Chapter-IV

Welfare and Rehabilitation of Manual Scavengers in India

“I do not want to attain Moksha, I do not want to be reborn. But if I have to be reborn, I should be born an untouchable, so that I may share their sorrows, sufferings and the affronts leveled at them, in order that I may endeavour to free myself and them from that miserable condition. I therefore, pray that I should be born again, I should do so not as a Brahmin, Kshatriya, Vaishya or Shudra but as an Atishudra a Bhangi”...

-Mahatma Gandhi

1. Introduction

Manual Scavenger means a person engaged or employed on regular or frequent basis by an individual or a local authority or a public or private agency, 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 human excreta from insanitary latrines is disposed of, or on a railway track, before the excreta fully decomposes. Manual Scavengers are usually self employed or contract employees. “Self employed” means a person who scavenges a group of households” dry latrines or drains etc. in a particular ward, for payment in cash and/or in kind, by the house- owners. Contract employees would normally be those who are hired through contractors, by a municipal body or any other organization or a group of house-owners, to scavenge individual or community dry latrines and open drains where night soil is dispose.
Distinction between Manual Scavengers and Safai Karamchari:-

Safai Karamcharis normally include persons engaged as ‘Sweepers’ or ‘sanitation/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.

Historical Background

On the basis of census data, Risley, the Commissioner for 1901 Census, classified castes into seven main categories according to their social standing and ranked the Jatis in the local hierarchy and varna affiliation of each. The ranking of jatis and castes by the census created an unprecedented situation. Whatever their de facto status, most of the communities at the lower rung of the caste ladder felt that it was a good opportunity for social climbing by laying claims to higher status and registering a higher ranking in the census documents to have an official stamp, indicative of their higher social origin. A number of caste associations were formed.

The scavenging castes which were known by different names in different States like Bhangi, Balmiki, Chuhra, Mehtar, Mazhabi, Lal Begi, Halalkhor etc. in
northern India; Har, Hadi, Hela, Dom and Sanei etc. in eastern India; Mukhiyar, Thoti, Chachati, Pakay, Reilli etc. in Southern India; and Mehtar, Bhangias, Halalkhor, Ghasi, Olgana, Zadmalli, Barvashia, Metariya, Jamphoda and Mela etc. in Western and Central India, also made an effort to get united and have a common name. In 1911 census some of them started returning as Adi Dharmi, Adi Dravida, Adi Karnataka and Adi Andhra.

2. **Demographic Profile**

As per the Houselisting and Housing Census, 2011, there were 7.94 lakh latrines in the country from which night soil was removed by humans. However, the number of persons still engaged in manual scavenging is not available. The ongoing Socio Economic Caste Census (SECC), 2011, in rural India is, inter alia, capturing the data about the manual scavengers in rural areas, including the non-statutory towns. The process of a fresh survey of the manual scavengers in the statutory towns has been initiated. During implementation of the National Scheme for Liberation and Rehabilitation of Scavengers, from 1992 to 2005, 7.70 lakh manual scavengers and their dependents were identified by States/UTs. Subsequently, the Self Employment Scheme for Rehabilitation of Manual Scavengers was launched in January, 2007, for covering the remaining manual scavengers and their dependents, under which the States/UTs had identified 1.18 lakh manual scavengers and their dependents, out of which all 79,454 eligible and willing beneficiaries were provided assistance.
3. Legal / Legislative Framework:

Apart from various existing constitutional provisions, the Government of India has made the following Legislative/Legal provisions for the welfare of Manual Scavengers:

The Protection of Civil Rights Act, 1955: Initially the Untouchability (Offences) Act, 1955, had been enacted to abolish the practice of untouchability and social disabilities arising out of it against members of the Scheduled Castes. It was amended in 1977 and is now known as the Protection of Civil Rights Act, 1955. Under the revised Act, the practice of untouchability was made both cognizable and non-compoundable offence and stricter punishment was provided for the offenders.

The Scheduled Castes & Scheduled Tribes (Prevention of Atrocities) Act, 1989: The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, came into force on 31 January 1990. The Act, inter alia, specifies some types of offences as atrocities, provides for imposition of stricter penalties for the guilty and setting up of Special Courts for speedy trial of such cases. The main objective of the Act is to prevent the commission of offences of atrocities against the members of the Scheduled Castes and the Scheduled Tribes, to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto.

