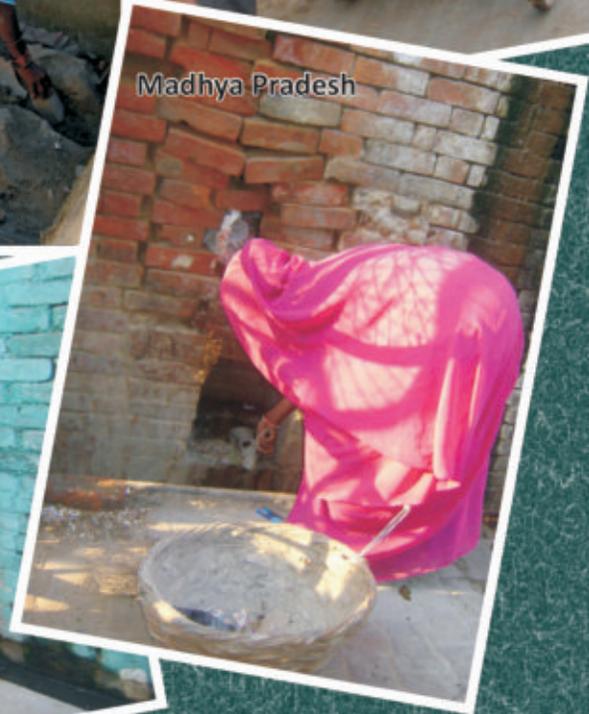


Eradication of Inhuman Practice of Manual Scavenging and Comprehensive Rehabilitation of Manual Scavengers in India



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Preface

The inhuman practice of manual scavenging was banned in the country 17 years back in 1993 through passing a legislation in this regard by the Parliament of India. Prior to 1993 also there have been attempts to put an end to this practice. In 1901 Mahatma Gandhi raised issues related to the work and social conditions of those involved in this practice. Dr. B R Ambedkar also raised his voice against this practice. Dr. Ram Manohar Lohiya also raised this issue in the Parliament in 1968. Many committees have been formed since 1947 and the Planning Commission of India also formulated many programmes in its five year plans to put an end to this practice. The Government of India has operationalised multi Crore rehabilitation schemes like National Scheme for Liberation and Rehabilitation of Scavengers since 1992 and Self Employment Scheme for Rehabilitation of Manual Scavengers since 2007 along with deciding time lines for putting an end to this practice several times after independence.

However, inspite of all these efforts Lakhs of Dalits and Dalit Muslims, most of whom are women, are forced to continue in this inhuman practice. Today this practice continues from Kashmir to Kanyakumari, from sick states to progressive states and even in states like Uttar Pradesh, which has a government representing Dalits, and West Bengal, considered to be a government representing labour class.

Those involved in manual scavenging not only suffer from the inhuman pain of scavenging human faeces but also go through the unbearable pain and humiliation of discrimination, untouchability and social exclusion. Very less percentage of children of these communities are in schools because they do not 'drop out' but are 'pushed out' from there.

The continuation of the inhuman practice of manual scavenging is a profanity not only on those involved in this practice but on the country and putting an end to it is the responsibility of the country as a whole. This document therefore is prepared based on the issues and recommendations that emerged out of the National Consultation on Manual Scavenging organised by Rashtriya Garima Abhiyan and Maila Mukti Gathbandhan on 21st December 2010 in Delhi the participants of which included hundred of women involved and liberated from this practice, social workers, Planning Commission of India, National Advisory Council, representatives from Rashtriya Safai Karamchari Ayog and elected representatives.

We hope that if the Government, Voluntary Organisations and Commissions and Political Parties work together on these recommendations we will be able to put an end to this inhuman practice and ensure justice for the affected families.

Lali Bai and Ashif Shaikh

Convener

Rashtriya Garima Abhiyan

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Situation Analysis and Recommendations for Eradication of Inhuman Practice of Manual Scavenging and comprehensive Rehabilitation of Manual Scavengers in India

1 - The population of manual scavengers: various estimates

1. **Self Employment Scheme for Rehabilitation of Manual Scavengers 2007:** The total number of manual scavengers and their dependents across the country was 7,70,338, according to the survey reports received from the states. Out of that number, 4,27,870 people had already received assistance under National Scheme for Liberation and Rehabilitation of Scavengers 1992 (NSLRS) and 3,42,468 were yet to be rehabilitated. The state-wise details are given in [appendix-I](#).
2. **National Commission for Safai Karamcharis, 2005:** According to the 1991 Census, people belonging to the Scheduled Castes numbered 13.82 crores, making up 16.5% of India's population. The manual scavengers were estimated to be around 6.76 lakhs. Even after 58 years of Independence, this social group continue to handle human excreta and their socio-economic conditions remain far below the satisfactory level. This is undoubtedly a blot on our country. The number of dry latrines in the country is estimated to be around 54 lakhs in urban areas and 24 lakhs in rural areas.
3. **National Scheme for Liberation and Rehabilitation of Scavengers 1992:** The central government identified 7,97,112 people to be emancipated from the tradition of manual scavenging and rehabilitated.
4. **Ministry of Social Justice and Empowerment, January 18, 2010:** Self Employment Scheme for Rehabilitation of Manual Scavengers' (SRMS) was introduced in January 2007 with the objective of rehabilitating remaining manual scavengers and their dependents in a time bound manner. Under the scheme, identified beneficiaries are provided loan at subsidized rate of interest and credit-linked capital subsidy for self employment projects. By the end of year 2009, a total of 69,137 persons had been provided loans for taking up alternative occupations and about 13700 intended beneficiaries were yet to be covered by the scheme, according to the states' progress reports. Efforts were being made to cover by March 31, 2010, the people who were yet to be benefited.
5. **Ministry of Social Justice and Empowerment:**
 - ▶▶ 5.88 lakhs manual scavengers in 1992.
 - ▶▶ 7.87 lakhs manual scavengers in 2002.
 - ▶▶ 6.76 lakhs manual scavengers in 2002-03.
6. **Garima Abhiyan and Maila Mukti Gatbandhan, 2010:** Based on the surveys that we conducted in some states, we estimate the number of people engaged in manual scavenging across the country to be 3.5 lakhs.

