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Manual Scavengers: Welfare and Rehabilitation

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Manual Scavengers: Welfare and Rehabilitation

“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 Bhangi¹”...

-- *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 disposed².

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

¹ Manual Scavenging in India: A Disgrace to the country by B.N. Srivastava, Concept Publishing Company, New Delhi, 1997, p.35

² India. Ministry of Social Justice and Empowerment, Instructions Manual, February, 2013 pp. 19-20

happen to be working for these organizations. However, Safai Karamcharis, per se, are not manual scavengers³.

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, Relli 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 Andhra⁴.

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

³ *Ibid*, p. 3

⁴ *op.cit.*, Manual Scavenging in India, p. 20

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 assistance⁵ *See Annexure-I & II.*

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.

⁵ Rajya Sabha Unstarred Question no.1831 dated 13.3.2013

- ❖ ***Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993:*** The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 provides for the prohibition of employment of manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water sealed latrines and matters connected therewith.
- ❖ It has become applicable to Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura, West Bengal and the Union Territories (UTs) with effect from 26 January 1997.

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 provided⁶.

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

⁶ <http://nhrc.nic.in>

recommendations of the Barve Committee to all the State Governments requesting them to adopt these recommendations⁷.

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 existence⁸.

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 purpose⁹.

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

⁷ *op.cit.*, Manual Scavenging in India, pp. 35-36

⁸ *Ibid*, pp. 36-37

⁹ *Ibid*, pp. 37-38

from all stages of scavenging and for improving the working, living conditions and social status¹⁰.

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 other¹¹.

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)¹².

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:

¹⁰ *Ibid*, p.3 8

¹¹ *Ibid*, pp. 39-40

¹² *Ibid*, p. 40

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 loan¹³.

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) see **Annexure-V**¹⁴.

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 see **Annexure-VI**¹⁵.

¹³ <http://ncsk.nic.in>

¹⁴ <http://nhrc.nic.in>

¹⁵ *Ibid*, p. 7

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)¹⁶.

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 year¹⁷.

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

¹⁶ *Ibid*

¹⁷ *Ibid*, p. 8

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 manner¹⁸.

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 installment¹⁹.

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"²⁰.

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

¹⁸ *Ibid*, p. 8

¹⁹ *Ibid*, pp. 8-9

²⁰ *Ibid*, pp. 8-9

institutions, providing missing inputs by way of margin money loans and subsidy to the target groups²¹.

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:-

- ❖ 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 given in *Annexure-III*.
- ❖ 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 Channelling 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)

| Rate of interest chargeable from the beneficiaries | |
|---|--|
| a) For projects upto Rs. 25,000/- | 4% per annum (for women beneficiaries) 5% per annum |
| b) For projects above Rs. 25,000/- | 6% per annum |

²¹ *Ibid*, p. 9

- ❖ 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:

| | |
|---|---|
| a) For projects costing upto Rs.25,000 | @ 50% of the project cost |
| b) For projects costing more than Rs.25,000/- | @ 25% of the project cost, with a minimum of Rs.12,500 and maximum of Rs.20,000/- |

- ❖ 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.
- ❖ NSKFDC 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. NSKFDC 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 NSKFDC 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 NSKFDC 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.:-

| Sl. No. | Projects | Indicative cost of the Project |
|---------|--|---------------------------------|
| 1. | Fruit & Vegetables Vendor & Meat Shop, Paan Shop, Watch Repairing Shop and Wet Grinder etc. | Upto Rs.25,000 each |
| 2. | Barber Shop, Tailoring Shop, Flour Mill, Bicycle Hiring and Repairing and STD/PCO Booth etc. | Rs.25,001 to Rs.50,000 each |
| 3. | Autorickshaw (Petrol), Automobile Repair Shop, PCO/Photocopier Booth, General Provision Store, Beauty Parlour and Music Store etc. | Rs.50,001 to Rs.1,00,000 each |
| 4. | Transport , Denting & Painting of Vehicles and Domestic Gadgets, Laundry & Dry Cleaning Shop, Sanitary & Hardware Shop, Servicing & 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 | Rs.1,00,001 to Rs.5,00,000 each |

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 purpose²² See *Annexure-IV*.

