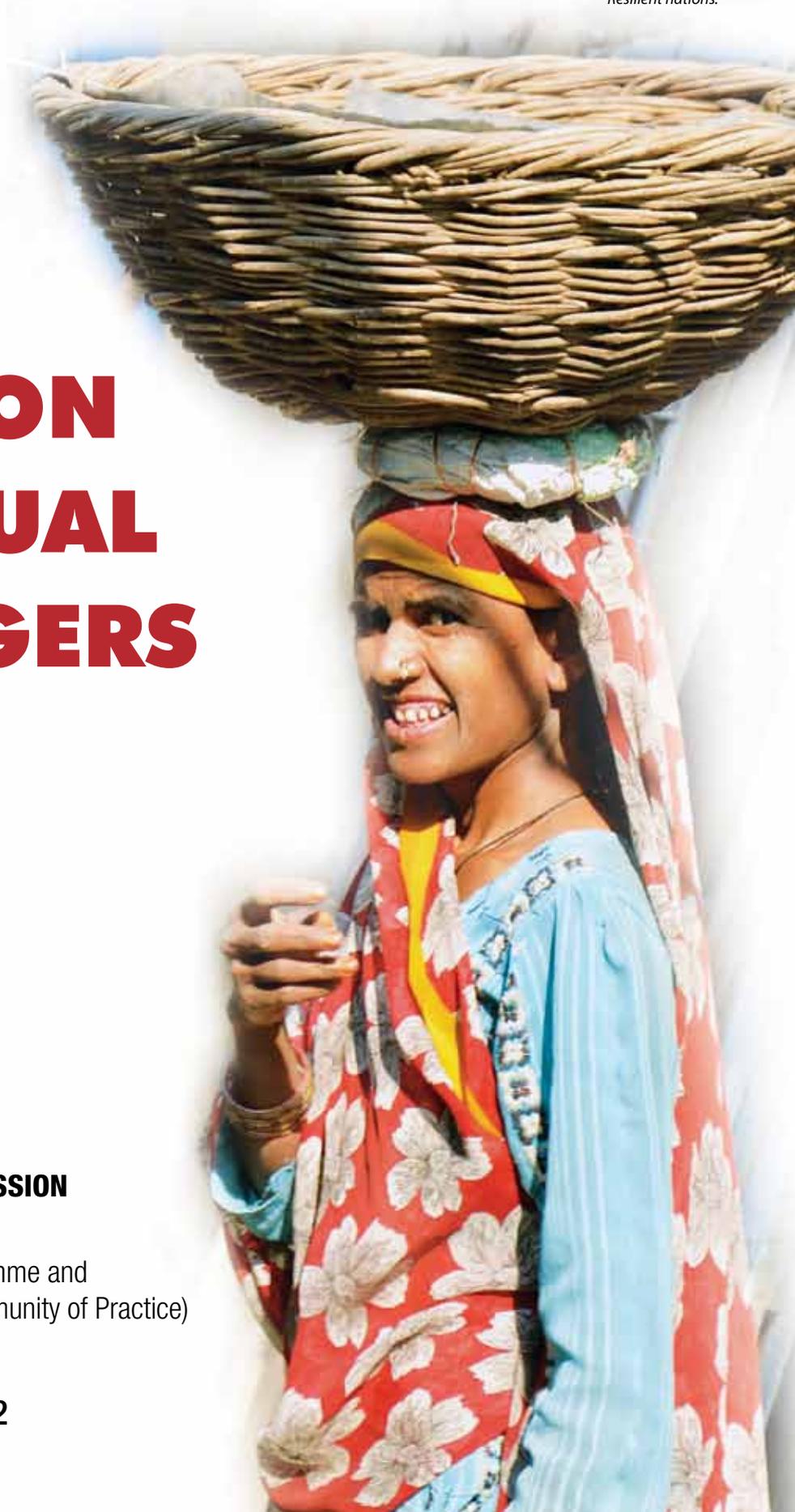


# **SOCIAL INCLUSION OF MANUAL SCAVENGERS**

**A REPORT OF  
NATIONAL ROUND TABLE DISCUSSION**

*Organised by*  
United Nations Development Programme and  
UN Solution Exchange (Gender Community of Practice)

**New Delhi, 21 December 2012**



*Solution Exchange is an initiative of United Nations agencies in India. The Gender Community of Practice is co-facilitated by UNICEF and UN Women.*

*Report prepared by Solution Exchange Gender Community. The Gender Community would like to thank Ms. Pooja Sharma for her rapporteuring and the Water Community of Solution Exchange for their supportive role during the National Round Table. The Water Community is facilitated by UNICEF.*

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*Empowered lives.  
Resilient nations.*

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# I. Introduction

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- 1.1 "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012" was introduced in the *Lok Sabha* on September 3, 2012 by the Hon'ble Minister of Social Justice and Empowerment, Government of India.<sup>1</sup>With a view to eliminate manual scavenging and insanitary latrines and to provide for the rehabilitation of manual scavengers -*the Bill proposed a multi-pronged strategy consisting of legislative and programmatic interventions.*
- 1.2 Three aspects are essential to understand and address the plight of Manual Scavengers. These include: their *Identification, Liberation (liberation from the dehumanizing task) and Rehabilitation.* All three require dedicated time, commitment and resources and in no way are easy to accomplish tasks, as the proposed Bill has also underlined.
- 1.3 In light of the much-acclaimed Bill, a National Round Table (NRT) Discussion was organized by the United Nations Development Programme India in collaboration with the Solution Exchange for the Gender Community and the Water Community<sup>2</sup> on 21 December 2012 at the UN Conference Hall, New Delhi. The Round Table was meant to further draw attention to the plight of manual scavengers with specific focus on their rehabilitation including alternative livelihoods.
- 1.4 By bringing together practitioners/representatives of organisations, from across the country, working with manual scavengers and issues affecting them, the NRT aimed to chalk out effective strategies or opportunities to ensure alternative livelihoods and proper rehabilitation; identify legal or other programmes that ensure a dignified life for manual scavengers; and come up with some tangible steps that can feed into policy processes and thereby help to alleviate the plight of manual scavengers. (*For List of Participants, refer to Annexure*)
- 1.5 It was hoped that some of the tangible steps suggested on the basis of the NRT discussions will inform the 'rules of implementation' of the proposed Bill in terms of eliminating manual scavenging and the rehabilitation of manual scavengers. The deliberations at the round table benefitted immensely from sharing of initiatives by different organisations as well as experiences by several liberated manual scavengers.