All the State governments have been requested to frame the rules for enforcing the Act. The Assemblies of Orissa, Punjab, Assam, Haryana, Bihar and Gujarat have also adopted the Act. The Act provides for a penalty of imprisonment up to one year with or without fine which may extend to Rs.2000/- or both in case of failure or contravention of the Act. Further, in case of repeated contraventions, fine to the extent of Rs.100/- per day for the entire period of contravention is also provided.

4. Committees / Commissions:

Barve Committee

The problem of scavenging and improving the conditions of scavengers has persistently been engaging the attention of the Government since independence. The erstwhile Government of Bombay, appointed a committee known as the Scavengers’ Living Conditions Enquiry Committee in 1949 with late Shri V.N.
Barve as Chairman to study and enquire into the living conditions of the scavengers in the State of Bombay and to suggest ways and means to improve their conditions of work and to fix their minimum wages. The Committee submitted its report to the Government of Bombay in 1952. In 1955 the Ministry of Home Affairs circulated a copy of the major recommendations of the Barve Committee to all the State Governments requesting them to adopt these recommendations.

**Kaka Kalelkar Commission**

The first Backward Classes Commission which was appointed in 1953 under the Chairmanship of Kaka Kalelkar submitted its report in 1955. The Commission described the condition of sweepers and scavengers as sub-human. The observations and recommendations of the Backward Classes Commission were brought to the notice of all the State Governments by the Ministry of Home Affairs in October 1956 emphasising the need to introduce mechanical and up-to-date methods of cleansing latrines so that the inhuman practice of doing this work by hand and carrying nightsoil on heads is obviated as far as possible and also specific schemes covering every sphere of life to uplift Bhangis from their ‘sub-human’ level of existence

**Central Advisory Board for Harijan Welfare**
The Ministry of Home Affairs constituted a Central Advisory Board of Harijan Welfare in 1956 under the chairmanship of Late Pandit Gobind Ballabh Pant, the then Minister of Home Affairs. This Board inter alia reviewed the working and living condition of the sweepers and scavengers in the country and recommended to the Government to introduce a Centrally Sponsored Scheme for this purpose.

Malkani Committee:-

The Board in its meeting held on the 12th October, 1957 constituted a committee, known as Scavenging Conditions Inquiry Committee consisting of Prof. N.R. Malkani as Chairman to prepare a scheme to put an end to the degrading practice of scavenging having to carry nightsoil in buckets or baskets. The Committee which submitted its report in December 1960 recommended not merely for eliminating the practice of carrying nightsoil as head loads, but also for removing filth and indignity from all stages of scavenging and for improving the working, living conditions and social status.

Committee on Customary Rights:-

The Central Department of Social Welfare appointed a committee in 1965 under the chairmanship of Prof. N. R. Malkani, to examine the question of the abolition of customary rights of the scavenges. The Committee which submitted its report in 1966 found that where scavenging is not municipalized the latrines were cleaned privately and one particular scavenger acquired hereditary right to clean such latrine as against another scavenger by an understanding and agreement. A
customary relationship also develops with the householder and the scavenger receives payments in some form or the other.

**Pandya Committee**

The National Commission on Labour constituted by the Union Ministry of Labour appointed a sub-committee (1968-69) under the chairmanship of Shri Bhanu Prasad Pandya to look into the working and service conditions of sweepers and scavengers. One of the important recommendations of the committee was that “the Central Government should undertake a comprehensive legislation for regulating their working, service and living conditions which should also provide for adequate inspectorate and enforcement machinery”.

Similar committees were also constituted at the State level in the States of Uttar Pradesh (1955), Haryana (1969), Kerala (1971) and Karnataka (1976).

5. **Schemes For Welfare And Rehabilitation:**

In view of the existing hereditary obnoxious and inhuman condition of manual scavengers, the Government has formulated various schemes/programmes for their Social and Economic upliftment:

**Valmiki Malin Basti Awas Yojna (VAMBAY):** This scheme was launched by Government of India during 2001 with the aim to provide shelter and upgrade the existing shelter for people living below poverty line in urban slums which helps in
making cities slum free. The scheme is shared on 50:50 basis with states. Preference is given to women headed households. The Government releases subsidy on a 1:1 basis with loan

