

Uncompleted and unsuccessful rehabilitation of manual scavengers and their children in India

Brief Report

On

National Public Hearing
on
"Rehabilitation of
Manual Scavengers and
their Children in India"
Date: 28th March 2012
Place: Indian Social Institute, New Delhi

ORGANIZER: RASTRIYA GARIMA ABHIYAN

RASHTRIYA GARIMA ABHIYAN

NATIONAL CAMPAIGN FOR DIGNITY AND ERADICATION OF MANUAL SCAVENGING

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Uncompleted and unsuccessful rehabilitation of manual scavengers and their children in India

Manual scavengers and their children from various states express their feelings regarding rehabilitation



Rashtriya Garima Abhiyan organized a one day “**National Public Hearing on Rehabilitation of Manual Scavengers and their Children in India**” at Indian Social Institute, New Delhi on 28th March 2012 with the especial emphasis of rehabilitation and scholarship schemes like Scheme for Self Rehabilitation of Manual Scavengers (SRMS), Pre-Matric Scholarships to the Children of those Engaged in 'Unclean' Occupations, etc with the following objectives:

1. To present an overall scenario of the rehabilitation of manual scavengers and their children in the nation.
2. To provide a public platform to the women who left this practice and also to those who are still involved in the practice to voice their concerns and problems related to rehabilitation they are facing.
3. To bring forth the cases of the corruption in rehabilitation, exploitation and abuse of those who are involved or left manual scavenging and share with government and non government bodies.
4. To increase the political will to address the issues and to associate and sensitize other sections of the society and involve them rehabilitation and to build a common and larger consensus and movement for liberation and rehabilitation of liberated manual scavengers.

Corruption was done on large scale in the rehabilitation scheme, which is Rs. 735.6 crores rehabilitation scheme implemented by Government of India. About 76% people got benefits; those are not in eligible criteria. This fact came out in the public hearing of Rashtriya Garima Abhiyan (National Campaign for Dignity and Eradication of Manual Scavenging) at New Delhi on 28th March 2012. Liberated manual scavenger women, engaged manual scavengers and representatives of community and social organizations from 10 states participated in this public hearing. 32 women and children from the manual scavenger community shared their cases related to manual scavenging practice, rehabilitation, education, atrocities, untouchability and discrimination in this public hearing.

An 8 years old girl from Mandsoore district told that untouchability is very prevalent during the Mid Day Meal in her school. Children of dalit community received breads from some distance. They can't touch the basket of breads. Scholarships of children of liberated manual scavenging families also stopped by the government. A 14 years boy Ravi from Tikamgrah and a girl Pinki from Neemachch district said that our scholarships stopped by schools because our parents stopped the manual scavenging work. Both of them dropped out from the school due to poverty and their scholarship were stopped. Mrs. Husnabai from Jhalabad district of Rajasthan also told the same story. Her granddaughter was getting scholarship but after they left manual scavenging work by her parents her scholarship stopped by school. Major thing come out that untouchability and various type of discrimination is going in the schools with the children of dalit community and stopped their scholarships by schools. This is very clear that violation has been done of human rights has been done of these children due to this inhuman practice.

Government of India prohibited manual scavenging practice in 1993 through the act. Government of India implemented a scheme "Self Employment Scheme for rehabilitation of manual scavengers" SRMS in the 2007 but people of dalit community don't have any benefits from the rehabilitation scheme.

Mr. Sadhu Balmiki from Jaalon, UttarPradesh said that he went many times to district office to the getting benefits of SRMS scheme but he didn't get any benefits till so far. Many people expressed their views during public hearing that they didn't get full benefits, if they got then more than half of amount spent in bribe and corruption.

A report is also released focusing the SMRS scheme on the occasion public hearing. A Study conducted on SRMS by Rashtriya Garima Abhiyan. Study results shows that middlemen is playing big role in bribe and corruption. 24 % people don't get any benefits of SRMS schemes according to study data and department released amount on their names. People presented many facts of these types during the public hearing.

Mrs. Shanta Sinha, Chairperson, of National Commission for Child Right Protection said that commission will take action, if any complaint comes to its knowledge. **Mr. P. S. Krishan, former secretary, government of India** and jury member of public hearing said towards the eradication of manual scavenging and work should be done towards the integration of 1993 Act. Provisions should be made towards the eradication of manual scavenging, untouchability and discrimination and provisions of rehabilitation. **Dr. Jon Dyal, member of National Integration Council** said that untouchability and discrimination in schools with children are serious issues and administration is responsible for that. We should make accountable to administration. **Mr. Coen Kompier from International Labour Organization** said that laws of government of India and international laws have provisions for equality and equity. So, that discrimination should not be done with dalit and hela community. **Mr. Shastri Ram Chandra, Director, National centre for Advocacy Studies** said that RTE act can be used to stop discrimination with children in the schools. **Ms. Jashodhara Dasgupta from National Alliance for Maternal Health and Human Rights** said that manual scavenging is an issue which is deeply related to health and gender and struggle of Garima Abhiyan is very important for Justice. **Liberated manual scavenger and now ICDS worker Kiran Bai** said we are struggling for justice not for rehabilitation. I now have a government job in the Aaganvadi (children's center). I am responsible for cooking food for all the children. Children from all castes eat what I prepare and serve. Before we were liberated we were considered unclean and our children had to eat on plates set aside for them.