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<sup>1</sup> On September 9, 2012, the Bill was referred to the Parliamentary Standing Committee on Social Justice and Empowerment. For reference, a copy of Draft Bill is available at [ftp://ftp.solutionexchange.net.in/public/gen/resource/Bill\\_No\\_96\\_2012.pdf](ftp://ftp.solutionexchange.net.in/public/gen/resource/Bill_No_96_2012.pdf) (PDF; 1.46 MB)

<sup>2</sup> Solution Exchange (SE) is a joint knowledge management initiative of all the United Nations (UN) agencies in India to facilitate the work of development practitioners. Know more about SE at <http://www.solutionexchange.net.in/>

## II. National Round Table Discussion – Session 1

### *Social Inclusion of Manual Scavengers*

- 2.1 The inaugural session of the National Round Table Discussion began with a briefing on the expected nature of the Round Table by Dr. Malika Basu, Resource Person and Moderator, Gender Community UN Solution Exchange (UN-SE). Welcoming the participants, Dr. Basu mentioned that this was the first time the UN-SE was facilitating a round table to address the plight of the manual scavengers. *The specific objectives of the Round Table was to encourage deliberations among practitioners who were either from the manual scavenging community or were closely working with the community and/or were part of any planning/policy processes related to manual scavengers.* The discussions, she hoped, would elicit actionable recommendations.
- 2.1.1 As **'The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012'** introduced by the Government was being analysed by various stakeholders, the Gender Community of Solution Exchange – as part of its knowledge management work, felt the need to review the Bill, especially since majority of manual scavengers were women. A Round Table discussion with the key stakeholders would help review the Bill from an overall development and gender perspective, put forth any critical concerns regarding any of its provisions particularly rehabilitation and livelihoods of manual scavengers, and propose a few tangible suggestions for policy makers to consider.
- 2.1.2 Explaining the **Structure of the Round Table**, Dr. Basu explained that it would be divided into three sessions. The *First Session* – the inaugural session, will provide a background to the current situation of manual scavengers in India. The *Second Session* will be dedicated to 'Stories of Change', wherein different organisations would highlight their initiatives that has facilitated emancipation of manual scavengers, and liberated manual scavengers would highlight their experiences in bringing changes in their lives. The *Final Session*, drawing from the learning and experiences of different organisations and liberated manual scavengers as highlighted in the second session, would focus on recommendations made in the light of the proposed Bill.
- 2.2 **Opening Remarks by Ms. Mona Mishra, Executive Officer, UNDP India:** Ms. Mona Mishra, UNDP India, who has worked extensively on human rights issues and issues affecting the marginalized including women, was invited to make some opening remarks that formally opened the floor for discussion. Ms. Mishra, sharing her views on the issue of Manual Scavenging, pointed out that it had been a part of Indian society for a very long time. Though the first Act against Manual Scavenging was passed in 1993<sup>3</sup>, yet issues affecting manual scavengers have not been fully addressed till now. Amartya Sen, one of India's famous economists, has said **"India is a country with a lot of patience"**. Ms. Mishra noted, in the context of Manual Scavenging, the question arises, **"What should one be patient about? What have we chosen to be patient about?"** She urged that as development

<sup>3</sup>The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition Act), 1993; hereafter referred in this document as The Manual Scavengers Act, 1993. For reference, the Act can be viewed at <http://labour.nic.in/upload/uploadfiles/files/ActsandRules/LabourWelfare/TheEmploymentAct1993.pdf> (PDF; Size: 73 KB)



professionals we should not be patient about the issue which concerns the fundamental dignity of human beings. The Indian Prime Minister too has categorically taken cognizance of this inhuman practice, calling it a blot on the Indian society<sup>4</sup>.

- 2.2.1 Ms. Mishra further pointed out that though many initiatives have been taken by civil society organisations as well as the Government but the issue of MS has not been tackled effectively. **If the past efforts have failed to get the maximum results then there is a need to have new strategies to accelerate the process of change.** The new approach regarding the Manual Scavengers should get the support of both the NGOs and the Government. One of the major accomplishments no doubt has been the passing of the Manual Scavengers Bill in 2012 by the Union Cabinet. This was possible due to the collective pressure by NGOs. Ms. Mishra also highlighted the importance of the UN Solution Exchange as a knowledge platform to take the issue ahead with the Government bodies. On behalf of the leadership of UNDP, Ms. Mishra expressed that UNDP is fully committed to the rights of the excluded groups, *dalits* and the marginalized as well as the rights of women. She concluded with a special thanks to the participants for attending the NRT. She urged the participants to share their experiences and come out with actionable suggestions as well as recommendations.
- 2.3 Ms. Mishra's opening remarks were followed by the **screening of snippets from a Film "Manual Scavengers: The Dirty Picture."**<sup>5</sup> The snippets were shown to present the stark realities and the dismal conditions in which Manual Scavengers find themselves, and the challenges they continue to face.
- 2.4 **The Plight and Status of Manual Scavengers in India – An Overview: Mr. Wilson Bezwada, National Convener, Safai Karmachari Andolan (SKA)** was invited to give an overview

<sup>4</sup> Conference of the State Welfare and Social Justice Ministers, Delhi, 17 June, 2012

<sup>5</sup> The Film – Part 1 and Part 2 - can be viewed at <http://www.ndtv.com/video/player/india-matters/manual-scavengers-the-dirty-picture/236176> (Part I); and at <http://www.ndtv.com/video/player/india-matters/manual-scavengers-the-dirty-picture-part-2/237013> (Part 2)

## Manual Scavengers: The Dirty Picture

### Key Highlights

- The percentage of women engaged in Manual Scavenging is more than men; around 95% engaged in Manual Scavenging are said to be women
- **Manual Scavengers face social, political and economic discrimination**
- They are not allowed to enter places of worship; or access basic services

of the plight and status of the Manual Scavengers in India. Thanking the UN agencies, in particular UNDP and ILO; and the Solution Exchange Gender Community for organizing the Round Table, Mr. Bezwada said he welcomed every move, which was directed towards the eradication of the Manual Scavengers. He noted that *it was difficult to disclose the identity of a Manual Scavenger or his son/daughter because of the undignified manner the society (non verbally) reacted or was likely to react.* He shared that though he had himself never picked a broom and bucket to clean in his life, yet people related his identity to that of a “Bhangi”. *There is discrimination for individuals who have never done this work but are/were related to a Manual Scavengers’ family.* Though Manual Scavenging is a ‘form of work’; the society has coined many disgraceful words to describe a Manual Scavenger (in India) such as -“Bhangi”, “harijan” and “chamar”.