**Total Sanitation Campaign (TSC):** The Total Sanitation Campaign is a comprehensive programme to ensure sanitation facilities in rural areas with broader goal to eradicate the practice of open defecation. TSC was initiated in 1999 when Central Rural Sanitation Programme was restructured making it demand driven and people centered. It follows a principle of “low to no subsidy” where a nominal subsidy in the form of incentive is given to rural poor households for construction of toilets. TSC gives strong emphasis on Information, Education and Communication (IEC), Capacity Building and Hygiene Education for effective behavior change with involvement of Panchayati Raj Institutions (PRIs), Community Based Organizations (CBOs), and Non Governmental Organizations (NGOs) etc. The key intervention areas are Individual Household Latrines (IHHL), School Sanitation and Hygiene Education (SSHE), Community Sanitary Complex, Anganwadi toilets supported by Rural Sanitary Marts (RSMs) and Production Centers (PCs)

**Nirmal Gram Puraskar Yojna:** To add vigour to the TSC, in June 2003, the Government of India initiated an incentive scheme for fully sanitized and open defecation free Gram Panchayats, Blocks, and Districts called the ‘Nirmal Gram Puraskar’. The incentive provision is for Panchayati Raj Institutions (PRIs) as well
as individuals and organizations that are the driving forces for full sanitation coverage.

**National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS):**

The National Scheme of Liberation and Rehabilitation of Scavengers (NSLRS) was launched by the Government in March, 1992 to provide alternate employment to the scavengers and their dependents. Under the NSLRS the scavengers and their dependents are trained in trades of their aptitude which can provide them alternate employment. During the course of training, the trainees get stipend up to Rs.500/- per month and a tool kit allowance up to Rs.2,000/-. For rehabilitation, there is a prescribed financial package for different trades by which financial assistance up to Rs.50,000/- can be provided. Under NSLRS, the Government of India has formulated and issued guidelines to all States and their Special Central Assistance (SCAs) to form groups of 5 to 25 scavengers and start a production-cum-trading-cum service centre for large-scale conversion of dry latrines through Sanitary Marts in which the loan component would be provided by the National Safai Karamcharis Finance and Development Corporation (NSKFDC).

**Pre-matric Scholarships for the Children of those Engaged in Unclean Occupations:** The objective of this scheme is to provide financial assistance to enable the children of scavengers of dry latrines, tanners, flayers and sweepers who have traditional links with scavenging to pursue pre-matric education. Under the scheme, the States / UTs are provided 100% Central assistance over and above
their respective committed liabilities to implement this scheme. The scheme covers over 6 lakh students every year.

**Integrated Low Cost Sanitation Scheme (ILCS):** In order to eliminate the dehumanizing practice of physically carrying night soil, the Centrally Sponsored Scheme for Urban Low Cost Sanitation was initiated in 1981 by the Ministry of Home Affairs and later implemented through the Ministry of Social Justice and Empowerment. The scheme envisages conversion of dry latrines into low cost twin pit sanitary latrines and liberation of scavengers through total elimination of manual scavenging. The scheme has been taken up on a ‘whole town basis’ and is being operated through the Housing and Urban Development Corporation (HUDCO) by providing a mix of subsidy from the Central Government and loan from the HUDCO in a synchronized manner.

**Pay and Use Toilet Scheme:** Under ‘Pay and Use Toilet Scheme’, Central assistance through Housing and Urban Development Corporation (HUDCO) was available to Urban Local Bodies (ULBs) for construction of toilets for footpath and slum dwellers who were unable to construct their own toilets. The period of the project was one year and the subsidy was payable in four equal installments on submission of utilization certificates of each installment.

**National Safai Karamcharis Finance and Development Corporation (NSKFDC):** National Safai Karamcharis Finance and Development Corporation (NSKFDC) was incorporated on 24 January, 1997 under Section 25 of the
Companies Act, 1956, as an Apex Institution for all round socio-economic upliftment of the Safai Karamcharis and their dependents throughout India and to extend concessional financial assistance to the Safai Karamcharis beneficiaries for establishment of income generating projects. NSKFDC provides loans to the Safai Karamcharis and their dependents through the State Channelising Agencies. The target groups of the Corporation are “Scavengers” and their dependents and “Safai Karamcharis.

**Assistance to State Scheduled Castes Development Corporations (SCDCs):**
The scheme for assistance to State Scheduled Castes Development Corporations was introduced in the year 1978-79 as a Centrally Sponsored Scheme in the States/UTs having sizeable Scheduled Castes population. At present, SCDCs are functioning in 26 States and UTs. They are playing an extremely useful role in mobilisation of finances of economic development of the Scheduled Castes living below the poverty line. They have been acting as promoters and catalysts for generating credit from financial institutions, providing missing inputs by way of margin money loans and subsidy to the target groups.