Rehabilitation of Manual Scavenger in India

Millions of people in India are still not privileged enough to wake up in the dawn of freedom. Their days start with cruel practice of manual scavenging and end with the same scare of next morning. Women among them are in majority who carrying the vicious practice of scavenging. Indian society, which itself divides into caste, has inhuman face. A face, in which certain communities are imposed with work designated according to caste, and among them manual scavenging is worst. Valmiki among Dalit and Haila amongst Muslims are forced to do manual scavenging from generations.

It is evident that those engaged in manual scavenging neither doing it by their choice nor for the sake of livelihood. But, they are forced to do so due to the pressure of the feudal society. People engaged in manual scavenging not only faced untouchability often but their children also victimize of discrimination and untouchability which leads to involuntarily dropping out of school. People engaged in scavenging have to go through unbearable discomfort of diseases. Thus, manual scavenging violates the very right to life. There are many instances where if someone tried to get out of drudgery of manual scavenging, the powerful section of the society exploits them to remain in to the same life. Their houses were burnt down, they were ostracized from the village and their access to road being denied. Many such incidences in the state of Madhya Pradesh have proved that manual scavenging is neither an employment nor the people involved in it doing it by their choice. Rather it is a custom nurtured by the dominant section of the society in their interest.

The question still remains that why such dehumanized practice prevalent even six decade after independence. If one sees it in historical perspective, many voices have been raised since pre-independence till today to abolish this practice. In 1901, during Bengal convention of Indian National Congress, Mahatma Gandhi raised the issue of manual scavenging. Dr. B. R. Ambedkar too termed it inhuman while raising voice against it. Dr. Ram Manohar Lohia debated on the same issue in Parliament on 05th July 1967.

To abolish manual scavenging practice many committees and the schemes have been formed since independence. Despite such efforts lakhs of people in India have not liberated from manual scavenging. Many times deadline has been set by the Govt. of India to eradicate it, but the practice of manual scavenging still continuing from Kashmir to Kanyakumari.

According to the Ministry of Social Justice and Empowerment (SJ&E), Govt. of India, the total population of manual scavengers in 1992 were 5,88,000. In the year 2002, a total of 7, 87,000 were engaged in scavenging. In 2002-03 the same ministry quoted the number as 6,76,000. Today, around 3.5 lakh people are still employed in scavenging work. In 1993 Govt. of India by enacting "Employment of Safai Karmchari and Construction of Dry Latrine [Prohibition] Act 1993 prohibited the practice of manual scavenging in the entire country.

But the practice ingrained in the caste system since centuries cannot be abolished by merely enacts the legislation. There are many reasons behind this practice, which cannot be eliminated unless taken special effort. Evidently, it is not the issue of livelihood as root cause but the established feudal system and discriminatory heritage of the society.

The Rehabilitation Scheme "Self Employment Scheme for Rehabilitation of Manual Scavenging" (SRMS)

In April 2007, the Government initiated "Self Employment Scheme for Rehabilitation of Manual Scavenging" (S.R.M.S.) to liberate the manual scavengers and to rehabilitate them. Budget provision of Rs.735.6 crore has been made under the scheme. It has been targeted to

completely abolish the practice in the country till 31 March 2009. But the deadline extended to 31 March 2010 as the government failed to meet the target. However, the expected result has not been achieved even during the extended deadline.

The SRMS scheme is fully based on economic rehabilitation. It is based on concept of economic support by generating self employment for people in manual scavenging by providing loan with 25 to 50% subsidy.

Ministry of Social Justice & Empowerment (Govt of India) tabled the progress report of the scheme on 28th April 2011 during NAC meeting. According to the document 1,18,479 people identified as manual scavengers, out of them 78,941 people received the loan for self employment. Reason for not getting loan for the remaining 39533 people is mention in table 1. According to the same document loan at the tune of Rs 231crore was made available to 78941 people. The scheme has total budget provision of Rs.735.6 crore, but only 31% has been utilized. According to this scheme, 14,077 people received the benefit from Orissa, where as Madhya Pradesh stand on second spot where 13,260 people benefitted by this scheme.

