

Status of Scavenging Community in India

A survey report of 250 areas and 5827 households across 5 states of India

A Report by Janvikas



Prepared by
Janvikas, Ahmedabad

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Status of Scavenging Community in India

Findings of the survey conducted by 12 CBOs across 5 states of India in 2011-2012

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Brinda Pancholi

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Context of scavenging community in India:

There are estimated 4 million sweepers in India. Majority of them are from Scheduled Castes. In some areas of North East, Uttar Pradesh, Karnataka and Tamilnadu, OBCs, Muslims and Scheduled Tribes are also engaged in sweeping work. From these 4 million, approximately 1 million sweepers are employed in municipalities and municipal corporations across India (no specific number can be traced because, since past 15 years sweepers, along with other class 4 government employees are employed, on contract basis). Remaining sweepers work in unorganized sector either under contract system or on daily wage basis. This deprives them of any social security, healthcare, assured income or safety from unforeseen situations or local goondas.

A section of sweepers also work as manual scavengers, who clean human excreta and underground drainage as well as septic tanks manually, without adequate equipments or safety gears. It is estimated that there are 1 – 1.3 million manual scavengers in India either employed by municipal bodies or contractors or working under daily wage system. In municipal bodies, their primary role is of sweeping but they are compelled to clean sites of open defecation and clean blocked drainages (open and underground). To secure their jobs, they succumb to the pressure put by officials of municipal bodies. It is estimated that every year, around 600 drainage cleaners/workers die while cleaning open or underground drainage/ soak pits. These workers get into sewages without any preventive measures like detection of gases, oxygen mask, protective clothes or getting technical support from outside and thus they fall prey to severe health hazards or succumb to death.

It's a known fact that India is a caste based society. A person's social status and treatment from the society is determined by his birth in the particular family (caste). However, caste-based occupations have declined in all Savarnas (the so called upper castes) over time for example, a son of Brahmin may not necessarily be occupied as a priest or a teacher. While, among Avarnas (untouchables), caste based occupations are still practiced. Hence, Valmiki in North India or Arundhati in Madigas in South India are the castes/ communities which have to engage in:

- Manual cleaning of human excreta in public or private latrines, open grounds, streets, public places, etc.
- Sweeping streets, housing colonies, hospitals, offices, markets, etc.
- Open or underground drainage cleaning
- Picking up of dead animals from public/private areas

With increasing urbanization across the country, scavenging community which is residing in rural areas is migrating to cities. Sometimes due to lack of vocational skills and other times due to caste based occupation enforced upon them, they end up doing sweeping and other cleaning related jobs. With urbanization, issues like inadequate infrastructure also lead to open defecation by slum dwellers which sweepers have to clean that daily. Thus, the issue of manual scavenging, which was prohibited in 1993, by a central Act – Construction of Dry Latrines and Employment of Manual Scavengers (Prohibition) Act, is still prevalent even after 20 years. It is rather aggravating. The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 is recently passed by the parliament and its

implementation by states will be seen only in future since state governments will have liberty to form their own rules and will have right to exempt places, officers and buildings from the purview of the Act.

Situation of women from scavenging community (60% manual scavengers are women, and around 50% sweepers are women) is even worse. They are subjected to sexual harassment on daily basis by the contractors or general public, and are victims of skin, gynecological and respiratory diseases. They are doubly victimized by domestic violence and unequal treatment in community.

Other issues like lower rate of education among children, lack of basic amenities in the areas they live, little or no access to government schemes or credit facilities, atrocities & practice of untouchability in day to day life, are some of the sincere concerns of the the community which need to be addressed.

Status of implementation of The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

The 1993 Act was enacted as a result of the movement to eradicate manual scavenging. The Act mainly focused on prohibiting of construction of dry latrines and also removal of existing dry latrines. The Act, somehow, did not take into account the issue of manual scavenging in cities due to open defecation. The Act also ignored cleaning of underground drainage system and soak pits. The Railways, which employs a large number of sweepers and manual scavengers was also excluded from the gamut of the Act. The Act lacked clear mechanism of filing complaints in case of violation. Moreover, most state governments did not frame the rules. The Act also gave powers to states to exempt certain areas, class of buildings, class of persons, etc. which was misused by state governments. The Act focused more on rehabilitation of the manual scavengers (and not abolition of the system itself), which was also not implemented properly.

In its 20 years existence, no case of violation of the Act has been registered across the nation. Since the state machinery was in the denial mode, the implementation of the Act was poor or negligible.

Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013:

Definition of manual scavenger:

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

The Act came into force on 6th December 2013. Some of the salient features of the Act are as follows:

Offenses under the Act:

- No person, local authority or any agency shall construct insanitary latrines, engage or employ a manual scavenger.
- Every person engaged or employed as manual scavenger shall be immediately discharged from doing manual scavenging.

- Every insanitary latrine existing shall be demolished or converted into sanitary latrine.
- No person, local authority or any agency shall engage or employ any person for hazardous cleaning of sewer or septic tank after one year of the date of commencement of the Act.

Penalty for Offenses:

- For employing manual scavenger and or constructing insanitary latrines – first time imprisonment up to one year and penalty of Rs. 50,000/- or both and for subsequent violation imprisonment up to 2 years and penalty up to Rs. 2,00,000/- or both.
- For employing any person for cleaning hazardous cleaning of sewer or septic tank, imprisonment up to two years and fine up to 2,00,000/- or both and for subsequent violation imprisonment up to 3 years and fine up to Rs. 5,00,000/- or both.

Trial of the Offenses:

- Every offense under the Act is cognizable and non-bailable.
- Offenses under the Act may be tried summarily.
- Executive Magistrate shall trail the offenses as Judicial Magistrate of First Class.

Responsibility of Local Authority:

- Every local authority shall carry out the survey of insanitary latrines in their jurisdiction within two months from 6th December, 2013
- Local authority shall publish the list of insanitary latrines.
- Demolishing such insanitary latrines or convert them in to sanitary latrines within six months from December, 2013.
- Constructing sanitary community latrines as required in nine months from 6th December, 2013.
- To eliminate practice of open defecation, constructing adequate sanitary community latrines within three years from 6th December, 2013.
- Making arrangements for keeping community sanitary latrines hygienic all times.
- Conducting survey for identification of manual scavengers and publishing the list within two months from 6th December, 2013
- If any person is engaged in manual scavenging, he/she shall file application to concerned local authority. And local authority shall inspect within 15 days of such application and shall include in the list.

Rehabilitation of Manual Scavengers:

- All manual scavengers and their dependent family members shall be provided identity card.
- They shall be provided one time financial assistance as prescribed by the government
- Benefits of scholarship for children of manual scavengers.
- One residential plot and financial assistance for construction of house.
- Providing skills based livelihood training to one adult family member and stipend of Rs. 3,000/- per month for duration of such training.
- Legal and other financial assistance as prescribed by the government.

Duty of District Magistrate:

- District Magistrate and other authority shall ensure that the provisions of the Act are properly implemented.

It was felt by the Dalit Movement and other like minded people that if the Act is enacted, it would eradicate the most inhumane practice of manual scavenging from India. We have gone through the provisions of the Act and have certain concerns that may make the Act ineffective to address the issue of manual scavenging and it will continue to be practiced in India.

Following section gives our critique of the Act and its implications on issue of manual scavenging:

The definition of the Act, Critique: The Act has addressed only insanitary latrines or open drains or pits. Due to rapid urbanization and lack of infrastructure, (sufficient public toilets and individual toilets) open defecation is widespread and consequently leading to manual scavenging.

Besides, the explanation in the Act 2 (1) (b) has killed the soul of the Act and it has legitimized manual scavenging by stating that it can be done by using protective gears and other devices. Manual scavenging must be prohibited in any form.

2 (1) (d) of the Act says: *“hazardous cleaning” by an employee, in relation to sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made there under;*

Critique: This definition of “hazardous cleaning” in the Act will increase the incidents of entering the drainage/manhole to clean and consequently lead to deaths of manhole workers as the Act allows manhole workers to enter the manhole provided they are equipped with protective gears. Moreover, what type of protective gear and other cleaning devices will be listed when rules are framed.

Instead, manhole workers should be allowed to enter only as a last option, that also with all the safety equipments like the ones which are used in other developed countries. One set of such equipment, which includes a protection suit, oxygen system and a trolley with a computer for monitoring the movement of manhole worker costs about Rs. 10 lakhs. Manhole workers must be provided professional training by training institutes like fire brigade and only certified manhole worker should be allowed to enter with the required precautions and safety devices.

2 (1) (e) of the Act says: *“ insanitary latrine” means a latrine which requires human excreta to be cleaned or otherwise handled manually, either in situ, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:*

Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.

Critique: Indian Railways is one of the major employers of manual scavengers, and by this Act it is exempted from the definition of insanitary latrines. So, Indian Railways will continue to practice manual scavenging. Water flush latrines in a railway passenger coach at railway stations will make someone to clean the human excreta manually and the practice will continue as prevalent at present.

4 (1) of the Act says: *Every local authority shall, -*

(a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;

Critique: Here, the Act talks only about the insanitary latrines. It does not mention the spots where open defecation is done and consequently someone has to clean the human excreta manually from the open spaces in urban areas.

Local authority does not have the willingness, time and expertise to conduct surveys for the identification of insanitary latrines. There is also a possibility that local authority will not identify actual numbers of insanitary latrines if they are constructed and maintained by the local authority themselves. The survey may be on paper by local authority. Instead, the task to conduct survey may be given to some professional designated agency.

Also, the period of two months is insufficient for carrying out the survey of insanitary latrines.

4 (2) of the Act says: *Without. . . . shall also construct adequate number of sanitary community latrines, within such period not exceeding three years from the date of commencement of this Act, as the appropriate Government may, by notification, specify, so as to eliminate the practice of open defecation in their jurisdiction.*

Critique: There is a possibility that due to this provision, the practice of manual scavenging in open defecation sites of most of the urban areas will continue at least for three years from the date of commencement of this Act, and not stop with immediate effect.