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 dependents²³.

²² <http://socialjustice.nic.in>

²³ India, Ministry of Social Justice and Empowerment, Annual Report, 2010-11 pp.76-77

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 Lok Sabha on 3 September 2012. It was also felt that the existing laws were not stringent enough to eliminate these evil practices. In view of the above, there was a need to make comprehensive and stringent provisions for the prohibition of insanitary latrines and employment of persons as manual scavengers, rehabilitation of manual scavengers and their families and to discontinue the hazardous manual cleaning of sewers and septic tanks by the use of technology and for matters connected therewith²⁴.

The Salient features of the Bill are as under:-

- i) prohibition of manual scavenging and rehabilitation of manual scavengers;
- ii) prohibition of insanitary latrines, which include such latrines where human excreta needs to be cleaned or other-wise handled manually;
- iii) the definition of manual scavenger has been widened to include a person engaged or employed, inter alia, for manual cleaning of human excreta in an insanitary latrine or in an open drain or pit, railway tracks etc.;
- iv) express provisions for identification of manual scavengers and insanitary latrines;
- v) prohibition of hazardous manual cleaning of septic tanks and sewers, so as to ensure that health and safety of such workers is not compromised;
- vi) more stringent penal provisions for contravention of the Act; and
- vii) Vigilance and monitoring Committees at the Sub-division, District, State and Central levels²⁵.

8. RECOMMENDATIONS OF THE PARLIAMENTARY COMMITTEE

²⁴ "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012" Statement of Objects and Reasons, p. 16

²⁵ India. Press Information Bureau release, dated 3 September 2012, p. 1 of 2

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:-

- ☞ 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.
- ☞ 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.
- ☞ 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 thereunder.
- ☞ 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.
- ☞ 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.
- ☞ 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.
- ☞ 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.

- ☞ The Committee felt that there should be some penal provision in the Bill for furnishing of false information to prevent bogus claims.
- ☞ The Committee desired that 'Aadhar Card' should be linked to the rehabilitation schemes.
- ☞ 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.
- ☞ 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 feasible²⁶.

9. 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 Karmachari 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

²⁶ 32nd Report, Standing Committee on Social Justice & Empowerment, 2012-13,

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 particular²⁷.

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 interventions²⁸.