2 - Definitions of manual scavenging

1. "The manual removal of human and animal excreta using brooms, small tin plates, and baskets carried on the head. The allocation of labour on the basis of caste is one of the fundamental tenets of the Hindu

caste system. Within this system dalits have been assigned tasks and occupations which are deemed ritually polluting by other caste communities - such as sweeping, disposal of dead animals and leatherwork. By reason of their birth, dalits are considered to be "polluted", and the removal of human and animal waste by members of the "sweeper" community is allocated to them and strictly enforced..."

United Nations Commission on Human Rights, Sub-Commission on the Promotion and Protection of Human Rights, Working Group on Contemporary Forms of Slavery, 27th Session, Geneva, 27-31 May 2002

2. "Manual scavenging is manual removal of excreta (night soil) from "dry toilets", i.e., toilet without the modern flush system, especially in the Indian subcontinent. The system of employing people for public sanitation was introduced during the British rule in India perhaps in the late 19th century when municipalities were organized. The toilets often used a container that needed to be emptied daily. Chamber-pots were used by aristocracy in Europe, where there was often a need to avoid going out in the cold. A *chaise percée* was brought in when needed. Manual scavenging is said to have started in 1214 in Europe when the first public toilets appeared. The water closet was invented by John Harrington in 1596. In 1870, S.S. Helior invented the flush type toilet, and it became common in the western world. This caused other types of toilets to disappear in the western world. All surface toilets were abandoned in western Europe in mid-1950s..."

http://en.wikipedia.org/wiki/Manual_scavenging

3. "'Manual scavenger' means a person engaged in or employed for manually carrying human excreta and the expression "manual scavenging" shall be construed accordingly."

'Dry latrines' means a latrine other than a water-seal latrine."

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, Chapter, - I, Preliminary, Definitions

4. "This 'job' is for Dalits, mainly women and young girls. The 'tools' used are brooms, small tin plates and baskets, and true to the perverted logic of caste, the manual scavenger, the person who does the cleaning and carrying of other people's refuse, becomes the 'polluter', someone to be kept at bay, at the margins of society and unworthy of dignity and respect."

Human Rights Features, HRF/129/05-31/10/2005

3 - A summary of social activism and public policy measures against manual scavenging

3.1 Prominent people voicing their concern and/or taking action

1. **Mahatma Gandhi** raised the issue of the horrible working and social conditions of manual scavengers more than 100 years ago, in 1901, at the Congress meeting in Bengal.
2. **Dr. B.R. Ambedkar and Thanthai Periyar** raised their voices against this inhuman practice.
3. **Dr. Ram Manohar Lohia** wondered on 5th July 1967 in a Lok Sabha debate: "Has the government kept in

mind the point that the wages of the scavengers be (so) fixed that caste feelings may end and..that the people belonging to high castes may come forward to do this work?”

3.2 Legislations, Committees and Task Forces

1. A private member bill was introduced in the Parliament on 15th October 1947. The bill was rejected but the government promised to the member introducing it that an inquiry committee will be formed.
2. The first inquiry committee on the living conditions of the communities held captive by the tradition of manual scavenging was formed in 1949. The committee recommended that carrying night soil on heads should be abolished.
3. The Central Advisory Board for Harijan Welfare of the Union Ministry of Home Affairs forms in 1957 'scavenging conditions enquiry committee', which recommends that the practice should be abolished “not later than the end of the 3rd five-year plan” i.e. 1965.
4. The National Commission on Labour forms in 1968 a committee to study the working and service conditions of sweepers and scavengers. The committee makes 111 recommendations.
5. Set up in 1989 by the Planning Commission, a task force dealt with the problem of manual scavenging in its report, published in 1991, the task force suggested measures to abolish manual scavenging with particular emphasis on rehabilitation of the victims. “The practice of manual handling of human waste should be abolished within the next four years (1995),” the task force recommended.
6. The Employment of Manual Scavengers and Construction of Dry Latrines Prohibition Act came into force in 1993. This law prohibits the use of dry latrines and provides for one-year imprisonment and/or a fine up to Rs.2000/- for those who employ manual scavengers for cleaning dry latrines.

3.3 Rehabilitation Schemes and Programs

1. In 1991, the Prime Minister promised to ban manual scavenging and allocated Rs. 800 crores for rehabilitation of the communities engaged in manual scavenging.
2. The central government launched National Scheme for Liberation and Rehabilitation of Scavengers on 22 March 1992. The objective of the scheme was to liberate the scavengers and their dependents from the caste-based and oppressive tradition of manual scavenging.
3. The central government launched on 1st April 2007 'Self Employment Scheme for Rehabilitation of Manual Scavengers' (SRMS) as a national priority. The objective of the scheme was to assist 3,42,468 number of scavengers, who were yet to be rehabilitated, in a time bound manner by March-2009. This number comes from the data available with the Ministry of Social Justice & Empowerment.