39. (1) of the Act says: *The appropriate Government may, by a general or special order published in the Official Gazette, for the reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of building or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye –laws or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time;*

Critique: This is a major loophole of the Act as it empowers the State Government to exempt the provisions of the Act. And consequently, manual scavenging will continue to prevail. It is very shocking that the most inhumane practice will be allowed to continue for six months in particular cases if the Government intends to do so.

To sum up, the provisions of the Act do not intended to eradicate the system of manual scavenging in any form. The Act talks more of insanitary latrines, open drain and pit, while wide spread manual scavenging is due to open defecation in most of the urban areas (because of insufficient sanitation), which is not addressed effectively. Manual scavenging practiced in Indian Railway and especially coaches in train will continue.

Besides, manual handling of human excreta will not be considered as manual scavenging when it is done with safety equipments. So, manual scavenging will continue to expand. There are many loopholes with regard to definitions of insanitary latrines, manual scavengers, the method of survey, implementing authority etc. The Act does not speak about the actions to be taken on implementing authority for noncompliance with/ no implementation of the provisions of the Act.

Manual scavenging in any form and at any place must be stopped by the Act. It should not be practiced even with the use of safety devices. Safety equipments are to be provided to sweepers for their better health and dignity. While, manual scavenging is a undignified work and must to be prohibited in all the forms. There should not be any exemption for effective implementation of the provisions of the Act.

Introduction to Janvikas' work:

Janvikas is facilitating a process of strengthening 12 Community Based Organizations (CBOs) across 5 Indian states viz Uttar Pradesh, Gujarat, Andhra Pradesh, Tamilnadu and Karnataka with an objective of eradicating manual scavenging and empowering scavenging community. These organizations are promoted and led by leaders from the scavenging community or other Dalit sub-castes. The geographical outreach of CBOs is mentioned in the table below:

Sr. No.	State	Name of CBO	Outreach	
			Districts	Villages & slum areas
1	Uttar Pradesh	Apna Theatre, Kanpur	1	8 slum areas in 1 municipal corporation
2		Men's Institute of Development Training (MIDT), Hapur (Gaziabad)	2	39 villages
3		Purvanchal Rural Development & Training Institute (PRDTI), Gazipur	1	46 villages
4		Sahyogi Rural Development and Research Institute, Kanpur Rural	2	18 villages
5	Gujarat	Manav Garima, Ahmedabad	1	9 slum areas in 1 municipal corporation
6	Andhra Pradesh	Dalit Women Forum, Hyderabad	1	8 slum areas in 1 municipal corporation
7		Sanghamithra Service Society, Chittoor	1	10 slum areas in 4 municipalities/ municipal corporations and 8 villages
8	Tamilnadu	Cultural Action & Rural Development Society (CARDS), Ramanathapuram	1	12 slum areas in 4 municipalities/ municipal corporations and 20 villages
9		Dr. Ambedkar Women & Child Regeneration Development (Dr. AWARD), Pudukkottai	1	4 slum areas in 1 municipal corporation
10		Rights Education & Development Centre (READ), Erode	1	5 slum areas in 2 municipal corporations
11		Vizhuthugal Social Education & Development Trust, Tirupur	1	34 slum areas in 1 municipal corporation
12	Karnataka	Thamate	1	4 slum areas in 2 municipalities/ municipal corporations and 13 villages
Total			14	94 slum areas in 17 municipalities / municipal corporations and 144 villages

Thus, CBOs work across 17 municipalities & municipal corporations (covering 94 slum areas) and 144 villages across 14 districts (5 states).

Location of partner CBOs where survey was conducted:



These CBOs were working for human rights of Dalits before commencement of this program. However, not all of them were required to focus on the issue of manual scavenging. Majority of them were focusing on this issue, but did not have adequate resources (financial and human) to work effectively. This initiative was an attempt to bring together the CBOs working on the issue of manual scavenging, develop their capacities for grassroots advocacy and equip them with resources (financial and skill).

This report is consolidated in 3 parts:

- Overall findings
- Area survey analysis
- Household survey analysis.

250 areas were surveyed by the field staff of 12 CBOs. The composition of areas is as follows:

No.	Name of CBO	Villages surveyed (A)	Slum areas surveyed (B)	Municipal bodies surveyed (C)	Total (A+B)
1	Apna Theatre	0	20	1	20
2	CARDS	20	12	4	32
3	Dr. AWARD	0	4	1	4
4	Dalit Women Forum	0	8	1	8
5	Manav Garima	0	9	1	9
6	MIDT	39	0	0	39
7	PRDTI	46	0	0	46
8	READ	0	5	2	5
9	Sahyogi	18	0	0	18
10	Sanghamithra	8	10	4	18
11	Thamate	13	4	2	17
12	Vizhuthugal	0	34	1	34
	Total	144	106	17	250



Figure 1 Rural residential area of scavenging community, Pudukottai, Tamilnadu

Rural areas surveyed cover 58% (144 villages) and urban areas cover 42% (106 slums across 17 municipal corporations and municipalities) of the total 250 areas surveyed. While 5 CBOs in North India surveyed 132 areas (29 slums & 103 villages), 7 CBOs in South India surveyed 118 areas (77 slums & 41 villages).

Methodology of survey:

Baseline survey was done by all the partner CBOs during September 2011- March 2012. Two formats: household survey and areas survey were collectively designed by Janvikas and CBOs. CBO leaders held a day long training for field staff and volunteers on understanding of survey formats and develop their skill of enquiry and filling up forms. While household survey was done by visiting each of 5227 households of scavenging community, area survey was



done using participatory methodology. Area survey was conducted in the areas where there was a sizeable population of scavenging community and where CBO also worked/ wanted to work. After verification and random sampling, data was considered final in April 2012.

Once the survey forms were filled, some CBOs who had access to computers, filled up data in Microsoft Excel sheet and sent it to us. For remaining CBOs, they sent us all the filled up formats, and at Janvikas, we centrally fed the data in Microsoft Excel and later Microsoft Access sheets. Final consolidation and analysis of data was done at Janvikas.

Figure 2 Survey being carried out in Greater Hyderabad Municipal Corporation, AP

Overall findings:

I. Number of manual scavengers in areas surveyed:

No.	State	Name of CBO	No. of manual scavengers identified
1	Uttar Pradesh	Apna Theatre	46
2		MIDT	602
3		PRDTI	99
4		Sahyogi	75
5	Gujarat	Manav Garima	90
6	Andhra Pradesh	Dalit Women Forum	911
7		Sanghamithra	462
8	Karnataka	Thamate	249
9	Tamilnadu	CARDS	130
10		READ	107
11		Dr. AWARD	875
12		Vizhuthugal	153
Total			3799

The table shows that large number of manual scavengers (2182 out of 3799 identified) have been working in urban areas surveyed by CBOs (Apna Theatre, Dr. AWARD, Dalit Women Forum, Manav Garima, READ and Vizhuthugal). While lesser number of manual scavengers (1617 out of 3799) reside and work in rural or semi urban/town areas

surveyed by CBOs (working predominantly in rural areas like CARDS, MIDT, PRDTI, Sahyogi, Sanghamithra and Thamate).

In urban areas, the practice of open defecation is commonly seen near railway & bus stations, market areas, slum areas and pavements. CBOs have included such sites where open defecation, leading to manual scavenging of human excreta, takes place under the knowledge of municipal bodies. In case of Ahmedabad, where CBO Manav Garima works, Ahmedabad Municipal Corporation pays 'safai allowance' to daily wage and contract workers to clean excreta. This is just the tip of the iceberg, since it is the condition of most of urban areas in India.



Figure 3 Dry latrine cleaning in Pudukottai Town, Tamilnadu

In rural areas, the system of private dry latrines is rampant in Uttar Pradesh, where women from scavenging community have been employed for generations to clean toilets bare hands. In South India, more than private dry latrines, gram panchayat employed sweepers have to clean human excreta at common public places.

In both urban and rural India, be it private or public toilet cleaning, manual scavenging is practiced. This is a clear violation of The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

We have also considered underground drainage (manhole) workers and septic tank or soak pit cleaners as manual scavengers since they clean these manually, without any safety gear. In urban areas, particularly in Municipal corporations, underground drainage cleaning is done manually. While High Courts of Gujarat and Karnataka have prohibited entry of persons in manhole unless absolutely necessary, and not without safety equipments in any case. But its implementation is a big question. Municipalities and municipal corporations in both these states have purchased jetting and suction machines to clean underground drainages, but still underground drainage workers employed with municipal bodies enter manholes without any safety equipment. In semi-urban and rural areas, sweepers are employed on casual basis to clean soak pits/ septic tanks of households, government offices, schools, hospitals, temples/mosques/ religious places, and other premises. They also enter septic tank without any protective gear. It is estimated that every year around 600 underground drainage workers and septic tank cleaners die at work.

II. Number of places where manual scavenging is carried out:

No.	Name of CBO	No. of places
1	Apna Theatre	90
2	CARDS	65
3	Dr. AWARD	99
4	Dalit Women Forum	47
5	Manav Garima	68
6	MIDT	0
7	PRDTI	246
8	READ	15
9	Sahyogi	102
10	Sanghamithra	27
11	Thamate	79
12	Vizhuthugal	73
	Total	911

At 911 places (in areas surveyed) manual scavenging is carried out. This includes private toilets in rural areas surveyed by organizations PRDTI, MIDT, Sahyogi and the same in urban slums of Kanpur surveyed by Apna Theatre. While in Gujarat, Tamilnadu, Karnataka and Andhra Pradesh, open defecation is mostly practiced in urban slums. 911 places identified by CBOs are either in the neighborhood of the scavenging community or where they go for manual scavenging work.

III. Persons from scavenging community engaged in manual scavenging (MS) work:

No.	Name of CBO	No. of women employed in MS work	No. of men employed in MS work	Total persons engaged in MS work
1	Apna Theatre	40	6	46
2	CARDS	49	81	130
3	Dr. AWARD	413	462	875
4	Dalit Women Forum	713	198	911
5	Manav Garima	5	85	90
6	MIDT	590	12	602
7	PRDTI	99	0	99
8	READ	42	65	107
9	Sahyogi	75	0	75
10	Sanghamithra	102	360	462
11	Thamate	124	125	249
12	Vizhuthugal	42	111	153
	Grand Total	2294	1505	3799
	%	60	40	100

The data in the above table suggests that out of 3799 persons engaged in manual scavenging work, 60% (2294) are women. This is more visible in rural areas. Moreover, in urban areas, men, employed as sweepers are also compelled to engage in manual scavenging.



