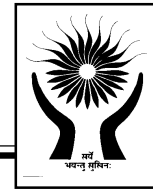




VIII. Ending Manual Scavenging



Letter to Various Authorities on the issue of elimination of manual scavenging.

Justice Ranganath Misra
Chairperson

D.O.No. 15 (19) / 96- Coord.
राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

October 23, 1996

My Dear Minister,

The National Human Rights Commission has the Statutory responsibility for reviewing the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation; review the factors that inhibit the enjoyment of human rights and recommend appropriate remedial measures (Section 12 (d) and (e) of the Protection of Human Rights Act, 1993).

2. The Commission is deeply concerned about the in human and degrading practice of manual handling of night soil, which is prevalent even today in certain parts of the country. The Commission considers this to be an affront to human dignity and a major social evil. Despite the launching of a National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents in March, 1992, the Commission has noted that the implementation of this Scheme is dismal, except in a few States. In a number of States, the survey to identify the beneficiaries is still not complete. In many others, where the survey was conducted, there were complaints that certain localities and families have been left out. Further, it is distressing to note that most of the States have been unable to achieve the targets set for training and rehabilitation.

3. With a view to providing a focal point for coordinating work presently being done as also to motivate and involve NGOs and other organisations, a meeting was held in the office of the Commission on 23 September, 1996. It was attended by senior officials of the Ministries of Welfare, Urban Affairs and Employment, the National Commission for Safai Karamcharis, HUDCO, as also by the Founder of Sulabh International alongwith Chairmen of its different wings.

4. The participants of the above meeting welcomed the initiative taken by the Commission. The unanimous view that emerged at the meeting was that the problem of manual scavenging was a human right issue and that there was a need for coordinated efforts involving both governmental and non-governmental agencies. The participants further felt that Government should first set an example by totally eliminating manual scavenging from its buildings. Accordingly, they urged this Commission to address letters to all State Governments as well as to certain Central Ministries with a request to replace dry latrines, wherever they exist in the buildings owned by them,

with pour-flush ones. It was felt that this would have a great impact on the public mind and would enhance awareness.

5. The Commission is in full agreement with them and takes this opportunity to urge you to issue instructions to all concerned for expeditious action. As it involves the crucial issue of right to life with dignity, I implore you to set a definite time-frame for the implementation of this measure.

6 Our nation is on the threshold of celebrating the 50th Anniversary of our Independence. Even after the lapse of five decades since Independence, it is a matter of great shame that thousands of scavenger families still live a socially degrading life. The Father of the Nation, Mahatma Gandhi, whose Birth Anniversary we have just observed, strove all his life for ameliorating the working and living conditions of this section of society and to restore to them their human dignity. The age-old practice of scavenging has to be stopped.

7 The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 prohibits the employment of manual scavengers as well as construction or continuance of dry latrines. This landmark legislation by the Parliament has to be translated into concrete measures. Keeping the various constitutional provisions and the above legislation as well as the protection of human rights in view, I urge upon you to set an example on this score by replacing dry latrines, wherever they exist in the buildings owned by your Ministry, with pour-plush ones, and fix a date for achieving this target.

8 I shall be grateful for a line in response.

With regards,

Yours sincerely,

Sd/-
(Ranganath Misra)

1. Dr. U. Venkateswarlu,
Minister for Urban Affairs & Employment,
Nirman Bhawan, New Delhi.
2. Shri Mulayam Singh Yadav
Minister for Defence
3. Shri Ram Vilas Paswan
Minister for Railways
4. Shri S.R. Bommai
Minister for Human Resource Development
5. Chief Ministers of all States

Letter to Chief Ministers with a request to adopt the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

Justice M.N. Venkatachaliah
Chairperson

D.O.No. 11/1/99-PRP & P
राष्ट्रीय मानव अधिकार आयोग
National Human Rights Commission

24 January, 1997

Dear Chief Minister,

May I invite your kind attention to the Commission's earlier letter dated 23 October 1996 from Justice Sri Ranganath Misra reiterating need to eliminate manual scavenging?

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 was enacted by the Parliament on 5 June 1993. The Act provides, among other things, that no person shall engage in or be employed for manually carrying human excreta or construct or maintain a dry latrine. The contravention of this prohibition is made punishable.

Nearly three and a half years have elapsed since the Act was passed. Our Commission understands that a number of communications have been addressed to you by the Ministry of Urban Affairs & Employment as well as by the National Commission for Safai Karamcharis urging your State to adopt the Central legislation which is brought forth as an ameliorative measure in an important area of human dignity.

I would, therefore, request you kindly to take such steps as may be necessary to have an appropriate resolution passed in the State Legislature adopting the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 in relation to your State.

With regards,

Yours sincerely,

Sd/-

(M.N. Venkatachaliah)

To

Chief Ministers of all States