2.4.1 Mr. Bezwada however acknowledged one positive change which was taking place— there was now more space given to address the plight of manual scavengers and manual scavenging as a social issue. The Government of India has been having serious dialogues with civil society organisations. *Mr. Bezwada highlighted a set of issues that he considered pertinent for a discussion on Manual Scavengers in India.* These included:

- **Census data** available in the country on Manual Scavengers **is not accurate.** There is thus a need for a more a systematic survey on Manual Scavengers in all States and Union Territories, which will help to clearly bring out the number of people engaged in this occupation.
- There is a **difference between the issue of Manual Scavenging and Insanitary Latrines;** both should not be linked. The former is a ‘human dignity’ issue and the latter is a ‘sanitation’ issue. Sometimes political parties fail to make a distinction between the two. *Manual scavenging is a caste, human dignity and a gender problem which many times is treated as a sanitation issue!*
- No individual has been punished under **The Manual Scavengers Act, 1993.** In 19 years, there is no actual evidence with the Government to punish anyone under this Act. (Mr. Bezwada shared that about 15,000 photographic evidences were submitted by SKA to the Supreme Court;**a single person is yet to be punished**)
- In the ‘The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012’ especially with regard to the provisions of the Vigilance Committees, the **community’s involvement is vital.**

- In the proposed Bill 2012, a **clause on compensation**, to be given at the time of any injury or mishap to sewage worker, is required.
  - The **National Scheme of Liberation and Rehabilitation of Scavengers and their dependents** (NSLRS)<sup>6</sup>: There is **no information** on the money which has been spent under this scheme. There are reports from some states of severe under utilization of funds. In about 646 districts across India, the District Magistrates/District Collectors have not been able to disburse money under this scheme. Such under utilization of the scheme calls for a debate in the Parliament.
  - The Government officials such as District Collectors should be held accountable for the situation of Manual Scavenging in their districts. If the situation demands, they should be penalised.
  - Monitoring Committees at the State Level should be under the Chief Minister's Chairmanship; at the central level, it must be under the Prime Minister's Chairmanship.
  - It has been challenging to work with the local bodies; through the support of agencies such as UNICEF, UNDP there is more scope of dialogue with the local bodies.
- 2.4.2 Mr. Bezwada also opined that the civil society needed to be more inclusive of the manual scavenging community. He had on several occasions, proposed to TV channels to feature a 'live telecast on the issue of Manual Scavenging'. However, the media has not been very receptive of his request and so far, there has not been any direct live telecast on this issue from any State. Mr. Bezwada concluded by saying that as stigma attached to the identity of a manual scavenger did not allow the other members of the family to live with dignity, **rehabilitation was important not only for the Manual Scavengers but for their families, and for the whole community at large.**
- 2.5 **Special Remarks by Mr. Coen Kompier, Senior Specialist International Labour Standards, ILO Decent Work Team for South Asia:** Among the UN agencies, ILO had recently facilitated a National Consultation in Gujarat to understand the major issues impacting the manual scavengers community. Invited to speak on the occasion, Mr. Kompier drew attention to the ILO Conventions; once a Convention has been ratified by a particular country, the Government of that country is obliged to report on its progress. **India has ratified the ILO Convention No. 111, which deals with Discrimination in Respect of Employment and Occupation.**<sup>7</sup>
- 2.5.1 Mr. Kompier noted that ILO's involvement with the issue of manual scavenging was entirely the result of complaints by two Trade Unions in India, which had been reporting on the fact that manual scavenging was operational in few areas. Therefore, ILO, on the basis of these complaints, has treated *manual scavenging as an issue, where discrimination on the basis of social origin exists*. Mr. Kompier also shared that during an International level conference in Geneva, 'manual scavenging' was discussed on a large scale as a caste based issue. Grant thereafter was given to ILO in India and on the basis of this small grant ILO selected a few

<sup>6</sup> NSLRS – Centrally Sponsored Scheme; launched by Government of India in March, 1992 to provide alternate employment to the scavengers and their dependents. Under NSLRS the scavengers and their dependents are trained in trades of their aptitude which can provide them alternate employment.

<sup>7</sup> The convention requires States to enable legislation which prohibits all discrimination and exclusion on any basis including race, colour, sex, religion, political opinion, national or social origin in employment and repeal legislation that is not based on equal opportunities.

partners locally to work on the issue. ILO's stand on the issue of manual scavenging, Mr. Kompier noted was that of "**Discrimination in Occupation**".

- 2.5.2 Mr. Kompier also noted that different UN agencies had taken different entry points as far as the issue of manual scavenging was concerned. UNICEF has taken manual scavenging as a water and sanitation issue; World Health Organisation (WHO) has taken it up as a health issue. UNDP has set up a special task force on the issue of rights of the Scheduled Caste/ Scheduled Tribes. UN Women has also come on board to address manual scavenging based on the fact that 95% of the manual scavengers were women. ILO facilitated a National Consultation in Gujarat at the Indian Institute of Management to gather understanding on some of the major issues affecting the manual scavengers' community as the State has a formal position that denies the presence of manual scavengers in the state.
- 2.5.3 Mr. Kompier clearly highlighted that **ILO's entry points cannot be social issues** (e.g. access to temple entry, access to community water or inter caste marriages); **ILO is confined to the employment aspects**. He explained that ILO could not work on the basis of complaints of NGOs. Trade unions or for that matter any organisation which is in the form of *Sangathan* could facilitate complaints against discrimination in employment. ILO does not, however, confine to only registered organisations. Mr. Kompier confirmed that ILO would 'try to link' the issues of policies with that of implementation in future. Few important future plans of ILO include documenting a Manual for the Districts, documenting a Manual on Social Security for the rehabilitation schemes and conducting research on the progress of the rehabilitation schemes. Cases of Manual Scavenging have been reported from other developing countries such as Nepal and Pakistan. It is being envisaged that ILO would expand its work in these countries.
- 2.5.4 In India there have been interventions from the High Courts, the Supreme Court, the National Advisory Council (NAC) as far as the manual scavenging issue is concerned. Mr. Kompier emphasized that in spite of an active Judiciary and well written laws **there was lack of adequate implementation of the laws on the ground**. There is an urgency which is needed to work collectively for their effective implementation. He added that the recent Bill had substantial loopholes. For instance, the Bill fails to classify the manual scavengers properly; the definition of the manual scavengers has been narrowed down. The Indian Railway authorities have been exempted from the Bill; public authorities - whether the Indian Army, Police or Indian Railways - should be signatories to this Bill.
- 2.5.5 Mr. Kompier concluded by saying that the United Nations should also try to make their workforce more diverse. The core knowledge and experience lies with the people who are working in such situations at the field level. At UN too, there should be efforts to involve such people in planning on the issue.