3.4 Commissions and Corporations

1. The government set up National Commission for Safai Karamcharis on 12 August, 1994 for a period of 3 years under the National Commission for Safai Karamcharis Act, 1993 to promote and safeguard the interests and rights of Safai Karamcharis. The commission was empowered to investigate grievances as

well as matters relating to implementation of programmes and schemes for the welfare of Safai Karamcharis. The commission was required to be consulted on all major policy matters affecting the Safai Karamcharis.

2. The government set up National Safai Karamcharis Finance & Development Corporation (NSKFDC) on 24 January 1997 as a not-for-profit company. NSKFDC was fully owned by the central government and had an authorized share capital of Rs. 200 crores. The objective of NSKFDC was to promote socio-economic upliftment of scavengers and their dependents by way of providing financial assistance at concessional rate of interest for income generating activities and loans to students for pursuing professional and technical education. The corporation was also to provide technical and professional training, quality control, technology upgradation and common facility centers for carrying out sanitation works.
3. In his independence day address in 2002, the Prime Minister announced government's intent to amalgamate schemes and speed up the liberation and rehabilitation of scavengers. The Prime Minister also announced a 15-point programme.

3.5 Action taken by National Human Rights Commission and United Nations Commission on Human Rights

1. On 23 October 1996, the National Human Rights Commission (NHRC) sent letters to various authorities to make the case for elimination of manual scavenging.
2. On 24 January 1997, the NHRC wrote to chief ministers to underline the need to adopt and seriously enforce the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 in their jurisdictions.
3. On February 2006, the NHRC tells the representatives of the state governments to stop manual scavenging within six months
4. At a 'review meeting on eradication of manual scavenging' on 18 March 2007), the NHRC called on all the states that had not yet adopted the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, to do so at the earliest. The NHRC also called for better coordination between various governmental and non-governmental agencies working to end manual scavenging and exchange of good practices between states. The commission makes several other recommendations to state and central governments for identification, liberation and rehabilitation of manual scavengers.
5. At the 27th session of the **United Nations Commission on Human Rights** in May 2002, the Working Group on Contemporary Forms of Slavery presents a note to the Sub-Commission on the Promotion and Protection of Human Rights and calls upon the Government of India to press all states to implement the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, and prosecute officials responsible for the perpetuation of the practice. The Government of India is also urged to ensure that all manual scavengers are rehabilitated according to the law in all states.

3.6 Planning Commission and Ministries

1. The Ministry of Social Justice and Empowerment has claimed to have been acting on the directions given by the Prime Minister on 16 May 2005 regarding thrust areas.

2. The Ministry of Urban Employment and Poverty Alleviation is organizing a one-day State Welfare Ministers' Conference on Manual Scavenging at New Delhi on 22nd June 2005. Around 300 delegates representing various state governments, central government, NGOs will be participating in this meeting. Minister of State I/C for Urban Employment & Poverty Alleviation, minister will preside over this function which will be addressed by the Minister for Social Justice and Empowerment.
3. The Planning Commission developed in 2004 a national action plan for total eradication of manual scavenging by 2007.

4 - Violation of laws

As is amply evident, lakhs of people majority of them women -- across the country continue to be held captive by the inhuman and degrading tradition of manual scavenging. It is because of this caste-based tradition that they remain deprived of their constitutional and statutory rights to equality, liberty, education and social development. Manual scavenging is virtually a form of modern-day slavery that violates the following.

1. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Bonded Labor System (abolition) Act, 1976.
3. Section 7(a) of the Protection of Civil Rights Act, 1955, which deems anyone forcing another person to engage in bonded labor, manual scavenging or disposing animal carcasses to be committing a criminal offense punishable with 3 to 6 months of imprisonment and fine up to Rs 500.
4. The practice of manual scavenging violates articles 14, 17, 21 and 23 of the Constitution.
5. Various provisions of the Universal Declaration of Human Rights which hold all human beings to be equal and to which India is a signatory.

5 - Non-adoption of 1993 law by states and UTs

According to National Human Rights Commission, 2007, J&K, Manipur, West Bengal, Union Territories of Dadra and Nagar Haveli, Daman and Diu, Lakshadweep, Pondicherry, who have not yet adopted the Act.

6 - Issues

6.1 Related to the emancipation of manual scavengers

- ▶ An important reason for the failure of government rehabilitation programmes since the time Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, came into force is that they have been directed at men rather than women who make up about 98 per cent of the people held captive by the oppressive tradition of manual scavenging.
- ▶ Several states have refused to implement the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, by denying the existence of dry latrines and manual scavenging in

their jurisdictions despite evidence to the contrary. In other states, implementation has suffered because the Act itself is deficient on several counts; it neither lays down clearly the areas of responsibility nor provides penalties for non-enforcement of the law.

- ▶▶ No national or state-level body exists that will monitor the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993. The Safai Karmachari commissions that exist at the centre and some states do not play this role effectively either.
- ▶▶ There are other laws namely, Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act, 1989, Protection of Civil Rights Act, 1955, and Bonded Labour System (abolition) Act, 1976 that stand violated because of the continued practice of manual scavenging. People have rarely been booked under various sections of these Acts for harbouring the practice of manual scavenging even when such violations have been brought to the notice of the administration.