**Self Employment Scheme for Rehabilitation of Manual Scavengers:** This is a very prominent scheme of the Ministry of Social Justice and Empowerment meant for the rehabilitation of Manual Scavengers. The salient features of the scheme are as under:-

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As per survey reports received from States, there are 7,70,338 scavengers and their dependents in India. Taking into account manual scavengers numbering 4,27,870 already assisted under NSLRS and ineligible for assistance the number of Manual Scavengers yet to be rehabilitated is 3,42,468 as per State wise details.

The objective of the scheme is to assist the remaining scavengers for rehabilitation, which are yet to be assisted. Scavengers and their dependents, irrespective of their income, who are yet to be provided assistance for rehabilitation, under any scheme of Government of India/State Governments will be eligible for assistance.

The identified scavengers will be provided training, loan, and subsidy. Credit will be provided by the banks, which will charge interest from the beneficiaries at the rates prescribed under the scheme. NSKFDC or any other identified agency at the apex level, will provide interest subsidy to the banks through its State Channelising Agencies (SCAs) or any other identified agency at the State level, for the difference between the interest chargeable by bank and the interest to be charged from the beneficiaries under the scheme.

Both, term loan (upto a maximum cost of Rs. 5 lakhs) and micro financing (upto a maximum of Rs. 25,000) will be admissible under the scheme.
Micro financing will also be done through self help groups (SHGs) and reputed Non Governmental Organisations (NGOs).

- The period of repayment loan will be three years for projects upto Rs.25,000 and 5 years for projects above Rs.25,000. The moratorium period to start the repayment of loan will be six months. The SCAs would distribute the funds within a period of three months to the beneficiaries.

- Where the rate of interest chargeable by the banks on loans will be higher than the rates prescribed in the scheme, interest subsidy to the extent of the difference will be given to the banks and this will be administered by NSKFDC/other agencies identified by the Ministry.

- Credit linked capital subsidy will be provided upfront to the beneficiaries in a scaled manner:

<table>
<thead>
<tr>
<th>Description</th>
<th>Subsidy Amount</th>
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<tr>
<td>a) For projects costing upto Rs.25,000</td>
<td>@ 50% of the project cost</td>
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<tr>
<td>b) For projects costing more than Rs.25,000/-</td>
<td>@ 25% of the project cost, with a minimum of Rs.12,500 and maximum of Rs.20,000/-</td>
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- Beneficiaries will be allowed to avail second and subsequent loan from banks if required, without capital subsidy and interest subsidy and other grants under the scheme.
- NSKFD C or any other agency identified under the scheme, will undertake all activities under the scheme and will co-ordinate with the concerned agencies to ensure optimum benefits to the beneficiaries. NSKFD C or other identified agency will have freedom to meet admissible expenditure under the scheme out of their own funds, which will be reimbursable to them.

- The scheme is proposed to be implemented at the national level through the NSKFD C or other identified agencies for this purpose. At the State level, the implementing agencies will be the state channelising agencies identified for the purpose, which may include government agencies and reputed non-governmental organisations.

- The existing institutions under the Ministry such as the NSKFD C and its SCAs have the requisite experience to implement the proposed scheme. However, their limited infrastructure capacity would need to be enhanced.

- The beneficiaries are free to select any viable income generating self employment project given below is the indicative list of projects, which are usually selected by the beneficiaries which are sustainable and have a good potential of regular income:

<table>
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<tr>
<th>SN</th>
<th>Projects</th>
<th>Indicative cost of the Project</th>
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<tbody>
<tr>
<td>1</td>
<td>Fruit &amp; Vegetables Vendor &amp; Meat Shop, Paan</td>
<td>Upto Rs.25,000 each</td>
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<td>Shop, Watch Repairing Shop and Wet Grinder etc.</td>
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<tr>
<td>2. Barber Shop, Tailoring Shop, Flour Mill, Bicycle Hiring and Repairing and STD/PCO Booth etc.</td>
<td>Rs.25,001 to Rs.50,000 each</td>
<td></td>
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<tr>
<td>3. Autorickshaw (Petrol), Automobile Repair Shop, PCO/Photocopier Booth, General Provision Store, Beauty Parlour and Music Store etc.</td>
<td>Rs.50,001 to Rs.1,00,000 each</td>
<td></td>
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<tr>
<td>4. Transport, Denting &amp; Painting of Vehicles and Domestic Gadgets, Laundry &amp; Dry Cleaning Shop, Sanitary &amp; Hardware Shop, Servicing &amp; Repair of Domestic Electrical Appliances, Tent House, Band Party, Readymade Garments Shop, Agriculture and allied activities including Non-land based schemes like Tractor, Trolley, Poultry Farming</td>
<td>Rs.1,00,001 to Rs.5,00,000 each</td>
<td></td>
</tr>
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</table>

