

National Consultation: "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013"

"New Legislation: New Hope and New Challenges"

25th September 2013, New Delhi

The Indian Parliament passed "The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013", in first week of September 2013 and notified through the gazette of India on 19th September 2013. This act aims to eliminate the inhuman practice of manual scavenging and rehabilitation of liberated manual scavengers. Rashtriya Garima Abhiyan and other organizations provided number of suggestions and recommendations for effective legislation, some of



the suggestions reflected in the present law but many recommendations are not considered in the legislation. Manual scavenging is continued in Railways and Defense areas but there are no such provisions invoked in the law. In addition, this law is silent on rehabilitation of those women manual scavengers who left scavenging before the enactment. Importantly, no special protection provisions for Dalit Muslim and Christian communities in the law even though they are also engaged in manual scavenging practice therefore these communities should get protection under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocity) Act, 1989, responsibilities of the government officers not cleared. In light with recently enacted legislation and situation Rashtriya Garima Abhiyan organized a '**National Consultation**' on "**New Legislation: New Hope and New Challenges**" on 25th September 2013 at New Delhi.

The prime objective of the consultation was to discuss the new law and provide inputs in framing model rules for effective implementation of the law and enhance the participation of various stakeholders in the struggle of total eradication of the manual scavenging practice and promote comprehensive rehabilitation including total liberation, dignity, health, education, livelihood, sanitation and discrimination related issues.

Social activists, liberated manual scavengers, lawyers, policy makers, political party representatives, human rights organizations, UN agencies and representatives of people organizations from 14 states were participated in the consultation including **Human Rights Watch, PRS Legislative Research, Indian Institute of Dalit Studies (IIDS), Navsarjan Trust, Safai karmachari Andolan, National Confederation of Dalit Organizations (NCDOR), Rashtriya Dalit Mahila Andolan, National Campaign on Dalit Human Rights (NCDHR), United Nation Development Program (UNDP), UN Women, International Labour Organization (ILO), Poorest Area Civil Society Program (PACS), Action Aid, National Dalit Alliance, National Rural Livelihoods Mission (NRLM), Center for Equality Studies, International Justice Mission, Human Rights Law Network (HRLN) and National Law University (NLU).**

During the inauguration session Ms. Sakshi Balani of PRS Legislative Research presented summary and key features of the new legislation. **Justice K.G. Balakrishnan, Chairperson, National Human Rights Commission** said that there are 3.40 lakh manual scavengers are in the Country and 98% of those are women. He emphasized on two important aspects for total elimination of the practice that survey for identification of manual scavengers needs to be carried out in two months and former manual scavengers should be rehabilitated at earliest. Further he said that each district there shall be a responsible government office to ensure appropriate rehabilitation of manual scavengers, land allotment and livelihood opportunities are created. **Dr. Syada Hameed, Member, Planning Commission, (Government of India)** said that this legislation is victory of those women who are fighting against manual scavenging practice. Now, with same passion and energy we must struggle to enforce the law effectively at village level. Also she said that we need to pressurize government to tackle all limitation in the law. While discussing limitations of the law **Ms. Brinda Karat, Former Member of Parliament and Polit Bureau Members CPM** said that rehabilitation provisions and mechanism is not clearly specified. Though, 98% women are engaged in manual scavenging but family income is considered for rehabilitation and it is not sure that whether women manual scavenger will be benefited out of it. Also, she raised few critical questions on providing protective and safety gears to manual scavengers so that Government is weakening definition of manual scavenging. **Mr. P.S. Krishnan, Former Secretary of the Gov. of India and Advisor, Gov. of Andhra Pradesh** said that women manual scavenger should be ensured job as a cook in Anganwadi, Railway pantry car and School etc. Also there must be provision for a life time pension scheme to all those women who are 55 years age old or above. **Ms. Rebecca Reichmann Tavares, Representative, UN Women Office for India, Bhutan, Maldives & Sri Lanka** highlighted issues related to gender discrimination and violence against Dalit women and need to address these issues in law. **Ms. Choti Bai, Liberated Manual Scavenger from Rajasthan** raised concern over no rehabilitation provisions for those women manual scavenger who liberated before the enactment of the law.

During the consultation panel discussion was conducted on Different Aspect of Legislation:

- **Health:** Dr. Jashodhara, National Alliance for Maternal Health and Human Rights
- **Labour:** Mr. Coen Kompier, Specialist on International Labour Standards, ILO
- **Sanitation:** Mr. Narayanan.A, Editor Paadam Magazine, Chennai
- **Children and Exclusion:** Jayshree Bajoria, Human Rights Watch
- **Law:** Ms. Swathi Sukumar, I-Probono, New Delhi
- **Model Rules:** Prof. Vinod Kumar, National Law University, New Delhi

Views of Community and Civil Society on Rehabilitation was discussed by

- **Voice of Community Leaders** from different states
- **National Rural Livelihood Mission, Government of India:** Ms. Sharda Murlidharan, COO
- **National Dalit Alliance:** Mr. Charles Wesley Meesa,

- **Safai Karamchari Andolan:** Mr. Bezwada Wilson,
- **Navsarjan Trust, Gujarat:** Mr. Kirit Makwana
- **Indian Institute of Dalit Studies:** Mr. David Lal
- **Media:** Ms. Bhasha Singh, Journalist, Outlook

During the consultation all women demanded five acre of land to each manual scavenging family and it should be integral part of rehabilitation programme. Also, Women empathized that after the 1993 act those women manual scavenger who left scavenging work should be entitled for rehabilitation provisions. One of the predominant recommendations came from the discussion that we need to intensify our struggle at community level for effective implementation of the law.

All speakers shared their recommendations and suggestions for **develop the model rules**. During the consultation a working group was formed for compilation of recommendations and accordingly prepared a draft of model rules.