6.2 Related to Rehabilitation Program and Policies

- ▶▶ An example of a particularly self-defeating government programme is a scholarship for the children of the victims, (Scholarship for the Children of Families involved in incline occupation) which require the families seeking the benefit to have been engaged in manual scavenging for at least 100 days in a year. This scholarship scheme provides a perverse incentive to the Dalit households to continue in this occupation.
- ▶▶ Government programmes have emphasized the financial aspect of rehabilitation and failed to address the caste-based oppression and related social conditions that have perpetuated this practice for centuries.
- ▶▶ Government programmes have completely ignored the Muslim communities, such as Hela and Halalkhor, who inhabit several states of India and have been as much a slave of this exploitative tradition as the Dalit Hindu communities. It's notable that the actual victims in this case too are primarily women.
- ▶▶ The government needs to realize that loan and subsidy make for only an apology for rehabilitation. The people enslaved by this inhuman tradition over many generations can hardly be expected to transform their lives with the paltry sum of money they receive in the form of loan and subsidy, especially when they continue to be discriminated against. These oppressed families deserve larger financial assistance in the form of grants, rather than loans, inclusion in the BPL list and the various benefits thereof, housing under Indira Awas Yojana, etc.

6.3 Related to Survey

- ▶▶ There have been serious mistakes and errors in the surveys that seek to identify and rehabilitate the victims. The most glaring distortion of the reality is that more men have been shown to be the victims of manual scavenging than women. The surveys also leave out a large number of deserving people from the list of potential beneficiaries while including people who and their families have no longer anything to do with manual scavenging. The surveys have also been biased in favour of urban areas, leaving out large swaths of the rural population.

7 - Recommendations

7.1 Related to the emancipation of manual scavengers

- ▶▶ The government should introduce a bill to amend to the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, to provide for action against the district collector and the chief secretary of a state that has been found to harbour the practice of manual scavenging. The bill should also provide for imprisonment and financial penalties against the officials of the urban local bodies, panchayats and government offices responsible for continued existence of dry latrines either in their own premises or within their jurisdictions. The amendment should increase the duration of imprisonment and the amount of fines for the owners of dry latrines.
- ▶▶ The Government of India, through a new legislation, should apologize to them who have suffered for generations due to this inhuman practice.
- ▶▶ The amendment to Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, must also clearly define manual scavenging and widen this definition to include all kinds of work that involve manual clearing of excreta. The rehabilitation of the victims must also be incorporated into the Act.
- ▶▶ Manual Scavenging should be added to Section 3.1.6 of The Scheduled Castes and Tribes (Prevention of Atrocities) Act, and those officers who are responsible for putting an end to this practice but are not carrying out their duties should be punished under Section 3.2.7 of this Act.
- ▶▶ Those involved in this practice should be identified, liberated and should be provided with a certificate and the immediate relief amount of Rs.20,000 by the District Magistrate under the provisions of Bonded Labour System (Abolition) Act, 1976. All the liberated families should be given a priority in providing the benefits of all the poverty alleviation and social welfare programmes of the government and provisions for all these should be made in the Act.
- ▶▶ Indian Railways should ensure within two years that toilets in the trains are converted into a form that does away with manual handling of excreta. The Railways should also submit yearly progress reports on modernizing the toilets to the parliament.

7.2 Related to Rehabilitation Program and Policies

- ▶▶ The government should resolve to completely eliminate manual scavenging by the end of the 11th Plan, which means by the year 2012 no Indian should be engaged in manual scavenging. However, government programmes to rehabilitate and ameliorate the conditions of families that have borne the brunt of this inhuman tradition must continue over the next two Plans, i.e. until 2022. The work on a comprehensive policy for the next two Plans must begin as soon as possible.
- ▶▶ All rehabilitation schemes and programmes must be redesigned for women who make up 98 per cent of the workforce enslaved by this exploitative tradition.
- ▶▶ Rehabilitation policy and programmes must be redesigned to take into account the social aspects of this oppressive tradition. Loan and subsidy should be replaced by pure grant of no less than Rs. three lakh

each to be provided to the victims to help them reskill and re-employ themselves according to their free will and capacity.

- ▶▶ Rehabilitation programmes must go beyond employment assistance to include food security, housing, education, healthcare, and related entitlements. It's best to provide these entitlements by ensuring that the liberated families get the BPL status. Each liberated family in need of a house must get one under Indira Awas Yojana in a manner that ends their ghettoisation and spatial segregation from the larger community.
- ▶▶ Each rural family being liberated from manual scavenging must get agricultural land in their village. If need be, the government should acquire land for this purpose.
- ▶▶ There should be reservation in employment as Anganwadi workers and mid-day meal cooks for the women liberated from the manual scavenging tradition.
- ▶▶ Various rehabilitation schemes should be integrated into one effective scheme, which should be evaluated by bodies that should be formed at the district, state and national levels. The evaluating bodies must have the participation of the women liberated from this tradition as well as the organizations representing their interests.
- ▶▶ The government must introduce a special programme for the education of the children of the households that have borne the brunt of manual scavenging for generations. Such a programme should be aimed at neutralizing the various disadvantages faced by such children and should exclude any perverse incentive, such as a scholarship, for their families to continue the shameful tradition. The scholarship scheme should require the family to have quit manual scavenging and provide a sum that is four times the amount currently being provided. Scholarship should continue up to the completion of college/university education.
- ▶▶ The Muslim communities, such as Hela and Halalkhor, who have been at the receiving end of this exploitative tradition and always denied any state assistance, deserve not only a treatment that's equal to what Hindu Dalit communities enjoy, but also a special package to ameliorate their pitiable condition.
- ▶▶ It must be ensured that no full-time or temporary worker be employed as manual scavenger. An officer of the level of a commissioner or equivalent in a local body should be held directly responsible for any such employment or an act supporting such an employment. Penal provision should include fines and imprisonment.
- ▶▶ The Centre and each state government should draw up and publish a white paper every six months up to December 2012 on the situation as regards manual scavenging and dry latrines in their jurisdictions. A national task force consisting of the liberated women and representatives of the government (ministries/departments of social justice, urban development, rural development) and the concerned NGOs should be formed and tasked with closely monitoring the progress in eradicating manual scavenging over the next two years.
- ▶▶ Under the Special Component Plan / SC Sub Plan in the two forthcoming five year plans of the government the focus should also be on the rehabilitation, education, development and empowerment of those liberated from manual scavenging.