**Source:** Ministry of Social Justice and Empowerment Department of Social Justice & Empowerment

- Since the scavengers will be rehabilitated in non-traditional professions, they will require training to acquire new skills and entrepreneurship
capabilities. This can be given by government agencies/institutes as well as by reputed specialised training agencies.

- A comprehensive programme of publicity with a view to awareness generation at all levels will be undertaken so as to ensure that optimum benefit reaches to the beneficiaries in the shortest possible time.
- The progress of implementation will be monitored by NSKFDC and other apex level agencies, identified for the purpose. The National Commission for Safai Karamcharis may, in accordance with its terms of reference, review the implementation of programmes and schemes, social and economic rehabilitation of the manual scavengers. The scheme will be concurrently evaluated by an independent agency for which 1% of the total cost of the scheme (i.e. Rs.7.35 crore) is earmarked under Monitoring and Concurrent Evaluation.
- In order to bridge the gap between liberation and rehabilitation of manual scavengers, the scheme will be linked with the programme of conversion of dry latrines in co-ordination with the Ministry of Housing and Urban Poverty Alleviation(MoH&UPA) and municipal bodies at State/local levels. As various Ministries of Government of India and State Governments are implementing different developmental programmes, efforts will be made to converge the benefits with other existing programmes so as to give a meaningful package to the target group. The
existing mechanism of Central Monitoring Committee (CMC) to monitor the implementation of the National Action Plan for Total Eradication of Manual Scavenging by 2007, under the chairpersonship of Secretary (MSJ&E) with inter-ministerial representation will be utilised for this purpose.

6. Resolution Of National Advisory Council (NAC)

The National Advisory Council in its resolution dated 23.10.2010 on the issue of Manual Scavenging, had urged the Central Government to ensure that the practice of manual scavenging would be fully abolished latest by the end of the 11th Plan Period i.e. 2011-12, in coordination with all the Central Government Departments, including the Railways, and concerned States/local Governments. The resolution stated that this would require:-

a) New survey in every State and UT, with wide public involvement, of remaining dry latrines and manual scavengers;

b) Demolition of all dry latrines;

c) Psycho-social and livelihood rehabilitation in modern marketable skills of all manual scavengers and their families, and formulation of 100% Centrally Sponsored Scheme by the Ministry of Social Justice and Empowerment to support the rehabilitation initiative;

d) Special programme for education, including higher education and computer education, of all children of manual scavengers; and
e) To amend the law to ensure sharper definition of manual scavenging, and accountability of public officials who employ, or fail to prevent, manual scavenging.

In pursuance of the consensus which emerged in various Consultation Meetings, the Ministry of Social Justice and Empowerment constituted a Task Force on 28.2.2011, to recommend detailed modalities for undertaking a fresh survey of manual scavengers who are yet to be rehabilitated, and their dependents.

7. **The Prohibition Of Employment As Manual Scavengers And Their Rehabilitation Bill, 2012:**

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 was introduced in the Lok Sabha on September 3, 2012 by the Minister of Social Justice and Empowerment, Mukul Wasnik. The Bill was referred to the Standing Committee on Social Justice and Empowerment (Chairperson: Dara Singh Chauhan), which is scheduled to submit its report within three months. The Bill prohibits employing a person as a manual scavenger and provides for the rehabilitation of people currently engaged in the profession. A “manual scavenger” is defined as a person who is engaged for manually cleaning or disposing of human excreta in an insanitary latrine or in an open drain or on a railway track. “Insanitary latrine” means a latrine which requires human excreta to be cleaned manually (except water flush latrine in a railway passenger coach
which is cleaned by an employee using protective gear as notified by the central government).