Figure 4 Underground drainage cleaning, another form of manual scavenging, highlighted in news paper article, Ahmedabad, GJ



Figure 5 A sweeper doing manual scavenging work in Tirupur town, TN

iv. Nature of employment of manual scavengers:

No.	Name of CBO	Permanent	Contract	Casual	Total
1	Apna Theatre	0	0	46	46
2	CARDS	33	28	69	130
3	Dr. AWARD	175	101	599	875
4	Dalit Women Forum	0	911	0	911
5	Manav Garima	0	0	90	90
6	MIDT	1	0	601	602
7	PRDTI	0	0	99	99
8	READ	78	8	21	107
9	Sahyogi	0	0	75	75
10	Sanghamithra	103	322	37	462
11	Thamate	18	177	54	249
12	Vizhuthugal	24	75	54	153
	Grand Total	432	1622	1745	3799
	%	11	43	46	100

Only 11% persons doing manual scavenging have permanent employment with government or private organizations. 43% are contract workers, while majority, 46% (1745 or 3799) persons are casual labors without any kind of job security or social security measures. Whatever is the nature of employment of manual scavengers, sheer work of manual scavenging is the breach of law under 1993, The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act. Here both government agencies- Panchayats, Municipalities and Municipal Corporations as well as private organizations are at equal fault for continuing the practice of manual scavenging.

Basic amenities available in areas surveyed:

Figure 6 No road, sanitation or any other basic amenity in a slum in Ahmedabad, GJ



Figure 7 Poor living conditions of scavenging community in Tirupur town, TN

I. Approach Road to the locality:

No.	Name of CBO	Areas surveyed	Road facility	%
1	Apna Theatre	20	14	70
2	CARDS	32	32	100
3	Dr. AWARD	4	3	75
4	Dalit Women Forum	8	8	100
5	Manav Garima	9	5	56
6	MIDT	39	38	97
7	PRDTI	46	46	100
8	READ	5	5	100
9	Sahyogi	18	17	94
10	Sanghamithra	18	16	89
11	Thamate	17	13	76
12	Vizhuthugal	34	34	100
	Total	250	231	92

It is overwhelming to find that 92% of areas resided by the scavenging community have road connectivity. The trend is seen across northern and southern Indian states where survey was conducted. This may be attributed to the state governments' emphasis on infrastructure development, increasing urbanization and enhancement in budget allocation for road construction across all areas of villages & towns/ cities.

II. Street light:

No.	Name of CBO	Areas surveyed	Street light	%
1	Apna Theatre	20	11	55
2	CARDS	32	32	100
3	Dr. AWARD	4	4	100
4	Dalit Women Forum	8	8	100
5	Manav Garima	9	5	56
6	MIDT	39	5	13
7	PRDTI	46	42	91
8	READ	5	5	100
9	Sahyogi	18	10	56
10	Sanghamithra	18	18	100
11	Thamate	17	15	88
12	Vizhuthugal	34	33	97
	Total	250	188	75

188 areas, out of 250 areas that were surveyed have street light. This is related to the variable of road connectivity to slum areas and remote rural areas.

III. Electricity connection/supply to the area:

No.	Name of CBO	Areas surveyed	Electricity connection to the area	%
1	Apna Theatre	20	19	95
2	CARDS	32	29	91
3	Dr. AWARD	4	4	100
4	Dalit Women Forum	8	8	100
5	Manav Garima	9	6	67
6	MIDT	39	39	100
7	PRDTI	46	46	100
8	READ	5	5	100
9	Sahyogi	18	8	44
10	Sanghamithra	18	18	100
11	Thamate	17	15	88
12	Vizhuthugal	34	34	100
	Total	250	231	92

92% of the areas (231 out of 250 areas surveyed), where scavenging community resides in large numbers, have electricity connections. In urban areas, supply of electricity to many lanes from one official connection in the area has been observed. This may be a reason behind higher rate of electricity supplied to most of the areas surveyed.

iv. Water Supply:

No.	Name of CBO	Areas surveyed	Water supply	%
1	Apna Theatre	20	14	70
2	CARDS	32	15	47
3	Dr. AWARD	4	2	50
4	Dalit Women Forum	8	7	88
5	Manav Garima	9	6	67
6	MIDT	39	2	5
7	PRDTI	46	21	46
8	READ	5	5	100
9	Sahyogi	18	17	94
10	Sanghamithra	18	18	100
11	Thamate	17	6	35
12	Vizhuthugal	34	34	100
	Total	250	147	59

While road connectivity, streetlights and electricity supply show a bright picture, availability of water supply (drinking and household usage) shows the bleak side of it. Only 59% areas (147/250) have supply of water. Other 41% areas, largely habituated by scavenging community, do not have any system of water supply. Members of scavenging community either depend on community sources like ponds and hand pumps or water tankers sent by government or they have to go and fetch water from faraway places.

Looking at the difference in Urban & rural areas, 85% localities (68/80) in urban areas surveyed by 6 organizations (Apna Theatre, Manav Garima, Dr. AWARD, READ Dalit Women Forum, and Vizhuthugal) have water supply. While only 46.5% localities (79/170) surveyed in rural / semi urban/ town areas by remaining 6 partner CBOs have access to water supply. Thus, there is a disparity of services / amenities offered by government which favors urban areas to rural/town areas.



Figure 8 Situation of water supply and drainage in 1 slum area of Pudukottai, Tamilnadu

V. Drainage facility:

No.	Name of CBO	Areas surveyed	Drainage facility	%
1	Apna Theatre	20	5	25
2	CARDS	32	26	81
3	Dr. AWARD	4	2	50
4	Dalit Women Forum	8	1	13
5	Manav Garima	9	4	44
6	MIDT	39	2	5
7	PRDTI	46	39	85
8	READ	5	4	80
9	Sahyogi	18	12	67
10	Sanghamithra	18	2	11
11	Thamate	17	0	0
12	Vizhuthugal	34	26	76
	Total	250	123	49

Only 49% areas have drainage facility. Scavenging community which is compelled to clean the open drainages and underground sewer systems themselves do not have a drainage facility in their localities. In urban areas as well as rural areas, 52.5% and 52% areas had drainage facilities respectively.

vi. Garbage pickup

No.	Name of CBO	Areas surveyed	Garbage pickup service	%
1	Apna Theatre	20	2	10
2	CARDS	32	1	3
3	Dr. AWARD	4	0	0
4	Dalit Women Forum	8	1	13
5	Manav Garima	9	2	22
6	MIDT	39	1	3
7	PRDTI	46	0	0
8	READ	5	5	100
9	Sahyogi	18	0	0
10	Sanghamithra	18	16	89
11	Thamate	17	0	0
12	Vizhuthugal	34	8	24
	Total	250	36	14

Only 14% areas (36 out of 250 areas surveyed) have garbage pickup facility. 35 areas (urban slums), where corporation has set up a system of garbage collection, while surprisingly; only 1 village surveyed by MIDT has gram panchayat appointed sweeper managing waste even in areas resided by scavengers. Lack of garbage pickup facility shows how sweepers and scavengers who clean the society are deprived of the same facility and negligence of government to provide them the service they offer to the society.



Figure 9 Garbage menace in once slum area, Ahmedabad, GJ

Common / welfare facilities available in areas predominantly resided by scavenging community:

I. Anganwadi:

No.	Name of CBO	Areas surveyed	Anganwadi	%
1	Apna Theatre	20	6	30
2	CARDS	32	5	16
3	Dr. Award	4	2	50
4	Dalit Women Forum	8	8	100
5	Manav Garima	9	6	67
6	MIDT	39	39	100
7	PRDTI	46	45	98
8	READ	5	5	100
9	Sahyogi	18	15	83
10	Sanghamithra	18	9	50
11	Thamate	17	12	71
12	Vizhuthugal	34	33	97
	Total	250	185	74

185 out of 250 areas surveyed (74%) have Anganwadi (ICDS center) for children. It shows wide implementation of the scheme. But there is a lot to be done to cover all the children accessing Anganwadi.

II. Healthcare facility:

No.	Name of CBO	Areas surveyed	Healthcare facility	%
1	Apna Theatre	20	7	35
2	CARDS	32	8	25
3	Dr. Award	4	1	25
4	Dalit Women Forum	8	7	88
5	Manav Garima	9	3	33
6	MIDT	39	4	10
7	PRDTI	46	10	22
8	READ	5	2	40
9	Sahyogi	18	9	50
10	Sanghamithra	18	18	100
11	Thamate	17	4	24
12	Vizhuthugal	34	30	88
	Total	250	103	41

Only 103 areas out of 250 areas surveyed (41%) have healthcare facilities in like having a PHC/ Urban Health Center in their neighborhood, ANM workers visiting their localities and in some cases availability of a private healthcare practitioner. Scavengers in 144 villages (out of total 250 areas surveyed) could have benefitted from National Rural Health Mission, which did not happen.

iii. Public toilets:

No.	Name of CBO	Areas surveyed	Public toilets	%
1	Apna Theatre	20	16	80
2	CARDS	32	3	9
3	Dr. Award	4	2	50
4	Dalit Women Forum	8	2	25
5	Manav Garima	9	3	33
6	MIDT	39	1	3
7	PRDTI	46	0	0
8	READ	5	0	0
9	Sahyogi	18	0	0
10	Sanghamithra	18	3	17
11	Thamate	17	6	35
12	Vizhuthugal	34	34	100
	Total	250	70	28

The findings show that only 70/250, i.e, 28% areas have facility of public toilets. In rest of the areas community members have to either rely on open defecation or very few have individual / personal toilets in their households. Our household survey results reciprocate with this finding because from a total of 5827 households surveyed by CBOs, only 1851 (32%) households have individual household toilets, while 3976 households of scavengers do not have individual toilet facility.

iv. Public toilets with water facility:

No.	Name of CBO	Areas surveyed	Availability of Public toilets	No. of public toilets (seats) with water facility	No. of dry public toilets (seats)
1	Apna Theatre	20	16	0	141
2	CARDS	32	3	26	4
3	Dr. Award	4	2	4	16
4	Dalit Women Forum	8	2	20	1
5	Manav Garima	9	3	7	54
6	MIDT	39	1	0	292
7	PRDTI	46	0	0	328
8	READ	5	0	9	0
9	Sahyogi	18	0	0	106
10	Sanghamithra	18	3	11	0
11	Thamate	17	6	6	45
12	Vizhuthugal	34	34	24	8
	Total	250	70	107	995

Of 70 areas that have public toilet facility, only 107 public toilets (seats) have water supply, while 995 toilets are dry toilets which require manual scavenging of human excreta. These dry latrines are just covered by walls on 3 or 4 sides, with no doors or water facilities available.