7.3 Related to Survey

- ▶ A fresh nationwide survey should be conducted in the next six months to identify the people who are to be liberated from manual scavenging and rehabilitated. The list of such people must be published in the main newspapers of the district concerned and posted on government websites. Lists of the victims in rural areas should be verified by the Gram Sabhas and displayed prominently in public places.

8 - Manual Scavenging the issue is not employment; but slavery

8.1 Why we consider it slavery?

Handling human excreta is not voluntary employment, but a form of slavery sanctioned and imposed through an exploitative and inhuman caste system. The following are some other reasons why we consider manual scavenging a form of slavery.

1. **It is a compulsion:** Whereas most of the civilized world has accepted the ideal that a citizen's caste or creed must not come in the way of exercising his choice of occupation, Indian society still tolerates manual scavenging that has always been expected to be taken up only by certain communities, That makes it a socially sanctioned and imposed custom in which caste one is born into decides whether he or she will be a beneficiary or a victim. The members of the communities that have been held captive by this tradition face overwhelming social sanctions and even violence when they revolt against this injustice. .
2. **It is hereditary:** Dr. Baba Sahib Ambedkar had said, "Our society is like a multistoried pyramid and there are no stairs or doors for entering into these storeys. One has to die in the storey in which one is born." The members of a particular community would continue to engage in occupations of their ancestors a far cry from any modern notion of decent employment.
3. **It is an indefensible custom:** Manual scavenging is a caste-based custom perpetuated by an extremely unequal society. Customs are social constructs that are handed down from one generation to its succeeding generation. They often survive the societal change even after their rationale and moral basis becomes insupportable. Since modern Indian nation has been predicated on the rejection of the caste system in so far as it perpetuates oppression and injustice, manual scavenging has become an impediment to social justice and progress.
4. **It is based on caste-based division of labour:** Caste-based division of labour, which would have the Balmiki and Haila communities perform manual scavenging, is an insult to the universally accepted values that inform the conception of modern societies and economies. The 'preordained' and 'watertight' nature of this division of labour perpetuates grave injustice to certain communities and prevents them from breaking free of their miserable state.
5. **Compulsion of performing other tasks:** In addition to handling human excreta, people entrapped by the tradition of manual scavenging are expected to perform several other 'lowly' tasks. Some of these tasks, which have been abandoned in certain places but continued to performed in others, are enumerated below.

- I. *Disposing animal carcasses:* The community engaged in disposal of human faeces are also expected to dispose of dead cattle, cats, dogs and other animals.
- II. *Collecting bread as remuneration:* The members of the community have to go from door to door to collect bread as their remuneration.
- III. *Assisting in child birth:* The women of the communities engaged in manual scavenging are expected also to assist in child birth, cutting the umbilical cord, and cleaning the blood and placenta, etc. after delivery. This work is also considered lowly in the caste system.
- IV. *Acting as masseurs:* The members of the manual scavenging communities are commandeered as masseurs by the upper-caste people suffering from stomach gas and other problems requiring body massage.
- V. *Informing villagers about death rites:* The members of these communities have to inform villagers about death rites in the event of a death in higher-caste communities.
- VI. *Beating drums in funeral processions and other occasions:* The members of the oppressed communities are expected to perform the ritual of beating drums in the funeral processions of the higher-caste people. They also perform the ritual on full moon, dark moon, and solar and lunar eclipses.
- VII. *Taking the clothes of the deceased:* The community has to take the clothes and utensils etc of the deceased from the cremation ground.
- VIII. *Cremating unclaimed corpses:* The task of cremating unclaimed corpses has to be performed by the oppressed communities.
- IX. *Assisting in postmortem:* It is the members of these communities who assist in postmortems in hospitals.
- X. *Castrating animals:* The castration of oxen to be used for agricultural work is also performed by these communities.
- XI. *Collecting food on special occasions:* On full moon, dark moon and solar and lunar eclipses, the members of the oppressed communities are expected to collect food and grains from the upper-caste households.
- XII. *Cleaning drains:* The task of cleaning drains is also performed by these communities.
- XIII. *Sweeping:* It is these communities that do the sweeping work.
- XIV. *Disposing animal faeces:* In villages and cities, the responsibility of clearing up animal faeces around houses and shops also lies with these communities.
- XV. *Cleaning safety tanks:* The task of cleaning the safety tanks of toilets is also performed by the communities engaged in manual scavenging. Several persons of the communities have died while cleaning large community safety tanks.
- XVI. *Rearing pigs:* The 'lower' and 'unclean' status accorded to the communities entrapped by manual

scavenging also influences the choice of animals they rear. Such communities usually rear pigs, not cows, buffalos and goats because caste discrimination would ensure that there would be few buyers of their dairy products if they were to rear milch animals. Pigs being natural scavengers assist in their work and are cheap to rear. Notably, pigs are considered 'dirty' by other castes and shunned.