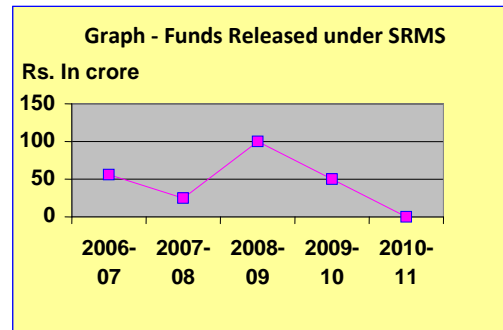
Table 1

| State wise status of implementation of the scheme | | | | | |
|--|------------------|--|--|----------------|---|
| SN | State | Total families identified as Manual Scavenger | Beneficiaries not received any loan | | No. of beneficiaries received loan |
| | | | No | Percent | |
| 1- | Orissa | 17533 | 3456 | 19-7 | 14077 |
| 2- | Bihar | 15352 | 7343 | 47-8 | 8009 |
| 3- | Madhya Pradesh | 14213 | 1953 | 12-8 | 13260 |
| 4- | Tamilnadu | 11896 | 1544 | 13-0 | 10352 |
| 5- | Maharashtra | 11227 | 1342 | 12-0 | 9885 |
| 6- | Uttar Pradesh | 9548 | 6387 | 66-9 | 3161 |
| 7- | Gujarat | 8740 | 4531 | 51-8 | 4209 |
| 8- | Assam | 8434 | 2891 | 34-3 | 5543 |
| 9- | W. Bengal | 6708 | 2773 | 41-3 | 3935 |
| 10- | Jharkhand | 5750 | 2871 | 49-9 | 2879 |
| 11- | Himachal Pradesh | 3296 | 1790 | 54-3 | 1506 |
| 12- | Rajasthan | 1476 | 544 | 36-9 | 932 |
| 13- | Uttarakhand | 1435 | 1031 | 71-8 | 404 |
| 14- | Delhi | 1085 | 548 | 50-5 | 537 |
| 15- | Jammu & Kashmir | 371 | 288 | 77-6 | 83 |
| 16- | Meghalaya | 370 | 240 | 64-9 | 130 |
| 17- | Pondichery | 30 | 0 | 0-0 | 30 |
| 18- | Karnataka | 10 | 1 | 10-0 | 9 |
| | Total | 118474 | 39533 | 33-4 | 78941 |

Source- Document provided to NAC on 28/04/2011 by Min. of SJ& E, Gol.

Above table indicated that 33.4% of identified people under SRMS scheme have not benefited. The Ministry of SJ&E states that these people are not available, by describing that 3.5% of them are dead, 12.8% couldn't be tracked, 6.4% migrated and 3.2% of them are women, who moved to other villages after marriage and finally, 10.3% are mistakenly identified as beneficiaries. 57.5% people, highest among the non beneficiary of the scheme are those who didn't take any interest in taking loan. Thus it is evident that SRMS scheme failed to reach 33.4% of identified beneficiary.

In the beginning year of the scheme in 2006-07, Rs. 56 crore is allotted, while in the subsequent year, the allocation came down to Rs. 25 crore. Rs 100 crore have sanctioned in the year 2008-09, but in 2010-11 no amount has been sanctioned for this scheme. In this way, only Rs 231crore have been spent from sanctioned amount of Rs 735.6 crore.



When enquire in to the status of implementation of scheme in various state, we find that Orissa, UP and MP were the top states where maximum number of people got benefited. Whereas J&K, Uttarakhand and UP are the states where respectively 77.6%, 71.8% & 69% of the identified people are kept out of the benefit. Thus 50% of identified people from 8 states out of 18 (16 states + 2 UTs) where this scheme is implemented are not benefited.

Uttar Pradesh: Who withdraw money from baby's account?

Baby's name is registered in the SRMS beneficiary list of Pilibhit district in Uttar Pradesh and according to government record she is running a shop of readymade garment. But the reality is far different. Baby has never applied for the scheme nor did she get any money under the scheme. Of course, she opened a bank account on advised by a person. But she was not aware of any loan. Few days later, her account shows deposit and withdrawal of Rs 37500/-. She knows nothing about who deposited and withdrawal the amount.