## III. Stories of Change - Session 2

### *Experiences of Liberated Manual Scavengers and Some Organisational Initiatives*

3.1 Following the inaugural session, the Second Session at the NRT Discussion was dedicated to the 'Stories of Change', wherein Liberated Manual Scavengers in particular and organisations working with Manual Scavengers were encouraged to share their experiences and initiatives. **The following section captures broadly the various experiences and initiatives shared. Learning from such initiatives and experiences contributes towards enabling the processes of identification, liberation and rehabilitation of Manual Scavengers to become more effective.**

3.2 While narrating their stories of change and success(See Box Items),**Liberated Manual Scavengers highlighted** some of the **key challenges** that they faced during their process of liberation. Some continue to face these challenges and thus lament that *such challenges, if not addressed, will thwart the efforts of many others trying to liberate themselves from the scourge of manual scavenging.* The challenges highlighted by (liberated) manual scavengers include:

- *No knowledge of whom to initiate a dialogue with and make aware that as manual scavengers they were unhappy about their situations.* As mostly women are involved in this work, men tend to have a closed mind set regarding their situation. Women face huge discrimination and are not allowed to do any other work.
- *No understanding on how to find alternative jobs.* Today however, due to organisational interventions and initiatives, some women have been liberated and rehabilitated.

**Kiran Fatrod, Madhya Pradesh**

*From Manual Scavenger to an Aganwadi Worker*

*"I am from the Valmiki Community which has been into Manual Scavenging for a long time. After getting married, I used to feel bad about doing Manual Scavenging. I just used to do this work throughout the year, without getting any holiday. Men in our community never used to let us talk to anyone and forced us do this work. It was my inner calling which made me explore alternative ways of work. Along with other women, I started looking for other means by which we could earn. It was heartening to know that we could earn Rs.100 by other means. But as manual scavenging was the real identity of our community, we faced a lot of humiliation. The main issue was that members from other castes did not accept us if we tried doing any other job. They used to call us with names such as bhangji, harijan etc. Our community wanted to live a dignified life and so we all started making efforts. Now through our efforts many girls in our village are educated till 9th standard. Today, I am an Aganwadi worker and I am proud of myself."*

- *Poor knowledge of the existing Act (1993) within the Manual Scavenger's Community:* As the level of education is poor, accurate information on the Act does not exist within the community. The translation in regional language of the Act is not available which leads to lack of clarity on the provisions of the Act for the community.
  - *Lack of Proper Legal Documentation:* Again, due to low educational level, there is a lack of proper legal documentation like the voter id, caste certificate, ration card, etc. The 50 year residential proof required for the rehabilitation also does not exist with many community members. Therefore, many of the members are not able to access rehabilitation schemes where these legal documents are a prerequisite.
  - *Caste based Discrimination:* In one of the cases in Rajasthan, it was noticed that although under rehabilitation scheme cattle were given for dairy business, due to caste based discrimination, the milk was not purchased from that dairy by members belonging to other castes. In another example, the ration shops did not run due to biases people had for the particular caste. Similar caste based discriminations are cited by the *Madigar* community in the South. The high caste priest and pundits often summon the Madigars to clean their toilets; the hospital authorities intimidate them into cleaning the dead bodies during postmortem; they are also forced by the local authorities to remove dead dogs and other dead animals. In such circumstances, alternative occupations do not work well and the community member, even if under a rehabilitation scheme, is compelled to take up manual scavenging again.
  - The *societal attitude* towards the manual scavengers remains a challenge.
- 3.3. In addition to Liberated Manual Scavengers narrating their life stories, some organisational initiatives were also highlighted. It helped to showcase that committed efforts are likely to yield results howsoever tough the challenges. Nevertheless, like individual manual scavengers, organisations working with manual scavenging community too are faced with a number of challenges, as was shared by the participants.
- 3.4 **Sulabh International Social Service Organisation**, a non-profit voluntary social organisation founded in 1970 by Dr. Bindeshwar Pathak, is dedicated to Gandhian ideology of emancipation of scavengers. Sulabh has been working for the removal of untouchability and social discrimination against scavengers. Its Environmental friendly two-pit, pour-flush compost toilet known as Sulabh *Shauchalaya* is socially acceptable, economically affordable,

### Gomti Valmiki, Uttar Pradesh

#### Fighting Caste Based and Societal Discrimination

*"I have had a difficult time in raising my children. I used to clean toilets early in the morning. From a very young age my children also started cleaning toilets. My family was not allowed to drink water from the community tanks. There was immense discrimination which we all have faced. People used to close doors when we used to be passing by.*

*At the time of Roza (fasting done during Ramzan) we were not allowed to enter the Mosques. Neither did Hindus accept us nor did mosques open the doors of worship for us. It has been miserable."*

technologically appropriate and does not require scavengers to clean the pits. It has been implemented in more than 1.2 million houses all over India that has helped liberate over a million scavengers. The **Sulabh approach to restore human dignity to Balmikis** has **five distinct stages**: a) Liberation; b) Rehabilitation; c) Vocational training; d) Proper education of next generation; and e) Social elevation. *Sulabh has laid emphasis on the construction of proper toilets in order to mainstream manual scavengers.* After developing the technology, Dr. Pathak evolved a methodology which spelt out how a non-profit making social organisation could work as a catalytic agent between the Government, local bodies, and the beneficiaries. It is not possible for the Government alone to liberate scavengers from the subhuman occupation. Sulabh suggested *house-to-house contact and campaigns in local languages for liberation of manual scavengers as part of the methodology.* This was adopted by the Government of Bihar; now many State Governments are adopting this methodology. Sulabh has also initiated a vocational training center with the name, **Nai Disha**. About 109 women have been imparted training on vocational aspects such as stitching, tailoring, etc.