Also a point to be noted here is that 250 areas surveyed is just a small representative sample of larger reality of urban and rural India. These are the areas where scavenging community resides, but there are a large number of areas where other communities reside. Also, there are commercial and public spaces, where toilets without water facility are common and they need to be cleaned by manual scavengers.

Coverage of households:

No.	State	No. of households surveyed
1	Uttar Pradesh	1813
2	Gujarat	333
3	Tamilnadu	2322
4	Andhra Pradesh	1134
5	Karnataka	225
	Total	5827

4 partner CBOs viz. Men's Institute of Development & Training (MIDT), Purvanchal Rural Development & Training Institute (PRDTI), Sahyogi and Apna Theatre surveyed 1813 households in rural and urban areas. While in Gujarat, Manav Garima surveyed 333 households in Ahmedabad Municipal Corporation area. In Tamilnadu, 4 partner organizations - Cultural Action and Rural Development Society (CARDS), Rights Education and Development Center (READ), Dr. Ambedkar Women & Child Regeneration Development (Dr. AWARD) and Vizhuthugal Social Education and Development Trust (Vizhuthugal) surveyed 2322 households in both urban and rural areas. In Andhra Pradesh, 2 CBOs – Dalit Women Forum and Sanghamithra Service Society (Sanghamithra) surveyed 1134 households in urban and rural areas, while in Karnataka, Thamate (Centre for Rural Empowerment) surveyed 225 households in Urban and Rural areas.

Organization wise households surveyed:

No.	Organization	District	Villages/ Slum	Blocks	Municipality/ Corporations	No. of households surveyed
1	Apna Theatre	Kanpur Urban	Dina Saudagar New Street, Parampurva Kachchi Basti, Parmpukha, Rambaug P. Road, Bashirganj Sisamau, Azad Park Mirpur Cant, Chhota Jateta, Brahm Nagar, Dalel purva Haddi Godam, Lal Kurti Cant, Mirpur Khatakiyana, Naya Pura, Sujat Ganj, Latush Road, Ajitganj Babupurva, Juhi Depo, Purani Chauwki, Munshipurva Bakarganj		Kanpur Municipal Corporation	301

No.	Organization	District	Villages/ Slum	Blocks	Municipality/ Corporations	No. of households surveyed
2	CARDS	Ramnad	Alagankulam, Panaikulam, Vani, Ilama Noor, Irumeni, Valuthur, KuyavanKudi, Pallavaseri, Pamban, Pattanamkathan, Peravur, Preppan Valasai, Pudumadam, Raghunatha Puram, Surankattu Valasai, Kattu Oorani, Thankachimadam, Therkkutharavai, Valantharavai, Vattakudi, ChittarKottai, Athiyuthu, Devipattinam	Mandapam, Ramndad		746
			Muthusampuram, Ambedkar Nagar, Ramanatha-swamy Nagar		Keelakarai Municipality, Rameshwaram Municipality	
3	Dalit Women Forum	Hyderabad	Ambedkar Nagar, Lohiya Nagar 1 & 2, Venkat Nagar, AC Nagar/ Addagutta, Chandrababu Nagar, Golubai, Rajiv Nagar,		Greater Hyderabad Municipal Corporation	486
4	Dr. AWARD	Pudukkottai	Machuvadi, Santhaipeetai, Thiruvalluvarnagar, Aiyanarpuram		Pudukkottai Municipality	396
5	Manav Garima	Ahmedabad	Boot Bhavani, ThaltejMalavTalav		Ahmedabad Municipal Corporation	333
6	MIDT	Hapur, Gaziabad	Allabaxpur, Athsaini, Atrauli, Aurangabad, Badarkha, BandkaNangala, Bankhanda, Bhikanpur, Bihuni, Chhatnora, Dataidi, Dotai, Fuladi, GanduNagala, Ghungharala, Hasanpur, Bigas, Janupura, KarimPur, Khilwai, KuranaMirpur, Luhari,	Garh Mukteshwar, Bhojpur, Hapur, Simbholi		645

No.	Organization	District	Villages/ Slum	Blocks	Municipality/ Corporations	No. of households surveyed
			Mahemadpura Rustampur, Mubarakpur, Nihali, Palwada, Partapur, Popai, Rasulpur, Salai, Saroorpur, Shahpur, Sherpur – Allapur, Sikhaida, Sultanpur, Upaida, Vate			
			GarhMukteshwar		Garh Mukteshwar Municipality	
7	PRDTI	Ghazipur	Adilabad, Alavalpur, Bagaind, Fadanpura, Gangoli, Gouspur, Gudur, Hariharpur, Joga, Kamupur, Khardiha, Karimuddinpur, Lathudih, Maanta, Machchati, Mahend, Maheshpur, Malik/Malinpura, Mustafabad, Molanapur, Mudera, Narayanpur, Pakhanpura, Patar, RajapurKataya, Ranipur, ShakkarpurKhurd, Jahurabad, SherpurKatta, SherpurKhurd, Sonadi, Sukaha- Kasimabad, Sukhdehra, Tandva, Virpur	Mohammadabad, Ghazipur, Kasimabad, Bhawarpur, Barachora, Vawarkul		501
			Dalkinganj, Puraniganj		Gazipur Municipal Corporation	
8	READ	Erode	Pudupalayam, Thoppur colony, K.N.Palayam, Kavirinagar		Gobi and Sathyamangalam Municipality	764
9	Sahyogi	Kanpur Nagar, Kanpur Dehat	Amauli, Kotra, Lahurimau, Bibipur, Sajeti, Madha, Gujela, Reona, Girsi, Gadatha, Fattepur, Gausganj, Parachand, Ghanamatirampur (Daulatpur), Bhognipur, Patara	Patara, Ghatampur, Amraudha,		366

No.	Organization	District	Villages/ Slum	Blocks	Municipality/ Corporations	No. of households surveyed
			Ashok Nagar (Agatal), Asha Nagar (Bajigar), Jawahar Nagar Pashchimi, Shashtri Nagar, Katra, Azad Nagar, Patel Nagar		Ghatampur Nagar Palika Parishad, Amraudha Nagar Panchayat	
10	Sanghamithra	Chittoor	Pakala, Chandragiri, Renigunta, Kuntrapakam, T.N. Palem, M.R. Palli, Thummalagunta, Tiruchanuru	Pakala, Chandragiri, Renigunta, Tirupati Rural, Tirupati Urban		648
			Chamanthipuram, Municipal Lane, Vengalrao Colony, Peddagudiveedi, Santhamaidanam, VM Palli, Varadarajulugudi, Sankar Colony, TMC Colony		Chittoor Municipality, Sreekalahasthi Municipality, Tirupati Municipal Corporation	
11	Thamate		Y.N.Hosakote, Pothaganahalli, Chikkahalli, Davadabetta, Gujjanadu, Kilarlahalli, Konanakurike, Naliganahalli, Sasalkunte, Kannamede, Roppa, Kotagudda, Rajavanthi, Byadanur, Siddapur, C.K.Pur,	Pavagada		225
			Adarshanagar, AK Colony, Abbande, Aravind Nagar, Shanthinagar, Kuripalya, A.K.Colony, KR Extension		Pavagada Town Municipality, Tumkur Municipal Corporation, Sira Municipal Corporation, Madugiri Town Municipality	
12	Vizhuthugal	Tirupur	Palladam Road, Ambethkar Nagar, Dharapuram Road, Kongu Main Road, Palladam Road, Panchayat Colony, Susaiyapuram, KaraiThottam, Ambedkar Nagar, Susaiyapuram		Tirupur Municipal Corporation	416
			Total			5827

Other details of households surveyed:

- Total members in 5827 households surveyed are 25,082 persons.
- Of these 25,082 family members, 1739 are below the age of 5 years, 11921 between 6-25 years and 11422 above the age of 26 years.
- In 5827 households surveyed, number of women are 12264 and number of men are 12818.

OBC/ Minority	SC	ST	Total
149	5289	389	5827

Of 5827 households / families surveyed (who are engaged in scavenging work) ,149 belonged to OBC &minority (Muslim) families, while 389 were from Scheduled Tribe families and the majority 5289 families belonged to Scheduled Castes. This clearly shows that sweeping, manhole cleaning and manual scavenging is largely a caste based occupation.



