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Recommendations of the National Conference on Manual Scavenging and Sanitation held at Vigyan Bhawan Annexe, New Delhi on 21st February 2014

A One day National Conference on Manual Scavenging and Sanitation was organized by National Human Rights Commission on 21st February, 2014 at Vigyan Bhawan Annexe, New Delhi. The main objectives of the conference were to: (i) Discuss the status of compliance of recommendations pursuant to the National Workshop on eradication of Manual Scavenging organized by NHRC in the year 2011 and review the steps taken by Central and State authorities and other organizations thereupon; (ii) Identification of gaps/constraints in implementation of rehabilitation schemes for people involved in manual scavenging and in order to facilitate eradication of the practice; (iii) Discuss strategies to make possible the complete expedition implementation of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013; (iv) Share best practices of States, Union Territories and non-governmental organizations, and decide upon the future plan of action to eradicate Manual Scavenging. The Conference was attended by Secretaries/ Directors of concerned Ministries / Departments like Social Justice & Empowerment, Ministry of Housing and Urban Poverty Alleviation etc, Chairperson of National Commissions for Safai Karamcharies and Chairperson of National Commission for SCs, representatives of State Human Rights Commissions, core groups of NGOs and oragnaizations working for Dalits/ SCs including the representative of Civil Society.

2. Keeping in view the objectives, the Conference deliberated on the following substantive issues in technical sessions:

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- a) Existing Scenario-legislative and programmatic initiatives by government agencies. (Session-I)
 - b) Existing scenario - NGO point of view (Sessions- II)
 - c) Framing of the recommendations by the groups. (Sessions- III)
 - d) Presentation and Finalization of Recommendations

3. The delegates were divided into two groups. Group-I discussed the steps to be taken for eradicating the practice of Manual Scavenging that was chaired by, NHRC Justice Shri D. Murugesan, Hon'ble Member, NHRC. Group II dealt with the steps to be taken for rehabilitation of manual scavengers. It was chaired by Justice Shri Satyabrata Pal Hon'ble Member, NHRC.

4. Recommendations of Group I: Steps to be taken for eradicating the practice of Manual Scavenging

- 1) The Act provides comprehensively for prevention, rehabilitation and supervision. The aim of everybody should be that Manual Scavenging should be totally eradicated. Both State Government and Central Government should take effective steps in constituting various Committees for effective implementation of various provisions.
- 2) Though in exercise of power under Section 36 and Section 37, the Central Government has framed rules/model rules, as per the scheme of the Act, the State Governments should also make necessary rules for effective implementation of the Act, particularly with reference to the Constitution of Sub-Divisional /District/State level Committees including the Vigilance Committee to be formed under Section 24 of the Act.

The framing of Rules by the respective States is necessary and assumes importance as the State Governments are mandated to notify these Committees in the Gazette which may not be possible in the absence of the Rules.
- 3) Benefits conferred under the SC and ST (POA) Act particularly with reference to prosecution and compensation must be extended to all those covered under the definition of "Manual Scavengers" under the present Act.

- 4) Prescription of period of three months to take cognizance of the complaint to the District Magistrate/Judicial Magistrate as the case may be under Section 10 should be removed and the provisions prescribed for limitation under Cr.PC can be adopted.
- 5) In terms of Sections 8 and 9 of the Act, in addition to sentencing to prison, a provision for imposition of fine is also prescribed. The fine amount so imposed and collected shall be made available to the benefit of the victim namely the Manual Scavenger so that they can rehabilitate themselves in a better manner. This payment should not be detrimental to other benefits already provided under the Act or under various schemes.
- 6) For effective implementation there should be the determination and the mindset on the persons /officers representing Committees at all levels including all local bodies.
- 7) National level campaign should be organized through local areas specific IEC activities for creating awareness regarding the various provisions of the Act amongst the Civil Society.
- 8) A Nodal Officer should be notified at the District and Sub-Divisional level to enable the affected people for redressal of their grievances.
- 9) A single window system should be in place at the district level for coordination and implementation of the Act.
- 10) There is need for convergence of all the activities of all concerned Departments and agencies responsible for implementation of the Act.
- 11) While identifying the Manual Scavengers by the District administration, those working in the Indian Railways as manual scavengers should also be included.
- 12) NGOs need to be actively involved in identification as well as rehabilitation under the Act.
- 13) Before the one time financial assistance of Rs. 40,000/- is exhausted it should be supplemented by other schemes like vocational training.
- 14) On seeing the presentation by the Railways, it is recommended that the focus should not be restricted to sanitation alone and it should be also to focus on the Manual Scavengers and their rehabilitation.

- 15) Under Section 2(g) of the Act both the Central and State Governments may notify "such other spaces or premises". Such notifications must be made expeditiously in order to give the full meaning of the definition of Manual Scavengers.
- 16) The time limit prescribed by the Railways upto period of 2021-22 to completely remove dischargeable toilets in Railways is too long a period and it should be completed in a period of five years.
- 17) Separate guidelines need to be issued for identification of Manual Scavengers by the urban local bodies as the local bodies are required to do the survey only if they have reasons to believe under the Act.

Recommendations of Group II: steps taken for rehabilitation of manual scavengers

While the Act focuses on both the elimination of manual scavenging and the rehabilitation of those who have been forced into this livelihood, and the two are equally important, it is essential that rehabilitation should not depend on or be linked to the elimination of the practice. It must be taken up immediately, independently and receive the highest priority, since the human rights of very large numbers of vulnerable people are involved.