### **Muthyalappa, Karnataka**

***From Rs.800 Earning Rs.4000 by Selling Ground nut Waste***

*"During 2002, when I was only in 7<sup>th</sup> standard I dropped out of school. I joined as a sweeper in the Municipal Corporation. The payment was not enough for my family's survival; therefore, I started cleaning soak pits, dry latrines at night. I was able to earn Rs. 600 - 800.*

*I have two sisters to be married. About 2 acre land was given by my parents, which I mortgaged with the Bank. In 2009, the Government schemes focusing on community based monitoring was initiated in my district. I started selling ground nut waste. I was made leader of the union under a community based monitoring scheme. As a leader, I participated in several trainings. I was able to earn Rs.4000-5000. I completely left the job of a manual scavenger. Though, a lot has changed in my life but people in my village identify me with my old image of a manual scavenger."*

3.5 **Rights Education Development Centre (READ), Tamil Nadu:** READ, an NGO based in Tamil Nadu mainly focuses on mobilizing the manual scavengers as leaders in *Sangathans*, for education of their children, creating awareness on the issue of untouchability, building courage and showing the community possibilities of alternative occupation. In 2011, through READ, 25 manual scavengers were completely rehabilitated. *Some of the alternative livelihoods which have been operational through READ's efforts are fruit selling, chappal (shoe) making etc.* READ is also running 5 tuition centers, in which 130 children are getting trained. Manual scavengers are motivated to work in alternative livelihoods after seeing their children settled in tuition centers.

3.6 However in its efforts, READ has faced with a number of challenges. Similar challenges were echoed by other participants whose organisations are striving to make a difference in the lives of the manual scavengers. **Some of the challenges faced by organisations include:**

- **Prejudices of the Upper Caste:** One of the biggest community based challenges is that *elected bodies, especially comprising of upper caste members, tend to threaten the NGO*

to stop the work of liberating the manual scavengers. NGO representatives would be asked, "Are you going to clean the community toilets? Who will clean the toilets if you liberate all the manual scavengers?"

- *Lack of proactive approach by Government agencies* responsible for effective implementation. There have been instances when organisations have brought to light the existence of manual scavengers in particular areas; the response to their complaints to the District Magistrate as well as the National Human Rights Commission has not been very forthcoming.
- *Under utilization of resources allocated under a Scheme:* For instance, there are schemes specifically meant for manual scavengers such as the pre-Matrix scholarship. There are reported cases of school headmasters dismissed due to misappropriation of funds. In such situations, money is returned to the Government and remains under utilized. Also, under-utilisation impacts organisations' work, who are trying to link manual scavengers or their family members to different schemes, and enable them to draw benefits.
- *Making alternative livelihoods sustainable:* Sometimes the manual scavengers who are selling fruits face the challenge of fruits not being purchased by the people in their local areas/bus stands because their 'identity' is known to the buyer. Hence, their buyers only comprise people from far off communities/places. Though there are cases where manual scavengers are able to earn Rs.200 everyday by selling fruits, the persistent discrimination is likely to affect the sustainability of pursuing a specific occupation. *Organisations grapple with issues of sustainability of livelihoods when it comes to manual scavengers.*

### **Usha Tomar, Alwar**

#### **Organisational Intervention Helps Quit Manual Scavenging**

*"I belong to Alwar, Rajasthan. I was taught manual scavenging since I was 7 years old. Even after marriage there was no major difference in my life. At my in-laws house too, I was made to do this work. Though I used to do my work, I always felt humiliated when people threw money at my face. There was large amount of discrimination which I faced when I was told not to enter temples and other public worshipping areas. There were growing health issues which children of our communities faced.*

*It was only after Sulabh's intervention that the community got options for alternative livelihoods. The organisation offered various vocational and skills development courses under its initiative, **Nai Disha**, such as papad making, achar making etc. Now I am earning about Rs.1500 per month.*

*Also, the main reason for total rehabilitation was the construction of toilets by Sulabh. Community members have accepted me now because I left Manual scavenging completely.*

- 3.7 **Navsarjan, Gujarat:** Another organisation that shared its work and initiatives was Navsarjan from Gujarat. Mr. Martin Macwan, representing Navsarjan, pointed out that based on Navsarjan's experience, *there is a need for a legal strategy.* For example, in case of



Gujarat, the State denying the existence of Manual Scavenging has led his organisation to approach the High Court. The Court appointed a Commission of enquiry on the status of Manual Scavenging, which challenged the Gujarat State to accept the presence of Manual Scavenging. Mr. Macwan highlighted some other issues in relation to Navsarjan's work and noted that *there was a need to find ways to work with the Government*. **The issues raised by Navsarjan, mentioned below, are issues that are relevant in other parts of the country as well.**

- *Manual Scavengers are treated as untouchables and there is complete social exclusion. Many times their refusal to clean toilets etc. has led to violent manifestation by the upper caste community. There is no protection against this violence. Historically, since there was law which made it mandatory and the community could not refuse the practice, it continues to find it challenging to deny the upper caste members.*
- *It has been identified that other *dalit* communities engaged in doing customized services are performing better after Government sanctioned land to them. Manual scavengers are the only community which did not get land from the Government. Therefore, *best programme for rehabilitation would be land allotment/patta system.**
- *Around 70-80% children are dropping out of school before they reach the 7<sup>th</sup> standard. One of the reasons is the recent urbanization. There is a huge migration of manual scavengers from rural to urban areas for work. The new housing societies in Gujarat especially have been consuming services of manual scavengers. Navsarjan's experience shows that even after starting vocational courses in the community, very few young men/women came from manual scavenger's community, there is a need to come up with some strategies for their education as well as life skills training.*
- *The issue of manual scavenging needs a multiple approach. Just offering a good legislation or only education or only small economic rehabilitation would not help. There is need for a multiple approach in which all the areas are in congruence. Unfortunately, the Government is only looking at providing economic rehabilitation by giving economic subsidies. According to Mr. Martin, the problem of manual scavengers is not just their problem, but it is a problem for India as a country.*

3.8 The session, *Stories of Change*, concluded by a brief intervention by **Mr. Alok Shrivastava, Joint Secretary, National Human Rights Commission (NHRC)**. Mr. Shrivastava, shared that the NHRC had organized a National workshop in March 2011 on the issue of Manual Scavengers. He shared some of the recommendations from the workshop. He hoped that the participants will take these recommendations into account along with several challenges highlighted by the liberated manual scavengers as well as organisations working for them (refer to *Section 3.2, 3.5, 3.6*), during the final session of the Round Table. The NHRC recommendations included:

- Implement The Manual Scavengers Act 1993 in letter and spirit.
- Ensure matching data documentation between Center and States.
- Mechanize Cleaning of Septic Tanks.
- Advise Railways to minimize the human intervention; Railways also advised to innovate special technology.
- No discrimination with children of manual scavengers.
- Jobs to the dependents of the manual scavengers according to their qualifications.
- Plethora of schemes like NREGA, Sarva Shiksha Abhiyan exist on the ground. It is important that the evaluations of these schemes are based on the changes that these schemes bring to the quality of life of the *Safai Karamcharis*.
- Revise existing schemes for rehabilitation and make them more viable as well as practical.
- Discourage and stop subletting the service within the community (the problem then is never likely to end).
- Efforts of both NGOs and Government should be towards changing the attitude of people regarding manual scavenging.