Baby's story indicates towards huge scam in SRMS scheme, in which role of the bank is also questionable. Today, baby is 20 year old. She has studied upto standard 5th. She is from Balmiki community, but neither she nor anybody from her family carrying scavenging work. Baby told- "My father works as labour and I worked at home. My father earn as much as Rs 2000/- in a month. One day a person familiar with us brought a form and took my signature. He told to me that you are studied up to fifth, so you can get loan for garment shop. On his persuasion I signed the papers. Few days later, he asked me to open a bank account, I did that. I gave her my account number. After that, he never turned up to us. Few months later, I thought to enquire about loan at bank account. I informed by the bank that Rs 37500/- was credited to my account and withdrew the same day. When I asked the bank official about the withdrawal, he scolded me- *'it's you who took out'. 'How can I know about it'. 'Am I your servant to look after?'* I was afraid, I couldn't utter a word and came back home."

Apparently, baby was not eligible to get benefit of the scheme nor she was interested to be beneficiary. The broker played the role in making her the beneficiary. No policy or selection process adopted for the selection of beneficiary, rather broker or middlemen were entrusted with responsibility of selection of beneficiary by the officers. As a result, loan was sanctioned in ineligible names but they didn't receive it. Sanctioned amount was pocketed by the middlemen. How, in the case of baby, money withdrew from the bank without her signature? Either her signature was forged or it happened in connivance with bank staff. Truth should expose through investigation by independent agency.

Rajasthan: Entire family is recipient

Udaram and his entire family is recipient of SRMS scheme in the village Sindhari of Badmer districts in Rajasthan. Udaram, his wife, son and three of his daughter have allotted money to make and sell the brooms. A total of Rs 62,500 has been given to his family at the rate of Rs 12,500 each. When Udaram's children received the benefit of the scheme, they were minor.

Whether Udaram's family is eligible for getting benefit from the scheme can be realized by the fact that never be his family engaged in manual scavenging. From 10 years, Udaram has been employed in government veterinary hospital with the salary of Rs 10,000/- per month and his wife is employed as Safai Karmachari at Gram Panchayat from last 20 years and getting salary of Rs 1500/-per month. Udaram shared that a teacher in his village told about the SRMS scheme for getting money to start any occupation. He suggested us to fill the form and charged us Rs 500/- for each form. Everybody of us who filled the application got Rs 12500/- each after two months. When enquired with Udaram about the purpose of this loan and whether he started any occupation by the loan sanctioned to him? He replied- "money was sanctioned for making brooms but we neither know making brooms nor have we time to sell it. The teacher has told that you need not to do anything, not event to repay the loan".

If one looks into the list of beneficiaries, Sugna's age is currently 16 years. But when she received benefit under the scheme, she was hardly 12 yrs old. Similarly, today shobha is 18 years, Anita is 19 years and Bharat is 20 years old. When, they all received loan, they were minor.

Evidently, Udaram and his wife are employed. From past few months their son Bharat is also employed as Safai Karmchari at Gram panchayat. Livestock rearing is additional occupation adopted by the Udaram's family. Thus, they are economically better off. Udaram has good connection with officials of government office at block and district level. This helps him to access the scheme easily, while, the scheme is meant for rehabilitation of people engaged in manual scavenging. Therefore, udaram's family is inot eligible to get any benefit by the scheme but due to his connection with the officials; he succeeded to manage the benefit of the scheme in his favor. Udarams's case clearly depicts the real status of implementation of this scheme. It shows that how the government officials selected ineligible to provide them the benefit.

Rashtriya Garima Abhiyan is working for people who are involved in manual scavenging from generations. We would like to address the issues and concerns relating to this inhuman practice of manual scavenging existing since the origin of caste system in India. Although legally banned through various legislations and provisions given in the Constitution of India, this inhuman practice exists in degrading forms throughout the country. The Government of India fixed a time limit to end this inhuman practice since it was outlawed. However the deadline has been continuously extended by the Central Government, the deadline was 31st March 2012. We have been successful in eradicating this inhuman practice in many locations of Madhya Pradesh, Rajasthan, Uttar Pradesh and Maharashtra through the campaign and more than 11,000 Dalit women manual scavengers left this inhuman practice.

Madhya Pradesh: Name appeared in the list but have no money in hand!

Mukesh and suresh from Mau town of Bhind district in Madhya Pradesh have granted loan for self-employment. Since, this loan is provided to rehabilitate people in manual scavenging, thus it is believed that both of them belongs to the community of scavengers and now look for start their own business. This fact can be elicited from the list of beneficiaries of SRMS Scheme

But when we met them, the story unfolds a different site. Mukesh, son of Gendalal is a class IV employee at Jail Department and drawing salary of Rs 11,000/-, while Suresh too is employed in Mau municipality from last 25 years and earning Rs 11,000/- monthly. Both of them shared that neither they nor any of their family member ever engaged in manual scavenging. When asked about loan, both of them were stunned and asked “what loan? How much? We haven’t got any?”

This story suggests that a loan has sanctioned in their name but never reached them. They revealed that a few years ago a man came and told that a subsidized loan is offered. He took a photo and signature in a form, but after that nothing happened.