²⁷ <http://ncsk.nic.in>

²⁸ *Op cit.*, Statement of Objects and Reasons, p.16

| State/UT wise number of Insanitary Latrines | | | | | | | | |
|---|---------------------------|----------------------------|--|-------------------|-----------------|---------------------|-------------|-----------------------|
| Sl. No. | State/UT | Total number of households | No. of Households by type of Insanitary latrines | | | | | |
| | | | Total | | | | | |
| | | | Night soil disposed into open drain | Serviced Manually | Sub Total (4+5) | Serviced by animals | Total (6+7) | % of col. 8 to col. 3 |
| (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) |
| | ALL INDIA | 246,692,667 | 1314652 | 794390 | 2109042 | 497236 | 260627 | 1.06 |
| 1. | Andaman & Nicobar Islands | 93,376 | 151 | 11 | 162 | 57 | 219 | 0.33 |
| 2. | Andhra Pradesh | 21,024,534 | 165673 | 10357 | 176030 | 52767 | 22879 | 1.09 |
| 3. | Arunachal Pradesh | 261,614 | 1865 | 1059 | 2924 | 9579 | 12503 | 4.78 |
| 4. | Assam | 6,367,295 | 54381 | 22139 | 76520 | 35394 | 11191 | 1.76 |
| 5. | Bihar | 18,940,629 | 39246 | 13587 | 52833 | 35009 | 87842 | 0.46 |
| 6. | Chandigarh | 235,061 | 164 | - | 164 | 32 | 196 | 0.08 |
| 7. | Chhattisgarh | 5,622,850 | 4881 | 736 | 5617 | 3484 | 9101 | 0.16 |
| 8. | Dadra & Nagar | 73,063 | 55 | 168 | 223 | 28 | 251 | 0.34 |
| 9. | Daman & Diu | 60,381 | 29 | 16 | 45 | 14 | 59 | 0.10 |
| 10. | Goa | 322,813 | 667 | - | 667 | 3151 | 3818 | 1.18 |
| 11. | Gujarat | 12,181,718 | 25234 | 2566 | 27800 | 4890 | 32690 | 0.27 |
| 12. | Haryana | 4,717,954 | 32432 | 1343 | 33775 | 4752 | 38527 | 0.82 |
| 13. | Himachal Pradesh | 1,476,581 | 3069 | 310 | 3379 | 561 | 3940 | 0.27 |
| 14. | Jammu & Kashmir | 2,015,088 | 64479 | 178443 | 242922 | 13109 | 25603 | 12.71 |
| 15. | Jharkhand | 6,181,607 | 9317 | 1836 | 11153 | 5986 | 17139 | 0.28 |
| 16. | Karnataka | 13,179,911 | 61802 | 7740 | 69542 | 28995 | 98537 | 0.75 |
| 17. | Kerala | 7,716,370 | 12052 | 3011 | 15063 | 1713 | 16776 | 0.22 |
| 18. | Lakshadweep | 10,703 | - | - | - | - | - | - |
| 19. | Madhya Pradesh | 14,967,597 | 41363 | 5664 | 47027 | 13948 | 60975 | 0.41 |
| 20. | Maharashtra | 23,830,580 | 154331 | 9622 | 163953 | 45429 | 20938 | 0.88 |
| 21. | Manipur | 507,152 | 27713 | 10062 | 37775 | 2964 | 40739 | 8.03 |
| 22. | Meghalaya | 538,299 | 1792 | 1962 | 3754 | 4126 | 7880 | 1.46 |
| 23. | Mizoram | 221,077 | 583 | 121 | 704 | 562 | 1266 | 0.57 |
| 24. | Nagaland | 399,965 | 1208 | 786 | 1994 | 2481 | 4475 | 1.12 |
| 25. | NCT of Delhi | 3,340,538 | 68424 | 583 | 69007 | 633 | 69640 | 2.08 |
| 26. | Odisha | 9,661,085 | 30567 | 26496 | 57063 | 24222 | 81285 | 0.84 |
| 27. | Puducherry | 301,276 | 638 | 133 | 771 | 88 | 859 | 0.29 |
| 28. | Punjab | 5,409,699 | 28274 | 3465 | 31739 | 9460 | 41199 | 0.76 |
| 29. | Rajasthan | 12,581,303 | 94061 | 2572 | 96633 | 8781 | 10541 | 0.84 |
| 30. | Sikkim | 128,131 | 93 | - | 93 | 126 | 219 | 0.17 |
| 31. | Tamil Nadu | 18,493,003 | 149455 | 27659 | 177114 | 26020 | 20313 | 1.10 |
| 32. | Tripura | 842,781 | 3760 | 830 | 4590 | 3733 | 8323 | 0.99 |
| 33. | Uttar Pradesh | 32,924,266 | 151717 | 326082 | 477799 | 80291 | 55809 | 1.70 |
| 34. | Uttarakhand | 1,997,068 | 6730 | 4701 | 11431 | 2562 | 13993 | 0.70 |
| 35. | West Bengal | 20,067,299 | 78446 | 130330 | 208776 | 72289 | 28106 | 1.40 |