The Bill prohibits any person, local authority or agency to construct an insanitary latrine or engage a person for manual scavenging. Every occupier of insanitary latrine shall either demolish or convert such latrine into a sanitary latrine at his own cost.

Every local authority (municipality, Panchayat, a cantonment board or railway authority) has to carry out a survey of insanitary latrines existing within its jurisdiction. The authorities have to publish a list of such latrines within two months of the law coming into force and give a notice to the occupiers to either demolish them or convert them to sanitary latrines within six months.

If there is reason to believe there are manual scavengers in a municipality or a Panchayat, the Chief Executive Officer of such municipality or Panchayat shall conduct a survey to determine the number. All persons listed shall not be obliged to work as manual scavengers and shall be rehabilitated in the specified manner. This includes a onetime cash assistance, residential plot and training.

The Bill makes it mandatory for municipalities, cantonment boards and railway authorities to construct adequate number of sanitary community latrines within three years of this Act coming into force. Any contract entered into before this Act that engages persons for manual scavenging shall be deemed to be void. However,
the employer shall retain such full-time scavengers on the same emolument and assign them to different work.

The local authority is responsible for ensuring that no insanitary latrine is built or used nine months after this Act is in force. The District Magistrate has to ensure that no person within his jurisdiction is engaged as a manual scavenger, constructs an insanitary latrine, and manual scavengers are rehabilitated.

If anyone employs a manual scavenger or constructs an insanitary latrine, he shall be penalized with imprisonment up to one year or a fine of up to Rs 50,000 or both. The penalty for subsequent offences is higher.

Every local authority or agency is prohibited from employing a person for hazardous cleaning (manual cleaning without protective gear and other safety precautions) of a sewer or a septic tank. This provision is applicable within a year of the Act coming into force. The penalty for violation is imprisonment for up to two years or a fine up to Rs 2 lakh or both.

A complaint has to be made within three months of the occurrence of the alleged offence. The appropriate government may appoint Inspectors for certain areas to examine premises for latrines; examine any person if he believes he is employed as a manual scavenger and seize records that he considers relevant. The offences under this Act may be tried by an Executive Magistrate on whom the state government may confer powers of a Judicial Magistrate of the first class. An offence may be tried summarily.
The central government shall constitute a Central Monitoring Committee and every state government a State Monitoring Committee. These Committees shall advise the appropriate government and local authorities on effective implementation of the law. Every state government shall constitute a Vigilance Commission for each district. The Commission shall advise the District Magistrate on the implementation of the law, oversee rehabilitation and monitor the registration, investigation and prosecution of offences. The National Commission for Safai Karamcharis (a statutory body) shall monitor the implementation of this Act, inquire into complaints of contravention.

Uncompleted and unsuccessful rehabilitation of manual scavengers in India: The Ministry of Social Justice and Empowerment, Government of India initiated the Self Employment scheme for Rehabilitation of Manual Scavengers (SRMS) in 2007. An amount of Rs.735.60 Crores was allocated for the rehabilitation of 3,42,468 individuals. This scheme was for the period January 2007 to March 2009 but was extended till March 2010. Under this scheme only 1,18,474 individuals showed interest to avail the benefits out of which 78,941 individuals were benefited and 39,533 individuals could not due to various reasons. According to the Ministry a total of Rs.231 Crores were released under this schemes between financial years 2006-2007 to financial year 2009-2010. Under this scheme 13275 individuals were benefited. Rashtriya Garima Abhiyan conducted a survey on
Implementation status of SRMS in 3 states of India in year 2010-11. Some findings of this study are given below:

a) 76% people who got benefits, were not involved in the manual scavenging practice. b) Scheme was not launched in the 25% of districts and said that manual scavenging practice does not exist in these districts. But during the study, it was found that manual scavenging practice is rampant in these districts.

c) 98 per cent of people engaged in the profession are women. But it was found that benefits of SRMS were given to 51 per cent of men in these three states.

d) 85% people said that they have faced various types of problems to get benefits of scheme like time wasting, bribe, misbehaviour and problems related to the documents and processes.

e) Middle men or commission agents would visit Dalit bastis telling households to sign on so and so papers as the government had chosen them as beneficiaries of a new scheme. The beneficiaries would never get to know the loan amount, sanctioning officer or other details of the transactions. After a while, the middle men would revisit them and hand over Rs 3,000 to Rs 4,500. Many of these people did not even know why they were being given the money or how much money had been borrowed in their names. In Madhya Pradesh, around 68 per cent of the beneficiaries were taken for a ride by the brokers, in Uttar Pradesh, 63 per cent and in Rajasthan 62 per cent.
There were many fallacies and gaps in this scheme due to which people did not avail the benefits inspite of the provisions and as a result the scheme could not be effective. Some of the identified gaps in the schemes are as follows:

