is no denying the fact that manual scavenging is a caste based occupation and it will take many more years to uproot this practice from the Kashmiri society but that does not absolve the government from making serious efforts to end this degrading and obnoxious practice which puts hundreds of lives at stake. The continuation of this practice is the gross human rights violation of this community and needs immediate remedy. It is important to explore ways to rehabilitate this community as soon as possible.

End notes

¹ secc 2011.nic.in

² Section 2(g) of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill, 2013

³ Safai Karmchari Andolan and ors vs. Union of India and ors SC 2014

⁴ Baxi, Upendra: 1988.

⁵ 'Cleaning Human waste: "manual scavenging", Caste and Discrimination in India'. Human Rights Watch. 2014

⁶ The earliest source available regarding the origin of Kashmir is Rajatarangini by Kalhana. Not enough data is available about the pre-historic or ancient times of Kashmir except Kalhana's work. Kalhana has carefully recorded the accounts of Kashmir for nearly four decades down to his own days in 1149 A.D. But his accounts before the 6th century are concise, vague and unreliable. His accounts dealing with the earlier centuries fail to mention about the social structure of Kashmir.

⁷ Varna in Hinduism refers to social classes in Brahminical books like Mausmiriti.

⁸ Safai Karmchari Andolan & Others, (27 March 2014) New Delhi: Supreme Court of India.

⁹ www.safaikarmchariandolan.org

¹⁰ Rawat, Vidya Bhushan: 2012.

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