Source: Census, 2011

Annexure-II

| Statement showing State-wise population of Scavengers, Scavengers rehabilitated by M/o SJ&E, NSKFDC etc. and no. of Scavengers to be rehabilitated | | | | | | |
|---|--------------------------|---------------------------------|----------------------------|---------------|--|---|
| Sl. No. | Name of the State | Population of Scavengers | Addition (Resurvey) | Total | Total scavengers rehabilitated and ineligible | Remaining scavengers to be rehabilitated |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1. | Andhra Pradesh | 30921 | 14901 | 45822 | 45822 | 0 |
| 2. | Assam | 40413 | | 40413 | 1594 | 38819 |
| 3. | Bihar | 12226 | | 12226 | 285 | 11941 |
| 4. | Delhi | 17420 | | 17420 | 2941 | 14479 |
| 5. | Gujarat | 64195 | | 64195 | 11653 | 52542 |
| 6. | Haryana | 36362 | | 36362 | 15558 | 20804 |
| 7. | Himachal Pradesh | 4757 | | 4757 | 2023 | 2734 |
| 8. | Jammu & Kashmir | 4150 | | 4150 | 211 | 3939 |
| 9. | Karnataka | 14555 | | 14555 | 12597 | 1958 |
| 10. | Kerala | 1339 | | 1339 | 141 | 1198 |
| 11. | Madhya Pradesh | 80072 | 1235 | 81307 | 77512 | 3795 |
| 12. | Maharashtra | 64785 | | 64785 | 19086 | 45699 |
| 13. | Meghalaya | 607 | | 607 | 0 | 607 |
| 14. | Nagaland | 1800 | | 1800 | 0 | 1800 |
| 15. | Orissa | 35049 | | 35049 | 10681 | 24368 |
| 16. | Pondicherry | 476 | | 476 | 129 | 347 |
| 17. | Punjab | 531 | 2457 | 2988 | 2988 | 0 |
| 18. | Rajasthan | 57736 | | 57736 | 14169 | 43567 |
| 19. | Tamil Nadu | 35561 | | 35561 | 23687 | 11874 |
| 20. | Uttar Pradesh | 149202 | 64773 | 213975 | 180719 | 33256 |
| 21. | West Bengal | 23852 | | 23852 | 2338 | 21514 |
| 22. | Chhattisgarh | | 3243 | 3243 | 3243 | 0 |
| 23. | Jharkhand | | 5750 | 5750 | 0 | 5750 |
| 24. | Uttaranchal | | 1970 | 1970 | 493 | 1477 |
| | Total | 676009 | 94329 | 770338 | 427870 | 342468 |

Source: India, Ministry of Social Justice and Empowerment

Annexure-III

| State-wise details of beneficiaries who have been provided training under Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) | | |
|--|-------------------------|--|
| Sl. No. | Name of State/UT | No of Beneficiaries Provided Training |
| 1. | Assam | 3224 |
| 2. | Bihar | 2400 |
| 3. | Delhi | 100 |
| 4. | Gujarat | 2553 |
| 5. | Himachal Pradesh | 617 |
| 6. | Jammu& Kashmir | 117 |
| 7. | Jharkhand | 5750 |
| 8. | Karnataka | 0 |
| 9. | Madhya Pradesh | 14037 |
| 10. | Maharashtra | 3655 |
| 11. | Meghalaya | 0 |
| 12. | Orissa | 69 |
| 13. | Puducherry | 12 |
| 14. | Rajasthan | 843 |
| 15. | Tamil Nadu | 5419 |
| 16. | Uttar Pradesh | 3744 |
| 17. | Uttarakhand | 240 |
| 18. | West Bengal | 1129 |
| | Total | 43909 |