Figure 10 A Household of scavenging family in Tirupur town, TN

I. Educational status of family members:

Status	No. of persons
Continuing (5-25 years)	6774
Drop-out (6-25 years)	2059
Completed (those who have either completed studies upto Grade 12/college or left studies at different age and do not want to pursue it further)	8230
Illiterate (never been to school)	2967
Not answered	5052
Total	25082

6774 respondents are pursuing studies. 2059 have dropped out of school/ college, while 8230 persons have either completed their studies upto Grade 12 or college or they do not want to pursue studies further through formal or informal education system. 2967 persons have never been to school and 5052 persons did not answer the question.

ii. Occupations of family members:

Occupation	No. of persons
Sweeper	3903
Manhole Worker	609
Manual Scavenger	1098
Animal Husbandry	3
Daily Wage earner	2748
MNREGA	15
Private Jobs: Shops/Hospital/Factories/Companies	511
Self Employed	553
Other (not regularly employed)	1504
Retired	2
Total	10946

Of 10946 adult members, 3903 persons are working as sweepers. 609 are working as manhole workers, while 1098 are working as manual scavengers. Only 3 respondents were earning by animal husbandry and 15 are earning under MNREGA employment. A large number of respondents (2748) are daily wage earners who are either occupied as agriculture labor, coolies or doing petty jobs here and there. 511 persons are employed in private jobs in sales, housekeeping, labor or clerical work in shops, hospitals, factories and companies, etc. 1504 persons are not regularly employed, meaning, they work on adhoc basis. Only 2 respondents said they have retired from work.

iii. Nature of occupation:

Nature of occupations	No. of persons
Single occupation	10534
More than one occupations	410
Retired	2
Total	10946



Figure 11 A Scavenging community woman engaged in self employment in Gazipur, UP

Of 10946 respondents, 96% (10534) are engaged in only one occupation (from the list mentioned above), while only 410 are occupied in more than one occupations. They either work as sweepers in the morning or are self employed in evening or take up other work in the evening.

iv. Monthly income of households:

Income range	No. of households	% of total households surveyed
Upto Rs. 3000/month	2877	49
Rs. 3001-5000/month	1340	23
More than Rs. 5001/month	1610	28
Total households	5827	100

49% households surveyed (2877/5827) have less than Rs. 3000 as monthly family income. 1340 households have monthly income between Rs. 3001 and Rs. 5000. While 28% (1610/5827) households have monthly income exceeding Rs. 5001 every month.

v. Food Security: APL/BPL/Antyodaya Cards:

Type of card/ entitlement	Number of households	% of total households surveyed
Antyodaya	106	2
APL	1849	32
BPL	3739	64
No card	133	2
Total	5827	100

106 households are listed as Antyodaya (poorest of the poor) households and get government's benefit for food security. Our survey also revealed that 64% (3739/5827) households live Below Poverty Line (BPL) and 32% (1849/5827) households fall APL (who do not get any food security benefits from government). 2% respondent households do not have any card which ensures food security to them.

vi. Types of houses of scavenging community:

Type of house	No. of households	% of total households surveyed
Hut / kutcha	2211	38
Pukka	3616	62
Total	5827	100

62% respondent households live in Pukka houses, while a sizeable number of respondents- 38% (2211/5827) live in kutcha (thatched/ mud) houses. There is a similar situation in urban and rural localities of scavenging community where survey was done. In urban slums, they live in kutcha houses, while in rural areas, unable to access government schemes for construction of house, they are forced to live in kutcha houses.

vii. Ownership of houses:

Nature of ownership	No. of households	% of households
Own	3858	66
Rented	1098	19
No legal status	871	15
Total	5827	100

66% households are owned by respondents themselves, while 19% live in rented house. 871 families (15% of sample size) do not have any legal status of houses they live in. They are under constant fear of eviction by municipal bodies. In rural areas, they are struggling to get housing site entitlements in their name.

viii. Years of living in those houses:

Tenure	Number of households	% of households surveyed
1-10 years	2684	46
11-20 years	2464	42
21 years and above	679	12
Total	5827	100

46% of respondent households have been living in their respective houses for up to 10 years. While 42% have been living since 11-20 years. 679 families (12%) have been living in that house / locality for more than 21 years now.

We also observed that of 2696 households surveyed in urban areas, 30% are living in same houses for the tenure of 1-10 years. 50% have been living for 11-20 years and 20% have been living in the same house for more than 21 years. The largest proportion (50%) of households living for 11-20 years also show impact of globalization resulting into migration to large cities.

In rural areas, 1884/3131 (60%) households are inhabited by respondents to up to last 10 years. 1094 households (35%) have been occupied by respondent families for 11-20 years and only 5% (153) households have been occupied by the same family for more than 21 years.

ix. Families having access to government's housing schemes:

Response	No. of households	Name of scheme and respective number of beneficiaries
Access to government housing scheme	558	ValmikiAmbedkarAwasYojana 29
		IndiraAwasYojana 346
		Rajiv GruhaKalpa 64
		TAHDCO- Housing scheme 10
		Urban AshrayaYojana 20
		JNNURM- housing 61
		MahamayaYojana 13
		AmedkarAwasYojana 15
No access to government housing scheme	5269	
Total	5827	

Only 558 respondent households (9.5% of total respondents) have accessed government housing schemes to construct their houses. There are some state government schemes (Rajiv GruhaKalpa in Andhra Pradesh, TAHDCO in Tamilnadu, Urban AshrayaYojana in Karnataka, MahamayaYojana in Uttar Pradesh) for housing and some central government schemes (ValmikiAmbedkarAwasYojana, Indira AwasYojana, JNNURM Housing Scheme, AmbedkarAwasYojana, etc.) 91.5% (5269/5827) of respondents did not have access to housing scheme.

x. Availability of credit to scavenging community:

Type of lending available	No. of households	% of households surveyed
Bank	269	4.6
Money lender	2647	45.4
Relative / family member	53	0.9
Other members of community	26	0.4
SHG / savings & credit organization	620	10.6
Other sources	331	5.7
No source	1504	25.8
Not answered	377	6.5
Total	5827	100

From the table it is evident that more than 45% scavenging community depends on money lenders for credit needs. Taking credit from them and being in the debt cycle adds to their poverty, especially in case of migration to large cities, where cost of living is higher. The second largest source of credit availability is SHGs or savings and credit organizations (either cooperative societies or federations of SHGs registered under different laws applicable in respective states). A meager proportion of respondents (0.9% and 0.4%) have access to credit from within the community, either from relatives or family members or other members of the community. While undertaking the survey, we also received information from respondents that the credit received from family or community is charged with interest, but unlike the credit from money lenders, the system is not exploitative.

xi. Households having electricity:

Indicator	No. of households
Have electricity	4957
Do not have electricity	870
Total	5827

It is apparent from the table that 85% households surveyed have electricity connection. Our area survey also reciprocated this finding where in 92% of areas surveyed have electricity connection.

xii. Households having water supply:

Indicator	No. of households
Have water supply (in the house or in proximity to house)	4957
Do not have access to water supply	870
Total	5827

85% households have water supply in their house or in proximity to their house. 15% household surveyed is yet to have water supply/connection. Our area survey results indicate that from 250 areas surveyed, 85% in urban areas and 46.5% areas in urban areas have water supply available.

xiii. Households having own/personal toilet:

Indicator	No. of households
Have own/ personal toilet in the household	1851
Depending on public toilet or open defecation	3976
Total	5827

1851 out of 5827 households (32%) have personal toilets, while 68% still depend on public toilets or open defecation (in rural and urban areas). Areas survey indicate that only 28% of areas (70/250) where scavenging community lives have facility of public toilets. It means, a large population of scavenging community does not have toilet facility (either individual household or public toilet).

xiv. Other entitlements:

Type of entitlement	No. of households having entitlement	Households not having entitlement	Total	% families that have entitlement
Voter Identity cards	5090	737	5827	87%
UIDAI / Aadhaar Card	2129	3698	5827	37%
Bank account	3139	2688	5827	54%
ESIC membership/ health insurance card	1519	4308	5827	26%

From 5827 households surveyed, 5090 households (87%) had adult members having voter identity card in their names.

37% households (2129/5827) have Aadhaar (UIDAI) cards in their name, which gives proof of identity and residence to the citizens of India.

54% respondent households have bank accounts. This large number is due to requirement of having bank accounts for MNREGA wages, benefits of government schemes and subsidies, etc.

Only 26% respondent households (1519/5827) have ESIC or health insurance coverage. Almost 3 quarter of respondents do not have such security. This results in either negligence of symptoms leading to critical ailments, dependence on pharmacy in neighborhood which sells drugs hearing to the symptoms or the quacks practicing in their locality. We also observed that community has a high prevalence of superstitions when it comes to healthcare. They prefer not to approach a medical practitioner until absolutely necessary.

The system of manual scavenging still exists in India and with increasing urbanization across the country; it has potential to spread far and wide. Inadequate infrastructure, casteist mindset of government officials and society at large, poor implementation of legislations banning manual scavenging, internalization of caste hierarchy and complete acceptance of caste based occupations in the minds of scavenging community as well as lack of political intervention will create obstacles for complete eradication of manual scavenging. In our survey we could identify 3799 manual scavengers across 250 areas (villages and slums). Manav Garima's work in Ahmedabad Municipal Corporation area revealed that there are more than 200 sites in Ahmedabad city itself where open defecation exists and so does manual scavenging. Survey by Manav Garima in 9 slum areas of Ahmedabad Municipal Corporation showed 90 persons from scavenging community practicing manual scavenging.

Legislation alone cannot solve the problem and also, lack of implementation of law facilitates continuation of this inhuman practice. The Construction of Dry Latrines and Employment of Manual Scavengers (Prohibition) Act, 1993 and recently enacted The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 have also talked about providing equipments and rehabilitating persons engaged in manual scavenging, but both these Acts do not emphasize on eradication of this inhuman practice.

As found in the survey, the situation of education in the community is very sad. Most of the children stop education after primary level and many do not go to school. The work condition of parents, going early in the morning and not understanding need of education deprives children from scavenging community from education. To help the community come out of scavenging and especially manual scavenging work, education can be a strong instrument, which is missing at this point of time.

Lower employment in other livelihood options is also a striking finding of this survey. Of 10944 working individuals across houses surveyed, 5610 (51%) are engaged in sweeping, underground drainage cleaning and manual scavenging work. Only 410 persons from 5827 households were occupied in more occupations than one to lead a life of comfort, better standard of living and dignity.

Majority of the community members still depend on private money lenders or family members or SHGs (again formed from their community/ neighborhood) for credit and are denied credit from mainstream financial institutions in spite of government's claims of financial inclusion. Only 54% of respondents have bank accounts, which evident the above.

Other observation is that scavenging community has been residing in caste based inhabitation (away from other areas and/or not in slums/localities where other castes also reside). Their areas are also to be found neglected in terms of basic amenities, infrastructure and services such as water, garbage lifting, healthcare, etc.