When we enquired further in the basti, we discovered that out of 70 household loans is issued to 16 families but none got a penny.

Madhya Pradesh topped the chart of cases of money allotted the beneficiaries but not received by them. There are 30% of such cases which indicates a woefully huge scam. Uttar Pradesh has 5% of such cases while Rajasthan do not have any.

Madhya Pradesh concedes highest number of beneficiaries who receive benefit. So, in Madhya Pradesh most cases of SRMS beneficiaries are registered, but 30% of them deprived of any such benefits. Thus, 3982 cases out of 13272 never get money which sanctioned against their name. In Uttar Pradesh too, 160 beneficiaries out of 3176 deprived of the loan amount in their name.

When talking to respondents in dalit basti of Mau, the murky picture of scam in SRMS scheme getting visible. Many of the people in the local community works as Safai Karmchari at Mau municipality on daily wages basis and some of them are working as labourer at different sites. For the first time during survey of the study people came to know about loan has been sanctioned against their name. They are disturbed with the question that when they haven’t received the money, then who took up their share?”

Beneficiaries whose name is appeared in the scheme, 24% of them received not a single penny. They have their name in the list and amount is also sanctioned, but it didn’t reach to them. Survey revealed that beneficiaries were unaware of any such scheme in existence. It is the matter of investigation that where the money gone?

This fact also shows that the 24% of beneficiaries name has fraudulently entered in the list. Since the scheme has provision to allocate the money in the bank account, it cannot be denied that false bank account might have opened in the name of beneficiaries.

March 30, 2012 NEWS » NATIONAL

<http://www.thehindu.com/news/national/article3261450.ece>

A blot upon the nation

Divya Trivedi

A national public hearing on rehabilitation of manual scavengers throws up several issues that need immediate redress to restore dignity to the community



From Tikamgarh in Madhya Pradesh, 14-year-old Ravi used to be a beneficiary under the Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) 2007 as his mother cleaned toilets in the village. One day, when she gathered enough courage to quit the job, Ravi's scholarship funds were stopped and she faced hostility from the villagers who said, "If you don't clean our shit, then who will?" Belonging to a family of six siblings, daily life has become difficult for Ravi. His mother is not getting any other job due to the stigma attached to her past one.

This scholarship, which requires families to be engaged in manual scavenging for at least 100 days in a year, provides a perverse incentive to Dalit households to continue in the occupation. Once the families stop practicing it, the scholarships are also stopped.

This was one of the findings of a household survey conducted by Rashtriya Garima Abhiyan, a National Campaign for Dignity and Eradication of Manual Scavenging. Scanning five districts each in Madhya Pradesh, Uttar Pradesh and Rajasthan, the survey established that 98 per cent of people engaged in the profession are women. But it was found that benefits of SRMS were given to 51 per cent of men in these three states. Of these, around 76 per cent were found never to have been engaged in manual scavenging. Of the 24 per cent of actual beneficiaries whose names were on the list, no one received the full amount they were told they were eligible for.

In the absence of a proper mechanism in the implementation of the scheme, the survey found the presence of scheming middle men working in connivance with fraudulent bank officials.

Middle men or commission agents would visit Dalit bastis telling households to sign on so and so papers as the government had chosen them as beneficiaries of a new scheme. The beneficiaries would never get to know the loan amount, sanctioning officer or other details of the transactions. After a while, the middle men would revisit them and hand over Rs 3,000 to Rs 4,500. Many of these people did not even know why they were being given the money or how much money had been borrowed in their names. In Madhya Pradesh, around 68 per cent of the beneficiaries were taken for a ride by the brokers, in Uttar Pradesh, 63 per cent and in Rajasthan 62 per cent.

“There is a massive scandal of graft between bank officials, politicians and middle men to fleece ignorant people who are given 50 per cent of the loan only but made liable for the full amount even as rest of the money is taken away by crooks. Collectors in villages must crack down on such miscreants and wherever such cases are found, government must waive off the loans or it would be condoning cheating and criminal actions,” said Dr John Dayal, Member of the National Integration Council set up by the government.

This survey was released at a National Public Hearing on ‘Rehabilitation of Manual Scavengers and their Children in India’. Hundreds of people engaged in manual scavenging gathered in the Capital to narrate their individual testimonies.

Ramdulari Bai of Dewas in Madhya Pradesh had readied all documents that make her eligible for SRMS. When she submitted her loan application to the local Antyavasayi department for setting up a readymade garment shop, she was not only shooed away by the officials making a mockery of her age, but also insulted with crude jokes.

Ramdulari has not had the guts to go back to the department a second time.