XVII. Engaging in cleaning work prior to weddings: In the event of a marriage in an upper caste family, members of the oppressed communities are engaged for 5-6 days for cleaning the surrounding of the house.

XVIII. Cleaning the surroundings of the pandal before wedding feast: The responsibility of cleaning the surroundings of the *pandal* for wedding feasts has also to be shouldered by the oppressed communities.

XIX. Clearing up the leftovers: The members of the manual scavenging communities are expected to collect and clear up the leftovers and leaf plates after a wedding feast.

6. **Low remuneration:** The members of the manual scavenging communities go from house to house to collect human faeces and to take it to the place set aside for its disposal (*ghura*). At most of the places across the country where manual scavenging continues, a person engaged in such work is paid no more than Rs. 5 to 15 per month per household. Given that such a person usually works for 10 to 30 households, he/she is able to earn a paltry Rs. 50 to 150 per month. Thus the work is not only an affront to human dignity, but also criminally exploitative in terms of remuneration.
7. **Patronage system:** One of the reasons for the persistence of the caste system in India is the incorporation of patronage system into it. The patronage system allows denial of fair compensation to the labour and disguising such exploitation in the “favours” that the dominating caste pretend to do to the oppressed communities. These “favours” only keep the oppressed communities at the margins of survival while depriving them of their economic freedom. Instead of being paid fair wages, the oppressed people are given grains keeping them permanently dependent on the dominating castes. This system seriously diminishes the oppressed communities' ability to raise their voice against the oppression and the atrocities perpetrated on them. It also happens to be the fate of the communities engaged in manual disposal of human faeces. At some places they are only given meagre amounts of grains or a few stale chapattis.
8. **Irregular remuneration:** There continue to be many places across the country where the manual scavenging communities perform the work traditionally assigned to them throughout the year, but are paid remuneration only once or twice a year in the form of grains or a paltry sum of money. Such a criminally unfair system of compensation reinforces the oppressed communities' dependence on the upper castes. Thus they are never in a position to think about their rights or the possibility of getting rid of the loathsome work they are engaged in.

8.2 Manual Scavenging Related to caste system based on inequality and injustice

Even after 62 years of independence which saw India establishing democratic institutions, taking great strides in economic development and aspiring to be a global power, the country still struggles in the clutches of the caste system which has denied generations of Dalit people their rights and human dignity.

Caste system continues to inform India's social order. There are various interpretations of the origin of caste system in India. The word 'caste' comes from the Portuguese word 'casta' (breed or race). Sanskrit word, 'varna', which is invariably used in relation to the caste system, means several things but is often interpreted to signify colour. In a verse from Mahabharata, the first millennium epic, Bhrigu, the sage, explains: "The Brahmins are fair, the Kshatriyas are reddish, the Vaishyas yellow and the Shudras are black." The religious theory says that people were born out of the single creator, the Purusha. According the Rig Veda, the ancient Hindu book, the primal man - Purusha - destroyed himself to create a human society. The different varnas were created from different parts of his body. The Brahmins were created from his head; the Kshatriyas from his hands; the Vaishyas from his thighs and the Shudras from his feet. The Varna hierarchy is determined by the descending order of the different organs from which the Varnas were created. The Varna hierarchy ends here. Below these Varnas are the outcasts who are untouchable to the four castes. These untouchables were assigned 'unclean' jobs like cleaning.

The word 'varna' thus conveys the religious conception of the caste system. Social groupings subsumed under each varna had certain rights and duties. They were also allowed certain occupations and disallowed others. The top three varnas had social and economic rights that the shudra and the untouchables did not have. Each Varna as well as the untouchables were divided into many communities. These communities came to be known as 'jaat' or 'jaati.' The shudra is the largest varna in terms of the number of communities. Jaati has thus informed the choice of occupations for generations of people born into India's caste system. Members of each jaati usually marry only within their jaati. People are born into their jaati which cannot be changed.

Some historians are of the view that the caste system began with the arrival of the Aryans in India around 1500 BC. The Aryans organized themselves into three social groups. The first group was of the warriors and came to be known as Kshatriya. The second group was of the priests, or Brahmins. The third group was of the farmers and craftsmen and they were called Vaishya. The Aryans conquered parts of north India and subdued the local population. In this process the Vaishyas who were the farmers and the craftsmen became the landlords and the businessmen of the society and the locals became the peasants and the craftsmen. Most of the communities that were in India before the arrival of the Aryans were integrated in the Shudra varna or were made outcast depending on their occupations. Communities engaged in 'non-polluting' jobs were subsumed into the Shudra varna and those who did 'polluting' work were made outcasts, the untouchables. The untouchables had almost no rights in the society.