Our collective efforts are driven towards eradication of inhuman practice of manual scavenging and not just replacing individuals who do it (by rehabilitating present manual scavengers using government laws and schemes). It is the

most inhuman occupation, which results in low life expectancy (our work with community indicates that average life expectancy of sweepers is 50 years), wide prevalence of chronic ailments and approximately 600 underground drainage & septic tank cleaners embracing untimely death annually. We also want to pursue our work towards overall development of the scavenging community by accessing housing, education, healthcare, basic amenities, etc. which are their rights as citizens of the country.

CARDS	Cultural Action & Rural Development Society, Ramanathapuram, Tamilnadu
CBO	Community Based Organization
Dr. AWARD	Dr. Ambedkar Women & Child Regeneration Development, Pudukottai, Tamilnadu
ESIC	Employees' State Insurance Corporation
ICDS	Integrated Child Development Scheme
OBC	Other Backward Class
MIDT	Men's Institute of Development Training, Gaziabad, Uttar Pradesh
MNREGA	Mahatma Gandhi National Rural Employment Guaranty Act
PRDTI	Purvanchal Rural Development & Training Institute, Gazipur, Uttar Pradesh
READ	Rights Education & Development Centre, Sathyamangalam, Tamilnadu
SC	Scheduled Castes
SHG	Self Help Group
ST	Scheduled Tribes
Sahyogi	Sahyogi Rural Development and Research Institute, Kanpur Nagar, Uttar Pradesh
Sanghamithra	Sanghamithra Service Society, Chittoor, Andhra Pradesh
TAHDCO	TamilNadu AdiDravidar Housing & Development Corporation
Thamate	Thamate(Centre for Rural Empowerment), Tumkur, Karnataka.
UIDAI	Unique Identification Authority of India
Vizhuthugal	Vizhuthugal Social Education & Development Trust, Tirupur, Tamilnadu

Annexure 1

Formats of Area and Household Survey

Name of organization: _____

Date of Survey: _____

Area survey where scavenging community lives- organization's operational area

Sr. No.	Name of village/ slum area, block/city and district	Total population	Number of households of scavenging community	Number of manual scavengers	Amenities available: 1. Road 2. Street light 3. Electricity 4. Water supply 5. Anganwadi 6. Health center 7. Drainage 8. Garbage pick up 9. Public toilets	Number of public toilets 1. Dry latrines 2. Water facility (Write numbers against 1,2)	Number of places where manual scavenging is done	Number of persons employed in manual scavenging Women Men. (Write numbers against women & men)	Nature of employment of manual scavengers: 1. Permanent 2. Contract 3. Casual (Write numbers against 1,2,3)
						1. _____ 2. _____		Women: __ Men: _____	1. _____ 2. _____ 3. _____
						1. _____ 2. _____		Women: __ Men: _____	1. _____ 2. _____ 3. _____
						1. _____ 2. _____		Women: __ Men: _____	1. _____ 2. _____ 3. _____
						1. _____ 2. _____ —		Women: __ Men: _____	1. _____ 2. _____ 3. _____

Name of organization: _____

Date of Survey: _____

Household survey

1. Name of head of family: _____, Name of the community: _____
2. Village / slum area: _____, District: _____, State: _____
3. Approximate monthly family income: Rs. _____

Put '√' mark wherever applicable:

4. Status of family: APL _____, BPL _____, Antyodaya: _____
5. House: Hut _____, Pukka _____, own: _____, rented: _____, no legal status _____, living for how many years: _____
6. Government scheme for house accessed: Yes/ No, if yes, name of scheme: _____
7. From whom do you borrow money in case of need: money lender: _____, relative/caste member: _____, SHG: _____, Bank _____, any other: _____ (specify)
8. Basic amenities in house: Electricity: _____, Water: _____, family toilet: _____
9. Entitlements/records: Voter Identity Cards: _____, Aadhar Card: _____, Bank Account: _____, ESIC Card: _____, Health Insurance card: _____
10. Details of family: Write code number in columns of education, occupation and nature of employment as mentioned in the table below:

Sr. No.	Name	Age	Sex	Education 1. Continuing 2. Drop out 3. Completed	Occupation 1. Manual scavenger 2. Manhole worker 3. Sweeper 4. Daily wage earner 5. Self employed 6. Job in private shops/ hospital factories/ companies 7. Others	Nature of employment: 1. Permanent 2. Contract 3. Casual

United Nation's Acknowledgement of Manual scavenging in India.

Extracts from the report published by International Dalit Solidarity Network (www.idsn.org)

CASTE DISCRIMINATION AND UN HUMAN RIGHTS BODIES

A comprehensive compilation of how caste discrimination and similar forms of discrimination based on work and descent have been addressed by the UN treaty bodies, Universal Periodic Review, and the Special Procedures

Prepared by the International Dalit Solidarity Network (IDSN)

Eighth edition – August 2013

Committee on the Elimination of Racial Discrimination (CERD)

CERD Concluding Observations – India 2007 CERD/C/IND/CO/19 Keywords: Interpretation of ‘descent’, CERD general recommendation XXIX, ‘untouchability’, caste based discrimination, Dalit, disaggregated data, segregation, public education, violence against Dalit women, inter-caste marriage, post-tsunami relief, political participation, devadasi, impunity, <u>manual scavenging</u>, bonded labour, child labour, education, SC/CT Act, impunity, caste bias.	23. <u>The Committee notes with concern that very large numbers of Dalits are forced to work as manual scavengers and child workers and are subject to extremely unhealthy working conditions and exploitative labour arrangements, including debt bondage. (art. 5 (e) (i) and (iv).</u> The Committee recommends that the State party effectively implement the Minimum Wages Act (1948), the Equal Remuneration Act (1976), the Bonded labour (System) Abolition Act (1976), the Child Labour (Prohibition and Regulation) Act (1986) and the <u>Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993).</u> The State party should also adopt measures to enhance Dalits’ access to the labour market, e.g. by extending the reservation policy to the private sector and issuing job cards under the National Rural Employment Guarantee Scheme to Dalit applicants, and report on the effects of the measures taken on the employment and working conditions of Dalits in its next periodic report. <i>The Government of India is requested to submit its next periodic reports to CERD before 4 January 2012.</i>
Committee on Elimination of Discrimination Against Women (CEDAW) CEDAW Concluding Comments – India 2007 CEDAW/C/IND/CO/3 Keywords: Dalit women, disaggregated data and statistical data, non-implementation, access to justice, atrocities and impunity, action plan against domestic violence, impunity, SC/ST Act, primary education, <u>manual scavenging</u>, devadasi.	28. The Committee is concerned about the ongoing atrocities committed against Dalit women and the culture of impunity for perpetrators of such atrocities. <u>The Committee is concerned that, despite a law banning manual scavenging, this degrading practice continues with grave implications for the dignity and health of the Dalit women who are engaged in this activity.</u> 29. The Committee recommends that the State party put in place a mechanism to monitor effective enforcement of the Scheduled Castes and Scheduled tribes Prevention of Atrocities Act in order to ensure accountability and end impunity for crimes committed against Dalit women. It calls upon the State party to increase Dalit women’s legal literacy and improve their access to justice in bringing claims of discrimination and violation of rights. It requests the State party to report specifically on the impact of such initiatives in its next periodic report. <u>The Committee also urges the State party to study the health implications of manual scavenging on Dalits engaged in this profession and on the community as a whole, and to address all the impediments to eradicating this practice, including by putting in place modern sanitation facilities and providing the Dalit women engaged in this practice with vocational training and alternative means of livelihood.</u> <i>The Committee requests the State party to respond to the concerns expressed in the present concluding comments in its next periodic report under article 18 of the Convention. It invites the State party to submit its fourth periodic report, which was due in August 2006, and its fifth periodic report, which is due in August 2010, in a combined report in 2010.</i>



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 35] नई दिल्ली, बृहस्पतिवार, सितम्बर 19, 2013/ भाद्र 28, 1935 (शक)
No. 35] NEW DELHI, THURSDAY, SEPTEMBER 19, 2013/ BHADRA 28, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 19th September, 2013/Bhadra 28, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

No. 25 OF 2013

[18th September, 2013.]

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

WHEREAS promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

AND WHEREAS the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution;

AND WHEREAS article 46 of the Constitution, *inter alia*, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

AND WHEREAS the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

AND WHEREAS it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the date so notified shall not be earlier than sixty days after the date of publication of the notification in the Official Gazette.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) “agency” means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate;

(b) “appropriate government”, in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government;

(c) “Chief Executive Officer”, in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;

(d) “hazardous cleaning” by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;

(e) “insanitary latrine” means a latrine which requires human excreta to be cleaned or otherwise handled manually, either *in situ*, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:

Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.

(f) “local authority” means,—

(i) a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;

(ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006; and

(iii) a railway authority;

(g) “manual scavenger” means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a

41 of 2006.

railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression “manual scavenging” shall be construed accordingly.

Explanation.—For the purpose of this clause,—

(a) “engaged or employed” means being engaged or employed on a regular or contract basis;

(b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a ‘manual scavenger’;

64 of 1993. (h) “National Commission for Safai Karmacharis” means the National Commission for Safai Karmacharis constituted under section 3 of the National Commission for Safai Karmacharis Act, 1993 and continued by Resolution of the Government of India in the Ministry of Social Justice and Empowerment *vide* No.17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time;

(i) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly;

(j) “occupier”, in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises;

(k) “owner”, in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises;

(l) “prescribed” means prescribed by the rules made under this Act;

(m) “railway authority” means an authority administering railway land, as may be notified by the Central Government in this behalf;

24 of 1989. (n) “railway land” shall have the meaning assigned to it in clause (32A) of section 2 of the Railways Act, 1989;

(o) “sanitary latrine” means a latrine which is not an ‘insanitary latrine’;

(p) “septic tank” means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;

(q) “sewer” means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes;

(r) “State Government”, in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(s) “survey” means a survey of manual scavengers undertaken in pursuance of section 11 or section 14.