Ms Shantha Sinha, Chairperson of National Commission for Protection of Child Rights asked for the submission of petitions to the Commission, which would then recommend action for each case. “If we do not work, you may catch our throat,” she said.

It came to light that Muslim communities such as Hela and Halalkhor have been completely ignored by Government programmes. These caste groups inhabit several states and have been as much a slave of this exploitative tradition as the Dalit Hindu communities.

“The law does not discriminate between scavengers of different religions or castes, you must report such instances and they will be taken up with the ministries,” vouched Mr PS Krishnan, a former Secretary to the government.

Coen Kompier of the International Labour Organisation, while stressing that it was primarily a human rights issue and not a sanitation one, hoped that over time it would also be treated as a job to be done by sanitation workers with proper equipment and dignity. Manual scavenging remains a blot of the face of the nation, concluded Dr Dayal.



<http://www.dnasyndication.com/showarticlerss.aspx?nid=tZnTv1hG7PFf/1OW3dPulsIr1fw==>

‘Manual scavenging still going on in MP’

NGO refutes Census directorate’s claim of absence of dry latrines

DNA correspondent



After Census directorate declared that there were no dry latrines in Madhya Pradesh, non-government organisations have demanded revision of the reports regarding prevalence of dry latrines and manual scavenging in the state.

Besides Madhya Pradesh, the Census directorate had said that no dry latrines existed in Gujarat, Chhattisgarh, Maharashtra, Andhra Pradesh, Haryana, Delhi, NCR, Rajasthan and Jharkhand. As per the surveys conducted by various non-government organisations, dry latrines still exist and the practice of manual scavenging continues on a large scale in these states. “As per our sample survey, we are having list of 3,000 people in Madhya Pradesh who are involved in the inhuman practice of manual scavenging. We have also identified 20,000 dry latrines which are operational in the state,” Asif Sheikh, an activist working for eradication of manual scavenging, told DNA. Sheikh is associated with Jan Sahas, an NGO which has launched Garima Abhiyan, a movement for the cause of manual scavengers.

The NGO has requested the Registrar General and the Census Commissioner of India to carry out special studies and surveys on this issue.

Published Date: Apr 07, 2012

Meetings with Mr. Jairam Ramesh, Rural Development, Drinking Water and Sanitation Minister (Gov. of India) and Mr. Mukul Wasnik, Minister of Social Justice and Empowerment

After the public hearing we had a meeting with Mr. Jairam Ramesh, Rural Development, Drinking Water and Sanitation Minister (Gov. of India) on eradication of practice of manual scavenging, recommendation of public hearing and data of census 2011 on manual scavenging and dry toilet on 2nd April 2012. During the meeting we had given a memorandum with recommendations like new action taken by the ministry to include manual scavengers' families and those families who have left manual scavenging in BPL List, Action based on figures of 2011 census, Survey in rural India through community participation, Rehabilitation of freed families to include Indira Awas Yojana, etc. During the meeting Mr. Ramesh had shown their commitment on this issue and he has promised for the action on the recommendations. We had also a meeting with Mr. Mukul Wasnik, Minister of Social Justice and Empowerment on same evening and discussed about new law to end the practice of manual scavenging, new program for rehabilitation and on the issues of irregularities and corruption in Scheme for Rehabilitation of Manual Scavengers (SRMS). He has promised to act on our recommendations and research report.



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Date: 2.04.2012

To,
Shri. Mukul Wasnik,
Minister of Social Justice and Empowerment,
New Delhi

Subject: Swift and time-bound eradication of manual scavenging and comprehensive rehabilitation of the families liberated from this inhuman tradition.

Dear Sir,

Rashtriya Garima Abhiyan is a national campaign of the people who have suffered the indignity of manual scavenging from generations or have been struggling to end this shameful tradition. We would like to address the issues and concerns relating to this inhuman practice of manual scavenging existing since the origin of caste system in India. Although legally banned through various legislations and provisions given in the Constitution of India, this inhuman practice exists in degrading forms in rural and urban both locations of throughout the country.

We have been successfully eradicating this inhuman practice through the campaign in many locations of Madhya Pradesh, Rajasthan, Uttar Pradesh and Maharashtra through the campaign efforts more than 10,500 Dalit women manual scavengers liberated from this inhuman practice.

We welcome the National Advisory Council's condemnation of manual scavenging as an insult to human dignity and the Constitution of India, particularly articles 14, 17, 21 and 23 and recent initiatives of Government of India for eradication of manual scavenging.