1. Issue of women: Most of the provisions for rehabilitation under the scheme were not gender sensitive and were addressing men largely. Our experience says that around 95-98% of the individuals involved in manual scavenging are women

2. Issue of loan: The biggest flaw in this Scheme was that though it was for the rehabilitation of those involved in manual scavenging the key provision was for a loan with some amount of subsidy. According to us; To take a community, which was compelled to take up manual scavenging due to a caste based system and was excluded, socially, politically and economically, out of this system loan cannot be a solution, even if it comes with some amount of subsidy. The key assumption of this scheme was based on loans therefore it could not become successful in addressing its objectives.

3. Defaulters: Most of the loans under SRMS are through banks and it has been observed that most of these loan sizes are around Rs.25000 out of which 50% or Rs.12500 is the subsidy component. Most of the subsidy amount is spent on taking the loan due to the red tape and the loan amount
(apart from the subsidy) is interest chargeable by the bank. Individuals who are not able to pay back this amount therefore become ‘Defaulters’.

4. Rural Areas: According to our survey around 60% of those involved in manual scavenging are in rural areas (larger villages and settlements). The focus of the survey and the benefits of the scheme was however skewed more towards urban areas therefore limiting the benefits to those in the urban areas and leaving out the others on a large scale.

5. Corruption: There was large scale corruption involved in preparing the list for rehabilitation by the states. If we talk about Madhya Pradesh alone we found that in districts where more than 165 women are involved in manual scavenging not a single name was included in the list and in districts having 302 such women 2186 names were included. Our surveys say that only 10% of those involved in manual scavenging were actually included in the list and the rest were left out. This has resulted in many eligible individuals not getting the benefits and at the same time many who were not eligible benefiting out of the scheme.

6. In many areas it was found that rampant corruption had taken place with respect to the scheme. Almost all or most of the subsidy portion of the loan has gone into corruption and there was lack of any monitoring system. Issues related to corruption have surfaced openly in many of the states.

An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

Whereas promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution; And Whereas article 46 of the Constitution, inter alia, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation; And Whereas the dehumanizing practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging.

1. (1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. (2) It extends to the whole of India except the State of Jammu and Kashmir. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint: Provided that the date so notified shall not be earlier than sixty days after the date of publication of the notification in the Official Gazette.
2. (1) In this Act, unless the context otherwise requires,— (a) “agency” means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate; (b) “appropriate government”, in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government; (c) “Chief Executive Officer”, in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called; (d) “hazardous cleaning” by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder; (e) “insanitary latrine” means a latrine which requires human excreta to be cleaned or otherwise handled manually, either in situ, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed: Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this
behalf, shall not be deemed to be an insanitary latrine. (f) “local authority” means,— (i) a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction; (ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006; and (iii) a railway authority; (g) “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 on a 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 manner as may be prescribed, and the expression “manual scavenging” shall be construed accordingly. Explanation.—For the purpose of this clause,— (a) “engaged or employed” means being engaged or employed on a regular or contract basis; (b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a ‘manual scavenger’; (h) “National Commission for Safai Karmacharis” means the National Commission for Safai Karamcharis constituted under section 3 of the National Commission for Safai Karmacharis Act, 1993 and continued by Resolution of the
Government of India in the Ministry of Social Justice and Empowerment vide No.17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time; (i) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly; (j) “occupier”, in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises; (k) “owner”, in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises; (l) “prescribed” means prescribed by the rules made under this Act; (m) “railway authority” means an authority administering railway land, as may be notified by the Central Government in this behalf; section 2 of the Railways Act, 1989; (o) “sanitary latrine” means a latrine which is not an ‘insanitary latrine’; (p) “septic tank” means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity; (q) “sewer” means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes; (r) “State Government”, in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution; (s) “survey” means a survey of manual scavengers undertaken in pursuance of section 11 or section 14.
3. (2) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006, shall have the same meanings respectively assigned to them in that Act.

4. (3) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any other law, or in any instrument having effect by virtue of any other law.