41 of 2006. (2) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006, shall have the same meanings respectively assigned to them in that Act.

(3) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively.

Act to have overriding effect.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any other law, or in any instrument having effect by virtue of any other law. 46 of 1993.

CHAPTER II

IDENTIFICATION OF INSANITARY LATRINES

Local authorities to survey insanitary latrines and provide sanitary community latrines.

4. (1) Every local authority shall,—

(a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of such insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;

(b) give a notice to the occupier, within fifteen days from the date of publication of the list under clause (a), to either demolish the insanitary latrine or convert it into a sanitary latrine, within a period of six months from the date of commencement of this Act:

Provided that the local authority may for sufficient reasons to be recorded in writing extend the said period not exceeding three months;

(c) construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary community latrines as it considers necessary, in the areas where insanitary latrines have been found.

(2) Without prejudice to the provisions contained in sub-section (1), Municipalities, Cantonment Boards and railway authorities shall also construct adequate number of sanitary community latrines, within such period not exceeding three years from the date of commencement of this Act, as the appropriate Government may, by notification, specify, so as to eliminate the practice of open defecation in their jurisdiction.

(3) It shall be the responsibility of local authorities to construct community sanitary latrines as specified in sub-sections (1) and (2), and also to make arrangements for their hygienic upkeep at all times.

Explanation.—For the purposes of this section, “community” in relation to railway authorities means passengers, staff and other authorised users of railways.

CHAPTER III

PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER

Prohibition of insanitary latrines and employment and engagement of manual scavenger.

5. (1) Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, no person, local authority or any agency shall, after the date of commencement of this Act,— 46 of 1993.

(a) construct an insanitary latrine; or

(b) engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging.

(2) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, by the occupier at his own cost, before the expiry of the period so specified in clause (b) of sub-section (1) of section 4:

Provided that where there are several occupiers in relation to an insanitary latrine, the liability to demolish or convert it shall lie with,—

(a) the owner of the premises, in case one of the occupiers happens to be the owner; and

(b) all the occupiers, jointly and severally, in all other cases:

Provided that the State Government may give assistance for conversion of insanitary latrines into sanitary latrines to occupiers from such categories of persons and on such scale, as it may, by notification, specify:

Provided further that non-receipt of State assistance shall not be a valid ground to maintain or use an insanitary latrine, beyond the said period of nine months.

(3) If any occupier fails to demolish an insanitary latrine or convert it into a sanitary latrine within the period specified in sub-section (2), the local authority having jurisdiction over the area in which such insanitary latrine is situated, shall, after giving notice of not less than twenty one days to the occupier, either convert such latrine into a sanitary latrine, or demolish such insanitary latrine, and shall be entitled to recover the cost of such conversion or, as the case may be, of demolition, from such occupier in such manner as may be prescribed.

6. (1) Any contract, agreement or other instrument entered into or executed before the date of commencement of this Act, engaging or employing a person for the purpose of manual scavenging shall, on the date of commencement of this Act, be terminated and such contract, agreement or other instrument shall be void and inoperative and no compensation shall be payable therefor.

Contract, agreement, etc., to be void.

(2) Notwithstanding anything contained in sub-section (1), no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual scavenging.

7. No person, local authority or any agency shall, from such date as the State Government may notify, which shall not be later than one year from the date of commencement of this Act, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.

Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.

8. Whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Penalty for contravention of section 5 or section 6.

9. Whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both.

Penalty for contravention of section 7.

10. No court shall take cognizance of any offence punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offence.

Limitation of prosecution.

CHAPTER IV

IDENTIFICATION OF MANUAL SCAVENGERS IN URBAN AND RURAL AREAS AND THEIR REHABILITATION

11. (1) If any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction, the Chief Executive Officer of such Municipality shall cause a survey to be undertaken to identify such persons.

Survey of manual scavengers in urban areas by Municipalities.

(2) The content and methodology of the survey referred to in sub-section (1) shall be such as may be prescribed, and it shall be completed within a period of two months from its commencement in the case of Municipal Corporations, and within a period of one month in the case of other Municipalities.

(3) The Chief Executive Officer of the Municipality, in whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.

(4) After completion of the survey, the Chief Executive Officer shall cause to be drawn up a provisional list of persons found to be working as manual scavengers within the jurisdiction of his Municipality and fulfilling the eligibility conditions as may be prescribed, shall cause such provisional list to be published for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.

(5) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (4), shall, within a period of fifteen days from such publication, file an objection, in such form as the Municipality may notify, to the Chief Executive Officer.

(6) All objections received in pursuance of sub-section (5), shall be enquired into, and thereafter a final list of persons found to be working as manual scavengers within the local limits of the municipality, shall be published by it in such manner, as may be prescribed.

(7) As soon as the final list of manual scavengers, referred to in sub-section (6) is published, the persons included in the said list shall, subject to the provisions of sub-section (2) of section 6, stand discharged from any obligation to work as manual scavengers.

Application
by an urban
manual
scavenger for
identification.

12. (1) Any person working as a manual scavenger in an urban area, may, either during the survey undertaken by the Municipality in pursuance of section 11, within whose jurisdiction he works, or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the Municipality, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 11, or, when no such survey is in progress, within fifteen days of receipt of such application, to ascertain whether the applicant is a manual scavenger.

(3) If an application is received under sub-section (1) when a survey under section 11 is not in progress, and is found to be true after enquiry in accordance with sub-section (2), action shall be taken to add the name of such a person to the final list published under sub-section (6) of section 11, and the consequences mentioned in sub-section (7) thereof shall follow.

Rehabilita-
tion of
persons
identified as
manual
scavengers
by a Munici-
pality.

13. (1) Any person included in the final list of manual scavengers published in pursuance of sub-section (6) of section 11 or added thereto in pursuance of sub-section (3) of section 12, shall be rehabilitated in the following manner, namely:—

(a) he shall be given, within one month,—

(i) a photo identity card, containing, *inter alia*, details of all members of his family dependent on him, and

(ii) such initial, one time, cash assistance, as may be prescribed;

(b) his children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) he shall be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;

(d) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;

(e) he, or at least one adult member of his family, shall be given, subject to

eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

(f) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

(2) The District Magistrate of the district concerned shall be responsible for rehabilitation of each manual scavenger in accordance with the provisions of sub-section (1) and the State Government or the District Magistrate concerned may, in addition, assign responsibilities in his behalf to officers subordinate to the District Magistrate and to officers of the concerned Municipality.

14. If any Panchayat has reason to believe that some persons are engaged in manual scavenging within its jurisdiction, the Chief Executive Officer of such Panchayat shall cause a survey of such manual scavengers to be undertaken, *mutatis mutandis*, in accordance with the provisions of section 11 and section 12, to identify such person.

Survey of manual scavengers in rural areas by Panchayats.

15. (1) Any person working as a manual scavenger, in a rural area, may, either during the survey undertaken by the Panchayat within whose jurisdiction he works, in pursuance of section 14 or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the concerned Panchayat, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

Application by a rural manual scavenger for identification.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain whether the applicant is a manual scavenger.

16. Any person included in the final list of manual scavengers, published in pursuance of section 14 or added thereto in pursuance of sub-section (2) of section 15 shall be rehabilitated, *mutatis mutandis*, in the manner laid down for urban manual scavengers in section 13.

Rehabilitation of persons identified as manual scavengers by a Panchayat.

CHAPTER V

IMPLEMENTING AUTHORITIES

17. Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every local authority to ensure, through awareness campaign or in such other manner that after the expiry of a period of nine months, from the date of commencement of this Act,—

Responsibility of local authorities to ensure elimination of insanitary latrines.

(i) no insanitary latrine is constructed, maintained or used within its jurisdiction; and

(ii) in case of contravention of clause (i), action is taken against the occupier under sub-section (3) of section 5.

18. The appropriate Government may confer such powers and impose such duties on local authority and District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out, and a local authority and the District Magistrate may, specify the subordinate officers, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

Authorities who may be specified for implementing provisions of this Act.

19. The District Magistrate and the authority authorised under section 18 or any other subordinate officers specified by them under that section shall ensure that, after the expiry of such period as specified for the purpose of this Act,—

Duty of District Magistrate and authorised officers.

(a) no person is engaged or employed as manual scavenger within their jurisdiction;

(b) no one constructs, maintains, uses or makes available for use, an insanitary latrine;

(c) manual scavengers identified under this Act are rehabilitated in accordance with section 13, or as the case may be, section 16;

(d) persons contravening the provisions of section 5 or section 6 or section 7 are investigated and prosecuted under the provisions of this Act; and

(e) all provisions of this Act applicable within his jurisdiction are duly complied with.

Appointment
of inspectors
and their
powers.

20. (1) The appropriate Government may, by notification, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any premises or place for the purpose of,—

(a) examining and testing any latrine, open drain or pit or for conducting an inspection of any premises or place, where he has reason to believe that an offence under this Act has been or is being or is about to be committed, and to prevent employment of any person as manual scavenger;

(b) examine any person whom he finds in such premises or place and who, he has reasonable cause to believe, is employed as a manual scavenger therein, or is otherwise in a position to furnish information about compliance or non-compliance with the provisions of this Act and the rules made thereunder;

(c) require any person whom he finds on such premises, to give information which is in his power to give, with respect to the names and addresses of persons employed on such premises as manual scavenger and of the persons or agency or contractor employing or engaging them;

(d) seize or take copies of such registers, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or agency; and

(e) exercise such other powers as may be prescribed.

(3) Any person required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

45 of 1860.

(4) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any such search or seizure under sub-section (2) as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the said Code.

2 of 1974.

CHAPTER VI

PROCEDURE FOR TRIAL

Offences to
be tried by
Executive
Magistrate.

21. (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class.

2 of 1974.

(2) An offence under this Act may be tried summarily.

Offence to be
cognizable
and non-
bailable.

22. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and non-bailable.

2 of 1974.

23. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by companies.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

CHAPTER VII

VIGILANCE COMMITTEES

24. (1) Every State Government shall, by notification, constitute a Vigilance Committee for each district and each Sub-Division.