3.8.1 Mr. Shrivastava concluded by saying that a new slogan had been coined in NHRC which was, "It is easy to be a man and human; but not everyone is a human. Let us inculcate humanity."

## IV. Moving Forward – Session 3

### *The Draft Bill 2012 and Select Recommendations*

- 4.1 The last and the final session was co-chaired by Ms. Sarada Muraleedharan, Chief Operating Officer-National Rural Livelihood Mission (NRLM), Government of India and Mr. Martin Macwan, Navsarjan, Gujarat. Based on the preceding sessions, the final session was dedicated to reviewing the Draft Bill 2012 and making a few tangible suggestions that if considered, could make a difference in promoting alternative livelihoods for the manual scavengers.
- 4.2 Opening the last session, Ms. Muraleedharan contextualised the issue of manual scavenging from the perspective of the NRLM mission and highlighted three key points as follows:
- **Exclusion of “Poorest among the Poor”:** As a COO of NRLM, her main responsibility is social inclusion. Based on her experiences, she shared that though the Government programmes have targeted the *poorest of the poor*, yet sometimes the real marginalized are often found excluded in programmes and schemes. Marginalization is very deeply rooted. Therefore, from the beginning NRLM’s top priority has been to focus on those communities of poor who are not automatically coming under “poor”. NRLM is attempting to work with Panchayati Raj Institutions, Civil Society Organisations including NGOs. Still, mobilizing the real marginalized is a challenge for NRLM. For Ms. Muraleedharan, a “safai karamchari” would come under the ‘real marginalized’. Since states are in denial, ownership regarding manual scavengers is not there. The issue, therefore, is how to make the States identify manual scavenging.
  - **Only providing Subsidies is not a solution:** States have, across India, looked at only subsidies as a means to empower the Manual Scavengers. From the day’s discussion, she felt that just subsidies would not lead to empowerment. *Financial inclusion, alternative livelihood, creating value chains as well as societal attitude needs to be addressed with equal urgency.* NRLM is also attempting to empower people to alleviate poverty. She emphasized that one of the things which was very important for empowerment was entitlements; the other was the favorable environment to access these very entitlements. The community members who are into Manual Scavenging are entitled to dignity and self-worth. Somewhere these issues should also be woven together in order to empower them.
  - **Highlight the areas of Government accountability:** Ms. Muraleedharan requested the group to focus on specific Government systems that should be made liable for accountability. The participants also need to present **a list of the areas where quality of services needs improvement.** She felt the group present must highlight issues that could be raised under the given policy framework; and separate them from issues which are beyond the policy framework, and hence would need call for a different advocacy strategy.

- 4.3 Taking into account the three key points made by Ms. Muraleedharan, Ms. Asif Sheikh, Jansahas/Rashtriya Garima Abhiyan, was invited to make specific comments on the existing Act (The Manual Scavengers Act, 1993) and the proposed Bill (The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012) to facilitate further discussions that can lead to tangible suggestions to strengthen the proposed Bill 2012 for the benefit of the manual scavenging community.
- 4.3.1 **The Manual Scavengers Act, 1993 – Key Gaps:** Mr. Sheikh highlighted some of the critical gaps in the existing Act as follows:
- At large, the Act was formulated taking only technical aspects into consideration. It failed to deal with the human dignity aspect, which is fundamental to the whole issue of manual scavenging. It is silent on social issues such as *untouchability*, caste discrimination, rehabilitation as well as gender discrimination.
  - There was a critical element of free will as far as adopting this law by the States was concerned. From 1993-2010, the states adopted the law at their will. Many states were not willing to adopt it (and the National Human Rights Commission had to compel States to at least adopt the law).
  - Identification was not clearly mentioned in the Bill. Also, while one State would deny the existence of the practice yet at the same state, it would demand money under the schemes for the manual scavengers.
  - Rehabilitation issues were missing. Ministry of Housing and Urban Poverty Alleviation (HUPA) did not take responsibility and recommended that Ministry of Social Justice and Empowerment take the lead in rehabilitation issues.
- 4.3.2 **The Draft Bill 2012:** While the proposed Bill 2012 has several positive features and is also viewed as a welcome move, Mr. Sheikh suggested that since a Bill had been introduced, it was evident that the Government accepted that the practice of manual scavenging existed in India and needed attention. With regard to the Draft Bill, he further added -
- A question has been raised as to whether the people who are doing manual scavenging are 'bonded labourers' because they are working under forceful conditions.
  - The Railway Department is always in a denial mode with regard to manual scavenging in their department; they be made signatory to the Bill.
  - Penalties have been increased under the Bill. However, if the provisions of the Bill are not implemented at the ground level, then the revision of the penalties does not hold much value.
  - It was suggested earlier that Ministry of Social Justice and Empowerment should be the nodal agency; this has been clearly adopted in the Bill. The standing committee is overlooking it now.
  - Since the definition of manual scavenging is broad, individuals working in different situations such as unions working for the sewage workers, unions working for the rights of Scheduled Tribes/Caste can come together on the basis of the Act and fight for their rights collectively.

- For the purpose of rehabilitation, over Rs. 4000 crores has been sanctioned by the Central Government and provisions have been laid down for rehabilitation.