The caste system went through various modifications, reforms, adjustments and challenges from within and from other religious-cultural as well as political influences. The advent of Buddhism and Jainism, the rise of Islam and spread of Christianity made dents into the varna system to some extent. Many people came out of the all-pervasive fold of the varna system, sometimes referred to as Sanatan Dharma. Despite the reforming influences, the varna system has remained largely intact in its organization. Racial discrimination and religious sanction have given the caste system the following three characteristics.

- ▶▶ Notions of religious and physical purity and impurity
- ▶▶ Hierarchical, unequal socio economic organization and
- ▶▶ Heredity.

These characteristics resulted in:

- ▶▶ Placement of a person in the scheme of hierarchy based on birth,
- ▶▶ Prohibition of marriage outside one's own caste,
- ▶▶ The principle of purity and pollution and hereditary occupation.

The caste system propagates division of labour and resists any reform in the basis of this division. It perpetuates a system that gives an overwhelmingly privileged position to the non-dalits and all of the barely rewarded labour to the lowermost castes the Untouchables.

Notions of religious and physical purity led to untouchability which means avoidance of physical contact with persons and things considered less than pure. Physical touch with an untouchable (in this context, a *dalit* person) was deemed to cause 'pollution' of the higher-caste person. In day-to-day life this practice leads to exploitation, harassment, social, political and cultural subjugation of the *dalits*. The lives of Dalits are thus marred by

- ▶▶ Discrimination and
- ▶▶ Exclusion and Powerlessness.

Social discrimination and exclusion are the major weapons in the hands of non-dalits to prevent Dalits from having an identity of their own, leading a life of dignity and having ownership of economic resources and opportunities. This perpetuates their servility and powerlessness. Thus, untouchability, which has been banned by our Constitution, continues to influence our social and economic organization in various more or less conspicuous forms. Various studies on untouchability show that there are over 60 different forms of untouchability practised in India though some states have recorded over 100 forms. Such discrimination has been declared by the UN Committee on the Elimination of Racial Discrimination to fall within the scope of the *International Convention on the Elimination of All Forms of Racial Discrimination, 1965*.

These studies also show the continuing practice of manual scavenging in the country.

8.3 The condition of manual scavengers

Two caste-based communities that continue to be entrapped by the oppressive tradition of manual scavenging have come to be known as the 'Valmikis' (Hindus) and the 'Helas' (Muslims). While the Helas come under the OBC category, the Valmikis belong to the scheduled caste and are placed in the lowest rung of the Hindu society the untouchables within the untouchables. Both the communities suffer from extreme form of discrimination, exclusion and powerlessness.

Members of the Valmiki and Hela communities are denied service by the barbers, served tea in separate, cracked or chipped cups, which they must wash themselves, and disallowed entry into shops. Women-folk are kept waiting at sources of drinking water. They are not allowed to walk past non-Dalit houses, nor allowed to take out any religious or ceremonial procession. Public facilities like dharamshalas are not lent to the people from manual scavenging communities nor are they allowed entry into community temples.

They are made to live in locations that are isolated from the rest of the village community. In practice the hierarchy of the society is made visible by the pattern of habitation of the people in the villages, town or

cities. It begins with the upper castes occupying the decent locations followed by lower castes and then manual scavengers who are considered untouchables even within their own community.

The extreme form of exploitation inherent in the caste system has made a mockery of modern India's labour laws and international conventions on the rights of the workers.. Manual scavengers, for example, are paid a pittance. An average manual scavenger earns around Rs.5 to Rs. 15 per household per month.

Health is another issue of prime concern. Manual contact with excreta exposes manual scavengers to various diseases; infection of skin, rotting of fingers & limbs, tuberculosis and nausea are common. Several complain inability to have food due to exposure to excreta. Most women from the manual scavenging communities tend to be addicted to tobacco (Gutka) and men are given to liquor in an attempt to diminish the repulsive nature of their work and beat back their state of hopelessness.

The children of the manual scavenging communities are usually treated with contempt by their teachers and fellow classmates. Denial of dignity generates fear among children, leading to very high drop-out rates.

Manual scavenging is one of the most inhuman and degrading forms of work performed by Dalits. It is the manual removal of human and animal excreta using brooms, small tin plates and baskets carried on the head or hips. Refusal to perform such tasks leads to physical abuse and social boycott. The perception of dalits as polluted persons by reason of their birth causes them to be separated from the rest of caste society and excluded from social, religious and economic life. Public latrines are cleaned on a daily basis by female workers using broom and a tin plate¹. The practice of manual scavenging involves manual cleaning of dry toilets, which are no more than a small room in which a hole in the ground opens into a receptacle in a compartment below. Manual scavengers have actually to crawl into the compartment and empty out the receptacle. The excrement is piled into baskets, which are carried on the head or on the waist to a location that is far away from the latrine. At all times, and especially during the rainy season, the contents of the basket drip onto a scavenger's hair, face, clothes and other body parts.

Manual Scavengers belong to the lower most rung in the society and are looked down upon even by the larger society of the dalits who themselves are subjected to untouchability by the upper castes.

8.4 Status of Women and Girl Child: The status of the women is the worst. They become vulnerable for being women, for being a Dalit, and for being a manual scavenger. Surveys have revealed that **93 96% of the manual scavengers in the country are women.** They bear the dual burden of taking care of their families as well as working as manual scavengers. They are subjugated, oppressed, marginalized and victimized in both social and household spheres of life. The girl child faces discrimination at all levels and is usually compelled to take up the occupation once married.