The recently conducted **Census of India 2011** has established that the inhuman practice of manual scavenging still continues in India. According to the census data there still are **7,94,390** dry latrines in the country where the human excreta is cleaned up by humans. Apart from these there are **13,14,652** toilets where the human excreta is flushed in open drains. According to the definitions by Rashtriya Garima Abhiyan and the Drafting Committee for the new bill on abolition of the practice of manual scavenging, the human excreta flushed in open drains through toilets like these are also cleaned up by human beings. The census also adds that there are **4,97,236** toilets in the country where the human excreta is cleaned up by animals through eating it. This is however a very confusing statement as we believe that in toilets like these it is not possible that the human excreta is cleaned up completely through animals eating it. Ultimately it has to be cleaned up by humans only. **Thus there are more than 26 lakhs [2.6 million] dry latrines in the country where the practice of manual scavenging still continues.**

The Census says that in states of *Madhya Pradesh, Gujarat, Chhattisgarh, Maharashtra, Andhra Pradesh, Haryana, Delhi NCR, Rajasthan and Jharkhand* there are no dry latrines that exist.

However this is far from being true as surveys conducted by Garima Abhiyan and other organisations it has clearly come out that even in these states dry latrines exist and the practice of manual scavenging continues at a large scale in these states. It is a matter of surprise that in states where the practice of manual scavenging is clearly visible the Census reports no or negligible numbers of dry latrines. **Indian Railways** is an institution in the country where dry latrines exist in great numbers and a large number of individuals are engaged in manual scavenging. However toilets like these are not included in the Census statistics.

The Government of India fixed a time limit to end this inhuman practice since it was outlawed. However the deadline has been continuously extended by the Central Government, the recent deadline 31st March 2012 was passed. We present below what we believe to be the reasons behind the failure of policy and programmes, and the unmet deadlines:

- The Ministry of Rural Development Government of India, is carryout the Socio Economic and Caste Census (SECC) 2011, in this survey some special social groups like manual scavengers eligible to automatically include in BPL list. But, surveyors had note asked any question regarding to engagement with manual scavenging practice. So that lot of manual scavengers left out from this criterion.
- An important reason for the failure of government rehabilitation programmes since the time Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, came into force is that they have been directed at men rather than women who make up about 98 per cent of the people held captive by the oppressive tradition of manual scavenging.
- There have been serious mistakes and errors in the surveys that seek to identify and rehabilitate the victims. The surveys leave out a large number of deserving people from the list of potential beneficiaries while including people who and their families have no longer anything to do with manual scavenging. *The surveys have also been biased in favour of urban areas, leaving out large swaths of the rural population.*
- An example of a particularly self-defeating government programme is a scholarship for the children of the victims, (Scholarship for the Children of Families involved in incline occupation) which require the families seeking the benefit to have been engaged in manual scavenging for at least 100 days in a year. This scholarship scheme provides a perverse incentive to the Dalit households to continue in this occupation. Recently ministry of social justice and empowerment changed the criteria, but due to lack of awareness lakh of children are not able to getting this scholarship.
- Government programmes have emphasized the financial aspect of rehabilitation and failed to address the caste-based oppression and related social conditions that have perpetuated this practice for centuries.
- Government programmes have completely ignored the Muslim communities, such as Hela and Halalkhor, who inhabit several states of India and have been as much a slave of this exploitative tradition as the Dalit Hindu communities. It's notable that the actual victims in this case too are primarily women.
- Several states have refused to implement the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, by denying the existence of dry latrines and manual scavenging in their jurisdictions despite evidence to the contrary. In other states, implementation has suffered because the Act itself is deficient on several counts; it neither lays down clearly the areas of responsibility nor provides penalties for non-enforcement of the law. The Act of 1993 didn't spell any rehabilitation measures for those who works as manual scavenger and for those who liberated from manual scavenging. However, few measures have been taken by the government since 1993 for

economic relief, but yet not implemented in true spirit. The major reason behind such schemes was not part of the Act which failed to liberate and rehabilitate peoples from such inhuman practice. Therefore, a new Act is must to include all aspects of rehabilitation including alternative employment, education, social security, housing and social justice.

- No national or state-level body exists that will monitor the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993. The Safai Karmachari commissions that exist at the centre and some states do not play this role effectively either.
- There are other laws – namely, Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act, 1989, Protection of Civil Rights Act, 1955, and Bonded Labour System (abolition) Act, 1976 – that stand violated because of the continued practice of manual scavenging. People have rarely been booked under various sections of these Acts for harbouring the practice of manual scavenging even when such violations have been brought to the notice of the administration.
- The government needs to realize that loan and subsidy make for only an apology for rehabilitation. The people enslaved by this inhuman tradition over many generations can hardly be expected to transform their lives with the paltry sum of money they receive in the form of loan and subsidy, especially when they continue to be discriminated against. These oppressed families deserve larger financial assistance in the form of grants, rather than loans, inclusion in the BPL list and the various benefits thereof, housing under Indira Awas Yojana, etc.