4.4 **Specific Points Raised by Participants on The Draft Bill 2012:** Mr. Sheikh's comments led the group to deliberate further and the following points were put forth with regard to the Bill:

- The Ministry of Rural Development recently gave priority to the issue of manual scavenging. Under NRLM, priority to manual scavengers has been promised, but the challenge remains. A change in leadership can lead to a change in commitment on the issue. *In the rehabilitation clause of the Bill, therefore, giving priority in Government schemes needs to be added.*
- There is a huge *issue of identification of manual scavengers at the ground level.* The national survey must involve the category of manual scavengers who are liberated. The involvement of civil society organisations and trade unions working on manual scavenging during this survey can make identification more authentic.
- Scholarship programmes need to be included under the current Bill; there is a need to offer comprehensive scholarship including hostel facility; focus must also be on dealing with issues of social exclusion of children of manual scavengers in schools.
- When the Bill was in its preparatory stage, many including Government officials, had felt that about 5 acres of land be given for the rehabilitation of the Manual Scavengers; at the time of concretization of the Bill, this provision, however, has not come out as a concrete suggestion.
- Since 1993, rehabilitation has been provided for the manual scavengers, but apparently 70% of the people who benefitted from the rehabilitation schemes are not part of the manual scavenging community. To address such issues, the current Bill must make a *strong provision for audit.* (It is proposed that audit must be done of the money spent under rehabilitation schemes each year; cases where money has been disbursed must be verified, and any corruption case must be handled with stringent action)
- A special development report regarding the progress should be presented in the Parliament and State Assembly every six months until total eradication of manual scavengers is ensured.

4.5 **Recommendations Specific to Alternative Livelihood Sources and Decent Work:** The issues highlighted above (refer to *Section 4.3.2, Section 4.4*) are pertinent and deserve attention. In addition, the participants, through their intense deliberations, came up with a number of recommendations. Some that were specific to facilitating alternative livelihoods and decent work for the manual scavengers are mentioned below:

- In Chapter 1 of the Draft Bill, hazardous cleaning is defined in section 2 (c). Currently, in many situations, due to the total clogged areas, workers are sent in these high risk zones to work. It is recommended that *in all probable situations, conditions must be laid down describing the situations which need human intervention. An extra remuneration must be provided in such cases.*

- The Draft Bill has a clause on how the septic tank cleaners should be equipped for their task/job. There is another clause which deals with protective technology; it is important to *define the exact meaning of protective technology.*
- A Suggestion given by the Rashtriya Garima Abhiyan with regard to Chapter IV sec. 6 (3) was well appreciated by all participants. The suggestion includes -“All Municipalities, Panchayats, Cantonements Boards, notified areas and other local bodies, Railways, other Government departments including Civil Aviation and Transport, all Public Sector Undertaking and Establishments, all Public Sector Banks *shall make detailed plans of the number of Manual Scavengers to be shifted to other services, identify their training needs and equip them with alternative employment.*”
- Allotment of 5 acres land/*patta* to the liberated manual scavengers (as mentioned under Section 4.4. above): land given must also be cultivable and in the form of joint entitlement (for women and men). The Bill also needs to promote nonfarm jobs like livestock-keeping, etc.
- Employing any person to do manual scavenging must be treated as an atrocity. *A special clause for the local authorities be inserted in the Bill that “no person especially a child or minor be employed under such occupation”* (After a minimum time frame of notice, the District Collector must be held responsible and punishment directed towards him).
- Where rehabilitation is in the form of a loan, lowest interest be applied.
- While NRLM offers opportunities of alternative employment; other government departments (e.g. Ministry of Women and Child Development) and schemes (e.g. NREGS) must also give priority to the liberated manual scavengers. The provision for such priority must be mentioned in the current Bill.

4.6 **Other Recommendations:** Besides specific recommendations on alternative livelihoods (Section 4.5), several other recommendations were discussed and put forth. These include:

- The word “*manual scavenger*” be removed; it is an undignified identity.
- The current Bill gives the local bodies such as the Municipality in urban areas and the Panchayat in rural areas, the power to conduct survey for the identification of the manual scavengers in their areas. It was *reiterated that this survey involve the liberated manual scavengers, civil society organisations and trade union in order to ensure an authentic survey.*
- Mr. P.S. Krishnan cited that in the Bill proposed by him<sup>1</sup> a special clause has been mentioned which should be proposed. This clause entails, “*In case of death of any sewage worker or septic tank worker during work or under circumstances connected with their work, an amount of Rs. 5 Lakhs shall be paid as compensation to the surviving family and the State Government shall take over the education of all children of the family of the deceased by admitting them in residential schools.*”

<sup>1</sup> Mr. Krishnan has also prepared a comprehensive draft Bill, namely, “Manual Scavengers and Other Sanitation Workers (Total Liberation, Comprehensive Rehabilitation & Humanisation of Working Conditions) Bill” for a Working Group of the Ministry of Labour of which he is a Member. The Bill has been cleared by the Working Group and is now before the Government.

- Mr. Krishnan also mentioned that a few communities among the Scheduled Castes are really vulnerable such as the *Valmiki* from North India, *Mehwal* in Rajasthan. The state must make special provisions that children of these communities attend school till the 12<sup>th</sup> standard. There must be focus on social inclusion in the education system.
- The issue of discrimination against manual scavengers' children in schools cannot be negated. They are made to clean the school toilets in school premises. It has been reported in Gujarat. The Bill thus, must incorporate strict punishment for the School Headmaster if such incidences are reported.
- With regard to Education, the Ministries of Human Resource Development and Social Justice and Empowerment should together formulate a strategy for the functional literacy of the *Safai Karamcharis*. For their benefit, instead of 8 hours of cleaning engagement there should be 6 hours of engagement. The remaining hours should ensure free and compulsory education. This would give *Safai Karmacharis* functional literacy and they would be motivated to further send their children to school. (*Functional literacy on 3 aspects - health, education and livelihood - proposed*).
- In every Gram Panchayat, there are generally 3-4 sub committees. One of the committees looks after 'social justice'. On a mandatory basis, there must be a discussion on the status of manual scavenging and it must be the duty of the President and/or Secretary to record the same under the Gram Panchayat proceedings.
- *Relook at the system of paid toilets*; it has not worked well due to the subletting system. The suggestion is to decentralize the management of toilets; 10 families should manage one toilet.
- *Monitoring committees* constituted at the state and district level *to comprise one or two members from the manual scavengers' community*.
- Constitute National Safai Karamchari Commission in all states to handle issues critical to Safai Karamcharis.
- Mention *compulsory adoption of the Bill by the State Governments* in the Bill.