Source: Lok Sabha Unstarred Question No. 6544 for answer on 07-05-2013

Annexure-IV

| State/UT wise details of funds released to the SCAs and beneficiaries covered under the Self Employment Scheme for Rehabilitation of Manual Scavengers, since its inception | | | |
|--|-------------------------|--------------------------------------|-------------------------------------|
| Sl. No. | Name of State/UT | Funds Released (Rs. in lakhs) | No. of beneficiaries covered |
| (1) | (2) | (3) | (7) |
| 1. | Assam | 1161.62 | 5554 |
| 2. | Bihar | 1270.16 | 8017 |
| 3. | Delhi | 110.93 | 537 |
| 4. | Gujarat | 734.91 | 4209 |
| 5. | Himachal Pradesh | 244.62 | 1506 |
| 6. | Jammu & Kashmir | 18.60 | 83 |
| 7. | Jharkhand | 506.50 | 2879 |
| 8. | Karnataka | 0.75 | 9 |
| 9. | Madhya Pradesh | 4687.65 | 13280 |
| 10. | Maharashtra | 1973.81 | 9919 |
| 11. | Meghalaya | 16.36 | 130 |
| 12. | Odisha | 2232.92 | 14095 |
| 13. | Puducherry | 3.99 | 30 |
| 14. | Rajasthan | 531.54 | 932 |
| 15. | Tamil Nadu | 2301.42 | 10352 |
| 16. | Uttar Pradesh | 2238.21 | 3567 |
| 17. | Uttarakhand | 26.40 | 420 |
| 18. | West Bengal | 546.15 | 3935 |
| | Total | 18606.54 | 79454 |

Source: Lok Sabha Unstarred Question No. 1360 dated 5.3.2013.

Annexure-V

| State-wise funds released under the Total Sanitation Campaign during the last three years and the current year | | | | | |
|---|-------------------|------------------|------------------|------------------|-----------------------|
| | | | | | (Rs. in crore) |
| Sl. No. | State/UT | 2009-2010 | 2010-2011 | 2011-2012 | 2012-2013 |
| 1 | ANDHRA PRADESH | 110.78 | 142.18 | 96.57 | 150.23 |
| 2 | ARUNACHAL PRADESH | 4.05 | 1.19 | 2.05 | 2.27 |
| 3 | ASSAM | 67.30 | 94.37 | 122.51 | 27.72 |
| 4 | BIHAR | 90.47 | 112.60 | 172.19 | 298.15 |
| 5 | CHHATTISGARH | 50.18 | 54.80 | 27.02 | 0.00 |
| 6 | D & N HAVELI | 0.00 | 0.00 | 0.00 | 0.00 |
| 7 | GOA | 0.00 | 0.00 | 0.00 | 0.00 |
| 8 | GUJARAT | 30.37 | 46.92 | 43.08 | 39.49 |
| 9 | HARYANA | 7.18 | 23.61 | 3.35 | 0.00 |
| 10 | HIMACHAL PRADESH | 10.18 | 29.40 | 4.70 | 16.67 |
| 11 | JAMMU & KASHMIR | 3.33 | 27.93 | 9.68 | 35.11 |
| 12 | JHARKHAND | 39.42 | 54.67 | 72.65 | 41.93 |
| 13 | KARNATAKA | 55.71 | 44.59 | 87.09 | 83.53 |
| 14 | KERALA | 9.75 | 22.86 | 1.59 | 0.00 |
| 15 | MADHYA PRADESH | 99.87 | 144.03 | 150.76 | 129.23 |
| 16 | MAHARASHTRA | 98.94 | 129.12 | 58.00 | 118.73 |
| 17 | MANIPUR | 11.78 | 0.80 | 10.88 | 9.13 |
| 18 | MEGHALAYA | 13.79 | 31.05 | 11.16 | 7.92 |
| 19 | MIZORAM | 4.13 | 6.53 | 0.31 | 0.00 |
| 20 | NAGALAND | 10.59 | 12.29 | 1.74 | 3.96 |
| 21 | ORISSA | 50.32 | 68.37 | 111.72 | 0.00 |
| 22 | PUDUCHERRY | 0.00 | 0.00 | 0.00 | 0.00 |
| 23 | PUNJAB | 1.16 | 11.16 | 2.83 | 0.00 |
| 24 | RAJASTHAN | 43.53 | 56.71 | 54.24 | 48.77 |
| 25 | SIKKIM | 0.00 | 1.13 | 0.00 | 0.70 |
| 26 | TAMIL NADU | 61.66 | 77.94 | 76.62 | 62.39 |
| 27 | TRIPURA | 8.37 | 9.25 | 1.34 | 1.25 |
| 28 | UTTAR PRADESH | 115.80 | 225.94 | 169.21 | 128.96 |
| 29 | UTTARAKHAND | 7.74 | 17.08 | 8.05 | 12.71 |
| 30 | WEST BENGAL | 32.46 | 83.28 | 141.24 | 153.19 |
| | Total | 1038.85 | 1529.81 | 1440.59 | 1372.04 |