8.5 Status of Male Members of Families engaged in Manual Scavenging

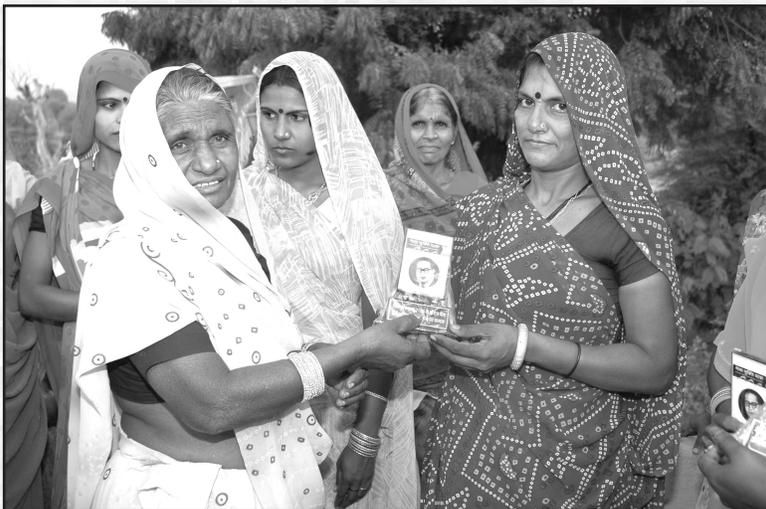
Engagement of women in this practice is 93% to 96%. They work in inhuman conditions, Male members who do not work as manual scavengers have to perform various other tasks, including clearing dead animals, road cleaning, gutter cleaning, safety tank cleaning, manhole cleaning, communicating programs after death, performing the ritual of beating drums, taking clothes from the dead, taking care of places of cremation and burial, helping in postmortem, collecting ritually 'unholy' food during solar and lunar eclipses, full moon, *amavasya*, washing dishes in wedding feast at non-dalit households.

1 Paper on Manual Scavenging by working group on contemporary forms of slavery, Sub-commission on the promotion and protection of Human Rights, United Nations Commission on Human Rights (Geneva, 27 31 May 2002)

Appendix - I

Statement showing state-wise population of scavengers, scavengers rehabilitated by M/o SJ&E, NSKFDC etc. and no. of scavengers to be rehabilitated 1st April 2007

Sl.	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	Uttranchal		1970	1970	493	1477
	Total	676009	94329	770338	427870	342468



The Rashtriya Garima Abhiyan at a Glance

Rashtriya Garima Abhiyan - National Campaign for Dignity and Eradication of Manual Scavenging, has been working intensively for complete eradication of the inhuman practice of manual scavenging since 2002. The key interventions include getting the involved people out of this practice, organizing and capacitating them, ensuring education for their children and working for their holistic development and empowerment. Around 7000 individuals have given away this practice till now out of which 95% are women. The campaign has also brought about many policy changes in the state and national level. Garima Abhiyan is working directly in 50 districts of Madhya Pradesh, Uttar Pradesh, Rajasthan and Maharashtra. Advocacy efforts on this issue are also being taken up at state, national and international level.

Manual Scavenging is primarily a Socio - Political issue, it denies life with dignity. This is one prime reason why every attempt to address it through livelihood aspect never succeeded in eradicating it. The occupation of Manual Scavenging has its roots in the caste system, which renders the community invisible and powerless. Further, condition and status of women pitches this issue into the premise of gender and women rights. They are not only forced into the occupation, but also face multiple situations of vulnerabilities and denial of rights & justice within all spheres of life. Thus this unfortunate dalit community faces the dual challenge of "Liberation" and "Rehabilitation" - Liberation from the inhumane practice and invisibility to lead a life with 'dignity' and rehabilitation in the comprehensive terms encompassing social, religious, economic & political aspects.

In Rashtriya Garima Abhiyan our focus is mainly on Right to Dignity aspects. We strongly believe that building people's organisation is the only effective and sustainable way to ensure complete abolition of the practice of manual scavenging. Every district has a Garima Shakti Sanghathan or platform for the self esteem which works towards motivating, organizing other community members. This sangathan is the backbone of campaign at the district level. Initially, working as groups promoted by the partner organization, now these sangathans (in older districts) have started playing major role in the campaign work. They also have started addressing issues of larger dalit untouchability like discrimination in public places etc.

Under the campaign regular contact was made with the communities involved in manual scavenging, meetings were held and yatras (foot march) were organized for identifying the specific problems related to the issue and for making these communities active participants of the campaign. Thus, hundreds of women of these communities came actively into the fold of the campaign and have been motivating others of their communities to leave the inhuman practice. It is the happy outcome of their active participation that more than seven thousand women have said adieu to the despicable custom.

Efforts have also been made under the Abhiyan for eliminating the discrimination practiced against the dalits by spreading the idea across to the broader community at teashops, barber shops, community water sources, Mid-day meal venues and other public places in the villages as these also happen to be the places where such discrimination gets manifest publicly.

In the next phase, widening the scope of the campaign the organizations, institutions and the dalit community associated actively with the Abhiyan took the pledge to put an end to the custom of manual scavenging of human feces. Forming organizations, consolidating solidarity, elimination of discrimination at public places, prevention of atrocities against the dalits and stricter and effective implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, making the education system people-centric were some of the other points that were included into the work policy of the campaign. The issue of alternative employment and assistance to those who have left engaging in the task and effective implementation of the welfare schemes launched for them were also made to be integral parts of the vision and the action of the campaign.