## V. Conclusion

- 5.1 The participants at the Round Table supported the idea of the Government of India declaring one particular year for the liberation of the *Safai Karamcharis* wherein the focus shall be given to their overall progress. In this dedicated year, *Melas*(Knowledge Fairs) which impart functional education and health awareness could be organized across the country.
- 5.2 On behalf of UNDP, Ms. Shashi Sudhir thanked all the participants who attended the conference and shared their valuable insights and experiences. Ms. Sudhir extended special thanks to the Chairs/Co-Chairs of each of the three sessions. Acknowledging the presence of government officials, she thanked the officials from the Ministry of Social Justice and Empowerment, National Human Rights Commission and the Ministry of Statistics and Programme Implementation. She applauded, in particular, the efforts of the Gender Community of UN Solution Exchange in organizing and facilitating the NRT.
- 5.3 Ms. Shashi Sudhir pointed out that UNDP believed in human development. It also believes in the voices of the community. It has always believed in taking the voices of the community to the various Ministries of the Government. UNDP's new programme (2013-17) has a special focus on social inclusion with particular attention on persistently excluded groups. In the coming years, UNDP would strive to network with the Ministries and civil society organisations to work on issues that were highlighted in the Round Table Discussion.

# Annexure

## List of Participants

Sl No	Name	Organisation	State
1	Mr. Charles Wesley Meesa	National Dalit Alliance	Andhra Pradesh
2	Mr. S Viswanath	Sanghamitra Service Society	Andhra Pradesh
3	Mr. Ratan Ravi	Samajik Shaikshanik Vikas Kendra (SSVK)	Bihar
4	Mr. Martin Macwan	Navsarjan	Gujarat
5	Mr. P Waghela	Manav Garima, <i>Part of Jan Vikas Initiative</i>	Gujarat
6	Dr. K G Gayathridevi	Centre of Ecological Economics & Natural Resources/Institute for Social and Economic Change (ISEC)	Karnataka
7	Mr. K B Obalesha	THAMATE	Karnataka
8	Mr. Muthyalappa	THAMATE	Karnataka
9	Mr. Ashif Sheikh	Jansahas-Rashtriya Garima Abhiyan (RGA)	Madhya Pradesh
10	Ms. Kiran Fathord	Jansahas	Madhya Pradesh
11	Mr. Rajkumar	RGA	Madhya Pradesh
12	Ms. Taslim Bi	RGA	Madhya Pradesh
13	Ms. Priyanka Jadhav	Utthan Trust	Maharashtra
14	Mr. Sandeep Jedhe	Utthan Trust	Maharashtra
15	Mr. Kishor Chandale	RGA	Maharashtra
16	Mr. Prakash Chand	RTI Activist; also member, Safai Karmachari Andolan (SKA)	Rajasthan
17	Mr. Mahesh Chandra	SKA	Rajasthan
18	Ms. Guddo Devi	SKA	Rajasthan
19	Ms. Usha Chumar	Nai Disha/Sulabh	Rajasthan
20	Ms. Dolly Parwana	Nai Disha/Sulabh	Rajasthan
21	Mr. R Karuppusamy,	READ	Tamil Nadu
22	Mr. R. Subba Rao alias Athiyamaan	Aathi Thamizhar Peravai (ATP)	Tamil Nadu
23	Mr. P Srithar	Aathi Thamizhar Peravai (ATP)	Tamil Nadu
24	Mr. V Kannadasan	CARDS-Cultural Action and Rural Development Society,	Tamil Nadu
25	Ms. Gomti Valimki	Jansahas	Uttar Pradesh
26	Mr. Ali Hussain	Jansahas/Rashtriya Garima Abhiyan (RGA)	Uttar Pradesh
27	Mr. Vijay Bendwal	Jansahas/Rashtriya Garima Abhiyan (RGA)	Uttar Pradesh
28	Mr. Rajpal Balmiki	SKA	West Bengal

**PARTICIPANTS FROM DELHI/GURGAON/NCR**

SI No	Name	Organisation
29	Dr. Suman Chahar	Advisor, Sulabh; Member, Task Force, Government Bill on MS
30	Mr. Jainath	Sulabh
31	Mr. Suresh Kumar	Sulabh
32	Mr. Alok K Shrivastava	Joint Secretary, National Human Rights Commission
33	Mr. Girender Nath	National Commission for Safai Karamcharis
34	Mr. P S Krishnan,	Retd IAS, Former Secretary, Government of India
35	Mr. Rajpal Mehrolia	Akhil Bharatiya Safai Mazdoor Sangh
36	Mr. Santosh K Samal	Dalit Foundation
37	Mr. V K Parwanda	NSKFDC, Ministry of Social Justice and Empowerment, Gol
38	Mr. Vidya Prakash	NSSO, Ministry of Statistics and Programme Implementation
39	Mr. Wilson Bezwada	SAFAI Karmachari Andolan
40	Ms. Agrima Bhasin	Centre for Equity Studies
41	Ms. Aparajita Goswami	--
42	Ms. Sarada Muraleedharan	COO, National Rural Livelihood Mission (NRLM), Gol
43	Ms. Shantha Krishnan	Member, High Level Committee, Gol (reviewing the Status of Women)
44	Ms. Vibhawari Kamble	--

**UN REPRESENTATIVES**

SI No	Name	Organisation
45	Ms. Mona Mishra	United Nations Development Programme
46	Ms. Shashi Sudhir	United Nations Development Programme
47	Mr. Coen Kompier	International Labour Organisation
48	Ms. Leena Patel	UN WOMEN
49	Ms. Rachna Bisht	UN WOMEN
50	Ms. Sunetra Lala	Solution Exchange Water Community
51	Dr. Malika Basu	Solution Exchange Gender Community
52	Ms. N Felicia	Intern with Gender Community
53	Ms. Pooja Sharma	Rapporteur



## Solution Exchange Gender Community

The Gender Community promotes gender equality and women's empowerment in India, focusing on increasing development effectiveness to improve the gender and girl child situation, promote a rights-based approach to development, and ensure gender mainstreaming. Solution Exchange helps members of this Community increase the effectiveness of their individual efforts to promote gender equality and address challenges to women's involvement in development – increased access, capacity, and equality in women's social, economic and political endeavors, by tapping into their collective knowledge and collaborative actions.

### Issues Covered:

- Gender Based Violence (GBV) including Prenatal Sex Selection, Human Trafficking, Domestic Violence
- Issues of tribal, dalit and marginalized women
- Child Rights and Protection
- Issues of Sexual Minorities
- Social Security Issues (including the elderly, women headed households)
- Engendering policies, programmes and institutions (e.g. gender budgeting, sexual harassment at work place, gender mainstreaming)
- Gender Equality and Empowerment of Women (e.g. economic, political)
- Gender gaps and disparity (e.g. education, health, governance, access to resources)

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