National survey All States must complete within two months a survey to identify and enumerate:

- i) those who are manual scavengers;
 - ii) those who have been manual scavengers, and have been rehabilitated;
 - iii) those who have been manual scavengers, but have not been rehabilitated;
 - iv) the members of families of those who are or have been manual scavengers.
2. All States must send the findings of this survey by April, 2014, to the Union Ministries concerned, to the National Human Rights Commission and the National Commission for Safai Karmacharis.
 3. **Quarterly updates** Starting from April, 2014, a quarterly report must be sent by each State to the National Human Rights Commission and the National Commission for Safai Karmacharis on:

- i) the number of individuals who have been identified for rehabilitation in the last quarter;
- ii) the number of individuals who have been rehabilitated in the last quarter;
- iii) the details of the rehabilitation provided, including cash assistance, project support, skills-development, etc.;
- iv) the details of the training provided in livelihood skills to rehabilitated manual scavengers;
- v) the number of grants given or houses provided to former manual scavengers under the IAY, the RAY and cognate State schemes;
- vi) the educational support, including scholarships, provided to children of those who are or have been manual scavengers;
- vii) the relief provided to families of manual scavengers who have been killed in the course of their work.

4. **Nodal authorities** All States shall ensure that by April 1, 2014

- i) Every district has appointed an officer who shall be the nodal officer for the implementation of the Act; this official will be responsible for the prevention of manual scavenging and the rehabilitation of manual scavengers;
- ii) A list of the nodal officers of the State, with their names, official addresses, telephone numbers, etc is compiled and widely disseminated, including on the internet;
- iii) This list is sent to the National Human Rights Commission and to the National Commission for Safai Karmacharis.

5. **Vigilance Committees** All State Governments shall ensure that by April 1, 2014:

- i) Vigilance Committees are appointed in each District;
- ii) Their names, designations, telephone numbers etc are compiled and widely disseminated, including on the internet;
- iii) This list is sent to the National Human Rights Commission and to the National Commission for Safai Karmacharis.

6. **Special Provision** One-time cash assistance should be provided to manual scavengers who have left their former profession before December 6, 2013, but have not received any rehabilitation benefit, either from Governments or from banks.

7. **BPL cards** An individual identified as a manual scavenger, who is issued with a photo-identity card u/s 13 (a) (i) of the PEMS&R Act, 2013, containing details of all members of his family dependent on him, should simultaneously be issued with a BPL card.

8. **Amendments to social welfare programmes** On the lines of the Indira Awas Yojana, which has laid down that individuals rehabilitated from manual scavenging would get priority in the allotment of grants, provisions should be made in:

- i) Rajiv Awas Yojana to stipulate that priority in the allotment of houses or allocations of grants would be given to manual scavengers being rehabilitated in urban areas;
- ii) Rehabilitated manual scavengers should get priority for work under the National Rural Employment Guarantee Scheme, and be allowed work for 200 days for five years after they are freed;
- iii) In NREGA, schemes should be drawn up for rural sanitation, for which preference in employment will be given to individuals and to the households of families redeemed from manual scavenging;
- iv) It is important that there be convergence of all schemes, including the social welfare schemes that are used to rehabilitate redeemed manual scavengers.

9. **Education** of children of manual scavengers:

- i) Ensure that all are in school and receive quality education; close attention to check that they are not forced to drop out either because of discrimination at school or pressure to earn. This should be part of the work of the Vigilance Committee;
- ii) Special attention in Anganwadi Centres; ensure that all settlements of manual scavengers have anganwadi centres close to them;
- iii) SNPs (Special Nutrition Programmes) should be automatic for them;

- iv) Scholarships for the children of individuals who are or have been manual scavengers will be provided throughout their school lives and into the tertiary level, irrespective of their religious affiliation.

10. **Special health measures** for those who have been manual scavengers:

- i) Special, monthly health checks through mobile vans in areas where there is a concentration of those who are or have been manual scavengers;
- ii) Identification of occupational health problems that affect manual scavengers, and the provision of medical and financial resources to treat them;
- iii) A more generous ceiling for manual scavengers under the Rashtriya Swasth Bima Yojana, given the extreme hazards to health to which they have been exposed.

11. **Relief for families after deaths** For the families of any person killed while working as a manual scavenger:

- i) Immediate payment of a minimum of Rs. 10 lakhs to the next of kin;
- ii) Free rations for a period of three months;
- iii) A permanent government post on compassionate grounds to at least one member of the family;
- iv) A pension of Rs. 5000/- per month for the widow;
- v) Scholarships for the children without limitation of the number to two, till the university level.

12. **Corporate CSR** 5% of corporate CSR should be devoted to the rehabilitation of manual scavengers.

13. **Financial Assistance** Since financing is crucial to rehabilitation and so far banks have been reluctant to provide this assistance to manual scavengers and their families;

- i) All project assistance under the Act should be channeled only through the National Safai Karamchari Finance Development Corporation;

- ii) State Governments should stand guarantee for loans given by the NSKFDC to manual scavengers;
- iii) Managers of all banks at the district level should earmark 1% of their total sanctioning power for soft loans to redeemed manual scavengers.

14. **Performance audit** All institutions of civil society that receive Government funding for the rehabilitation of manual scavengers should be regularly audited by independent agencies to ensure that the money is properly utilized.