We make the following recommendations to your ministries as the measures that the government must take in order to make up for the deficiencies in the implementation of the policy to eradicate manual scavenging.

1. The government should introduce a new legislation to amend to the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, to provide for action against the district collector and the chief secretary of a state that has been found to harbour the practice of manual scavenging. The new legislation should also provide for imprisonment and financial penalties against the officials of the urban local bodies, panchayats and government offices responsible for continued existence of dry latrines either in their own premises or within their jurisdictions. The new legislation should increase the duration of imprisonment and the amount of fines for the owners of dry latrines.
2. The new legislation will be also clearly define manual scavenging and widen this definition to include all kinds of work that involve manual clearing of excreta. The rehabilitation of the victims must also be incorporated into the Act.
3. All rehabilitation schemes and programmes must be totally redesigned for the women that make up 98 per cent of the workforce enslaved by this exploitative tradition.
4. Rehabilitation policy and programmes must be redesigned to take into account the social aspects of this oppressive tradition. Loan and subsidy should be replaced by pure grant of no less than Rs. Three Lakh each to be provided to the victims to help them reskill and re-employ themselves according to their free will and capacity.
5. Rehabilitation programmes must go beyond employment assistance to include food security, housing, education, healthcare, and related entitlements. It's best to provide these entitlements by ensuring that the liberated families get the BPL status. Each liberated family in need of a house must get one under Indira Awas Yojana in a manner that ends their ghettoisation and spatial segregation from the larger community.

6. Each rural family being liberated from manual scavenging must get agricultural land in their village. If need be, the government should acquire land for this purpose.
7. There must be reservation in employment as Anganwadi workers and mid-day meal cooks for the women liberated from the manual scavenging tradition. Also give priority in water and sanitation related dignity full work.
8. Various rehabilitation schemes should be integrated into one effective scheme, which should be evaluated by bodies that should be formed at the district, state and national levels. The evaluating bodies must have the participation of the women liberated from this tradition as well as the organizations representing their interests.
9. The government must introduce a special programme for the education of the children of the households who have borne the brunt of manual scavenging for generations. Such a programme should be aimed at neutralizing the various disadvantages faced by such children and should exclude any perverse incentive, such as a scholarship, for their families to continue in the shameful tradition. The scholarship scheme should require the family to have quit manual scavenging and provide a sum that is four times the amount currently being provided. Scholarship should continue up to the completion of college/university education.
10. The Muslim communities, such as Hela and Halalkhor, who have been at the receiving end of this exploitative tradition and always denied any state assistance, deserve not only a treatment that's equal to what Hindu Dalit communities enjoy, but also a special package to ameliorate their pitiable condition.
11. It must be ensured that no full-time or temporary worker be employed as manual scavenger. An officer of the level of a commissioner or equivalent in a local body should be held directly responsible for any such employment or an act supporting such an employment. Penal provision should include fines and imprisonment.
12. A fresh nationwide survey should be conducted in the next six months to identify and rehabilitate the people to be liberated from manual scavenging. The list of the people identified through such a survey must be published in the main newspapers of the district concerned and posted on government websites. Lists of the victims in rural areas should be verified by the Gram Sabhas and displayed prominently in public places.
13. It is imperative that the railways ensure that the toilets in the trains are converted into a form wherein the human excreta does not need to be lifted by men and women within two years. Apart from this, a yearly progress report on the status of the foresaid demand needs to be presented by the Ministry of Railways and Ministry of Water and Sanitation in the parliament.
14. The Centre and each state government should draw up and publish a white paper every six months on the situation as regards manual scavenging and dry latrines in their jurisdictions. A national task force consisting of the liberated women and representatives of the government (ministries/departments of social justice, urban development, rural development) and the concerned NGOs should be formed that will closely monitor the progress in eradication of manual scavenging over the next two years.

Thanks,

With regards,

Ashif Shaikh and Lali Bai
On behalf of Garima Abhiyan

The Rashtriya Garima Abhiyan at a Glance

Rashtriya Garima Abhiyan – National Campaign for Dignity and Eradication of Manual Scavenging, has been working intensively for complete eradication of the inhuman practice of manual scavenging since 2002. The key interventions include getting the involved people out of this practice, organizing and capacitating them, ensuring education for their children and working for their holistic development and empowerment. Around 11,000 individuals have given away this practice till now out of which 95% are women. The campaign has also brought about many policy changes in the state and national level. Garima Abhiyan is working directly in 50 districts of Madhya Pradesh, Uttar Pradesh, Rajasthan and Maharashtra. Advocacy efforts on this issue are also being taken up at state, national and international level.

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

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

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

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

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