Vigilance Committees.

(2) Each Vigilance Committee constituted for a district shall consist of the following members, namely:—

(a) the District Magistrate—Chairperson, *ex officio*;

(b) all members of the State Legislature belonging to the Scheduled Castes elected from the district—members:

Provided that if a district has no member of the State Legislature belonging to the Scheduled Castes, the State Government may nominate such number of other members of the State Legislature from the district, not exceeding two, as it may deem appropriate.

(c) the district Superintendent of Police— member, *ex officio*;

(d) the Chief Executive Officer of,—

(i) the Panchayat at the district level—member, *ex officio*;

(ii) the Municipality of the district headquarters—member, *ex officio*;

(iii) any other Municipal Corporation constituted in the district—member, *ex officio*;

(iv) Cantonment Board, if any, situated in the district—member, *ex officio*;

(e) one representative be nominated by the railway authority located in the district;

(f) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the district, to be nominated by the District Magistrate, two of whom shall be women;

(g) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;

(h) the district-level officer in-charge of the Scheduled Castes Welfare—Member-Secretary, *ex officio*;

(i) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:—

(a) the Sub-Divisional Magistrate—Chairperson, *ex officio*;

(b) the Chairpersons and the Chief Executive Officers of Panchayats at intermediate level of the Sub-Division, and where Panchayats at intermediate level, do not exist, Chairpersons from two Panchayats at Village level to be nominated by the Sub-Divisional Magistrate—member, *ex officio*;

(c) the Sub-Divisional Officer of Police—member, *ex officio*;

(d) Chief Executive Officer of—

(i) the Municipality of the Sub-Divisional headquarters—member, *ex officio*; and

(ii) Cantonment Board, if any, situated in the Sub-Division—member, *ex officio*;

(e) one representative to be nominated by the railway authority located in the Sub-Division—member, *ex officio*;

(f) two social workers belonging to the organisation working for the prohibition of manual scavenging and rehabilitation of the manual scavengers, or representing the scavenger community resident in the Sub-Division, to be nominated by the District Magistrate, one of whom shall be a woman;

(g) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(h) the Sub-Divisional level officer in-charge of Scheduled Castes welfare—Member-Secretary, *ex officio*;

(i) Sub-Divisional level officers of Department and agencies who in the opinion of the Sub-Divisional Magistrate, subject to any general orders of the State Government or the District Magistrate, have a significant role to play in the implementation of this Act—member, *ex officio*.

(4) Each Vigilance Committee constituted at district and Sub-Divisional level shall meet at least once in every three months.

(5) No proceeding of a Vigilance Committees shall be invalid merely by reason of any defect in its constitution.

Functions of
Vigilance
Committee.

25. The functions of Vigilance Committee shall be—

(a) to advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(b) to oversee the economic and social rehabilitation of manual scavengers;

(c) to co-ordinate the functions of all concerned agencies with a view to channelise adequate credit for the rehabilitation of manual scavengers;

(d) to monitor the registration of offences under this Act and their investigation and prosecution.

26. (1) Every State Government shall, by notification, constitute a State Monitoring Committee, consisting of the following members, namely:—

State
Monitoring
Committee.

(a) the Chief Minister of State or a Minister nominated by him—Chairperson, *ex officio*;

(b) the Minister-in-charge of the Scheduled Castes Welfare, and such other Department, as the State Government may notify;

(c) Chairperson of the State Commissions for Safai Karamcharis, and Scheduled Castes, if any— member, *ex officio*;

(d) representatives of the National Commission for Scheduled Castes, and Safai Karamcharis—member, *ex officio*;

(e) not less than two members of the State Legislature belonging to the Scheduled Castes, nominated by the State Government:

Provided that if any State Legislature has no member belonging to the Scheduled Castes, the State Government may nominate the members belonging to the Scheduled Tribes;

(f) the Director-General of Police— member, *ex officio*;

(g) Secretaries to the State Government in the Departments of Home, Panchayati Raj, Urban Local Bodies, and such other Departments, as the State Government may notify;

(h) Chief Executive Officer of at least one Municipal Corporation, Panchayat at the district-level, Cantonment Board and railway authority as the State Government may notify;

(i) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the State, to be nominated by the State Government, two of whom shall be women;

(j) State-level head of the convener Bank of the State Level Bankers' Committee—member, *ex officio*;

(k) Secretary of the Department of the State Government dealing with development of the Scheduled Castes—Member-Secretary, *ex officio*;

(l) such other representative of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.

(2) The State Monitoring Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

27. The functions of the State Monitoring Committee shall be—

Functions of
the State
Monitoring
Committee.

(a) to monitor and advise the State Government and local authorities for effective implementation of this Act;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental thereto or connected therewith for implementation of this Act.

28. Every State or Union territory Government and Union territory administration shall send such periodic reports to the Central Government about progress of implementation of this Act, as the Central Government may require.

Duty of
States or
Union
territories to
send periodic
reports to the
Central
Government.

29. (1) The Central Government shall, by notification, constitute a Central Monitoring Committee in accordance with the provisions of this section.

Central
Monitoring
Committee.

(2) The Central Monitoring Committee shall consist of the following members, namely:—

(a) The Union Minister for Social Justice and Empowerment—Chairperson, *ex officio*;

(b) Chairperson of the National Commission for Scheduled Castes—member, *ex officio*;

(c) Minister of State in the Ministry of Social Justice and Empowerment—member, *ex officio*;

(d) Chairperson, National Commission for Safai Karamcharis—member, *ex officio*;

(e) the Member of the Planning Commission dealing with development of the Scheduled Castes—member, *ex officio*;

(f) three elected members of Parliament belonging to Scheduled Castes, two from the Lok Sabha and one from the Rajya Sabha;

(g) Secretaries of the Ministries of,—

(i) Social Justice and Empowerment, Department of Social Justice and Empowerment;

(ii) Urban Development;

(iii) Housing and Urban Poverty Alleviation;

(iv) Drinking Water and Sanitation;

(v) Panchayati Raj;

(vi) Finance, Department of Financial Services; and

(vii) Defence,

members, *ex officio*;

(h) Chairman, Railway Board—member, *ex officio*;

(i) Director-General, Defence Estates—member, *ex officio*;

(j) representatives of not less than six State Governments and one Union territory, as the Central Government may, notify;

(k) not more than six social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the country, to be nominated by the Chairperson, two of whom shall be women;

(l) Joint Secretary, Department of Social Justice and Empowerment in the Ministry of Social Justice and Empowerment, looking after development of Scheduled Castes—Member-Secretary, *ex officio*;

(m) such other representatives of Central Ministries or Departments and agencies which, in the opinion of the Chairperson, are concerned with the implementation of this Act.

(3) The Central Monitoring Committee shall meet at least once in every six months.

30. The functions of the Central Monitoring Committee shall be,—

(a) to monitor and advise the Central Government and State Government for effective implementation of this Act and related laws and programmes;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental to or connected with implementation of this Act.

Functions of
the Central
Monitoring
Committee.

31. (1) The National Commission for Safai Karamcharis shall perform the following functions, namely:—

Functions of National Commission for Safai Karamcharis.

(a) to monitor the implementation of this Act;

(b) to enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and

(c) to advise the Central and the State Governments for effective implementation of the provisions of this Act.

(d) to take *suo motu* notice of matter relating to non-implementation of this Act.

(2) In the discharge of its functions under sub-section (1), the National Commission shall have the power to call for information with respect to any matter specified in that sub-section from any Government or local or other authority.

32. (1) The State Government may, by notification, designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority, as it deems fit, to perform, within the State, *mutatis mutandis*, the functions specified in sub-section (1) of section 31.

Power of State Government to designate an appropriate authority to monitor the implementation of this Act.

(2) An authority designated under sub-section (1) shall, within the State, have, *mutatis mutandis*, the powers of the National Commission for Safai Karamcharis as specified in sub-section (2) of section 31.

CHAPTER VIII

MISCELLANEOUS

33. (1) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning.

Duty of local authorities and other agencies to use modern technology for cleaning of sewers, etc.

(2) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in sub-section (1).

34. No suit, prosecution or other legal proceeding shall lie against an appropriate Government or any officer of the appropriate Government or any member of the Committee for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

35. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done, by or under this Act.

Jurisdiction of civil courts barred.

36. (1) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act.

Power of appropriate Government to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the obligation of an employer, under clause (d) of sub-section (1) of section 2;

(b) the manner in which the excreta fully decomposes under clauses (e) and (g) of sub-section (1) of section 2;

(c) the manner of carrying out survey of insanitary latrine and publishing list thereof under clause (a) of sub-section (1) of section 4;

(d) procedure of giving notice and recovering cost of demolition of an insanitary latrine under sub-section (3) of section 5;

(e) content and methodology of the survey under sub-section (2) of section 11;

(f) the eligibility conditions for identification of manual scavengers and publication of provisional list of persons found to be working as manual scavengers under sub-section (4) of section 11;

(g) publication of final list of persons found to be working as manual scavengers under sub-section (6) of section 11;

(h) manner of application to be made to the Chief Executive Officer of the municipality, or to an officer authorised by him in this behalf, under sub-section (1) of section 12 or, as the case may be, sub-section (1) of section 15;

(i) provision of initial, one time, cash assistance under sub-clause (ii) of clause (a) of sub-section (1) of section 13;

(j) such other powers of Inspectors under clause (e) of sub-section (2) of section 20; and

(k) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made under this Act by the State Government shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Power of
Central
Government
to make model
rules.

37. (1) Notwithstanding anything contained in section 36 of this Act:—

(a) the Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and

(b) in case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, *mutatis mutandis*, in such State, till such time as the State Government notifies its rules.

(2) The model rules made by the Central Government under this Act shall be laid, as soon as may be after they are made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses make any modification in the rule, the rule shall thereafter have effect only in such modified form; so, however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.

Power to
remove
difficulties.

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

39. (1) The appropriate Government may, by a general or special order published in the Official Gazette, for reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye-laws or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time.

Power to
exempt.

(2) Every general or special order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

P.K. MALHOTRA,
Secy. to the Govt. of India.

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