Lok Sabha Unstarred Question No. 2243 dated 6.12.2012

**Funds released under Nirmal Gram Puraskar Scheme
to Survey Agencies during 2011**

| Sl. No. | Agency Name | Funds Release |
|----------------|--|----------------------|
| 1. | Action for Agricultural Renewal in Maharashtra | 1597000 |
| 2. | Advantage India | 1621000 |
| 3. | Aryan Foundation for Research & Action | 1711000 |
| 4. | Awadh Research Foundation | 1600000 |
| 5. | Centre for Advanced Research & Development | 1655000 |
| 6. | Centre for Logical Research & Development Studies | 1712000 |
| 7. | Centre for Management Development Thycaud | 1562000 |
| 8. | Centre of Science for Villages | 1673000 |
| 9. | CMS, Research House | 1545000 |
| 10. | Community Orgn for Oppressed and Depressed Upliftment | 1609000 |
| 11. | Council for Economic & Social Research | 1645000 |
| 12. | Crux Consultants Pvt. Ltd. | 1505000 |
| 13. | CS Datamation Research Services Pvt. Ltd. | 1798000 |
| 14. | Development & Research Services Pvt. Ltd. | 1429000 |
| 15. | DHV India Pvt. Ltd. | 1604000 |
| 16. | DMG Consulting Pvt. Ltd. | 1579000 |
| 17. | GFK Mode Pvt. Ltd. | 1617000 |
| 18. | Global Agrisystem Pvt. Ltd. | 1563000 |
| 19. | GRAMIUM | 1826000 |
| 20. | Help Foundation | 1674000 |
| 21. | Indian Society of Agribusiness Professionals | 1605000 |
| 22. | Institute for Human Development | 1606000 |
| 23. | JiwanJyotiSewaSansthan | 1759000 |
| 24. | KIIT University | 1922000 |
| 25. | Madurai Non Formal Education Centre | 2217000 |
| 26. | Mott MacDonald | 1558000 |
| 27. | NABARD Consultancy Services | 1711000 |
| 28. | NR Management Consultants India Pvt. Ltd. | 1637000 |
| 29. | ORG Center for Social Research | 1446000 |
| 30. | Participatory Rural Development Initiatives Society | 1428000 |
| 31. | Poverty Learning Foundation | 1513000 |
| 32. | Pragna Research & Consultancy Services | 1842000 |
| 33. | Rehabilitation and Improvement through Self-Employment | 2129000 |
| 34. | Research & Development Initiative Pvt. Ltd. | 1645000 |
| 35. | Sambodhi Research & Communications Pvt. Ltd. | 1560000 |
| 36. | Santek Consultants Private Limited | 1758000 |
| 37. | Sigma Research and Consulting Pvt. Ltd. | 1640000 |
| 38. | Social Development & Research Foundation | 1907000 |
| 39. | Society for Education in Values & Action | 1608000 |
| 40. | Society for Human Rights and Social Development | 1910000 |
| 41. | Society for Social Services Madhya Bharat Chapter | 1631000 |
| 42. | Socio-Economic and Educational Development Society | 1612000 |
| 43. | SSI Development Society | 2161000 |
| 44. | TNS India Pvt. Ltd. | 1546000 |
| 45. | Wapcos Ltd. | 1552000 |
| | Grand Total | 75428000 |

Source: Lok Sabha Unstarred Question no.2813 dated 14.3.2013