9. Recommendations Of The Parliamentary Committee

The “Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012” was referred to the Standing Committee on Social Justice and Empowerment. The Standing Committee presented its report in the Lok Sabha and tabled it in the Rajya Sabha on 4 March 2013. The following are the brief account of the various recommendations:

i. The Committee was optimistic that the new Act and the rules to be framed there-under would be implemented with utmost sincerity and with a sense of purpose so that the new legislation attains its intended objectives within the given time frame.
ii. The Committee noted that the successful implementation of the new Act would largely depend on how the Corporations, Municipalities and Other Local Bodies like the Gram Panchayats would be motivated and geared up for meeting the challenges to be thrown up by the new Act.

iii. The Committee recommended that an Inter Ministerial Group (IMG) was also be formed to oversee the implementation of the new Act and the rules to be framed there under.

iv. The Committee noted that under the new legislation, a great responsibility devolves on the Ministry of Railways so far as Manual Scavenging is concerned. There are reportedly about 7114 mail/express/ordinary trains which have direct discharge or controlled discharge system type of toilets. The Committee had been informed that the Railways have started constructing concrete washable aprons under the railway tracks at important stations so that the safai karamcharis can clean the track with high pressure water jet cleaning system, instead of doing it manually. The Committee recommended the construction of more such concrete aprons on all railway stations in a time bound manner.

v. The Committee had recommended that the Ministry of Railways should seek more allocation of funds for conversion of all toilets into bio-toilets in the Twelfth Five Year Plan itself for completely eliminating all direct discharge toilets to escape penalty under the Act.
vi. The Committee recommended that the scheme on 'Assistance for Mechanical Cleaning of Sewers and Septic Tanks' should be finalized and executed within the timeframe as stipulated in the new Bill.

vii. Since the existence of insanitary latrines would give rise to manual scavenging, the Committee were of the considered view that there would have to be a proactive participation of both the Government and the Owners / Occupiers of such latrines for bringing in a swift end to this scourge.

viii. The Committee felt that there should be some penal provision in the Bill for furnishing of false information to prevent bogus claims.

ix. The Committee desired that 'Aadhar Card' should be linked to the rehabilitation schemes.

x. The Committee recommended that duties and responsibilities of the officials, concerned should be fixed and some penalty be imposed on them for delay in implementing the Act.

xi. The Committee noted that Vigilance and Monitoring Committees have been constituted at the sub-division, District, State and National level to oversee the implementation of the Act. The Committee recommended that there should be suitable representation of women in these Committees to the extent feasible.

10. Safai Karmachari Andolan (SKA)
Safai Karmachari Andolan (SKA) is a national movement committed to the total eradication of manual scavenging and the rehabilitation of all scavengers for dignified occupations. Safai Karmchari Andolan was initiated in 1995 by children of those engaged in Manual scavenging themselves for liberation from this ghastly occupation and dignity. Since then, it has grown progressively to become a national movement spread over 25 states of India, with the national secretariat in New Delhi. Under the guidance of the National Advisory Group, SKA's programs are executed by the National Core Team working closely together with State Conveners, Organizers and Animators across the country.

While primarily focusing on the rights of manual scavengers, SKA is also committed to working with all those engaged in 'unclean' occupations such as sewage workers, pit workers and sweepers who fall within the ambit of 'Safai Karmacharis'. SKA was instrumental in eradicating manual scavenging in as many as 139 districts, as of 2009. SKA works in close cooperation and collaboration with other Dalit and human rights organizations committed to the rights of Dalits and other marginalized communities in general and Safai Karmacharis in particular.

11. Conclusion

Elimination of dry latrines and manual scavenging and the rehabilitation of manual scavengers in alternate occupations has been an area of high priority for the Government. Despite the concerted efforts made in the past to eliminate the dehumanizing practice of manual scavenging, the practice still persists in various
parts of the country. Existing laws have not proved adequate in eliminating the
twin evils of insanitary latrines and manual scavenging from the country. These
evils are inconsistent with the right to live with dignity which is an essence of the
Fundamental Rights guaranteed in Part III of the Constitution.

With a view to eliminate manual scavenging and insanitary latrines and to provide
for the rehabilitation of manual scavengers, a multi-pronged strategy has been
worked out in the provisions of "The Prohibition of Employment as Manual
Scavengers and their Rehabilitation Bill, 2012", which consists of legislative as
well as programmatic interventions:

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