

**File No. R-28/1/2020-PRPP(RU-3)**  
**NATIONAL HUMAN RIGHTS COMMISSION**  
**PRP&P Division, RU-3**

Dated: 29<sup>th</sup> December 2020

**Subject: Minutes of the ‘Regional Workshop on Issues and Challenges of Manual Scavenging and Human Rights’ held on 18<sup>th</sup> December 2020 via Cisco Webex**

A workshop on the captioned subject was held on 18<sup>th</sup> December, 2020 at 10:30 A.M. via Cisco Webex application. The workshop was chaired by the Hon’ble Member Justice Shri. P C Pant. The list of participants is enclosed at Annexure-I.

2. At the outset, **Shri R.K Khandelwal**, Joint Secretary, NHRC welcomed all the participants and highlighted the need of having such constructive dialogue. He briefly mentioned the steps taken by the Commission earlier in eradicating the practice of manual scavenging and also mentioned about recent Karnataka High Court observation on non implementation of ‘*The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013*’. While concluding, he reminded of our constitutional duty to protect the vulnerable section of our society”.

**Shri. Bimbadhar Pardhan**, Secretary General, NHRC, in his address quoted various data indicating the extent of the problem in our country and drew attention to policy refinement in legislation itself. He requested all participants to recommend some doable points in order to eradicate the menace of manual scavenging.

3. Justice **Shri P.C Pant**, Member, NHRC, in his inaugural address emphasized on the need of defending the country by ethical and moral values and also laid emphasis to ends this dehumanizing practice which is embedded in caste system. He called manual scavenging a blot on India’s face and compared it to a contemporary form of slavery.

**5. The Workshop was divided into Three Technical Sessions focussing on the Following Issues:**

- Identification of constraint in the implementation of the Manual Scavenging and Rehabilitation Act, 2013.
- Identification of gaps in the Act and the Challenges faced by the Manual Scavengers
- Role of the Civil Society and technology in eradicating the menace of Manual Scavenging

**6. Important points emerged out of the above mentioned Technical Session are as follows:**

**A) Technical Session I: Identification Of Constraint In The Implementation Of The Manual Scavenging And Rehabilitation Act:**

**i) Definition:**

- **Categorization** of both Manual Scavenging and Hazardous cleaning.
- **Definition** of Manual Scavenging to be broadened to cover other types of hazardous cleaning.

**ii) Safety Measures**

- **Protective gears** should be made **mandatory** while handling equipment like Sucking and Jetting machine etc..
- The **training** has to be arranged for Manual Scavengers about mechanisation and safety aspects.
- Officer in the Supervisory level or In charge of the area should **submit a declaration** to the respective civic body to the effect that the required safety gears are being provided before any person enters the sewer/septic tank.
- **Mechanisation** system is **on track** both in urban and rural areas according to the Secretary, Dept. Of Social Welfare and Empowerment.

### iii) Rehabilitation

- Rehabilitation of manual scavengers has been slow because they are mostly **illiterate** and have **no exposure** to any work other than sanitation-related Activities.
- There are lot of **middle men** who exploit Manual Scavengers by promising to secure the scheme benefits/compensation and ultimately usurping the gains themselves.
- **Monitoring Mechanism and a Vigilance Committee** with a proper SOP must be established, under Section 24 of the PEMSRA, 2013.
- Provision on rehabilitation of **family members of deceased victims** must be incorporated in the Act
- There is a need of **Women based programs** like Animal Husbandry, Dairy Technology, Bangle Stores, Registration of Site/ house in name of women etc
- The National Safai Karmacharis Finance and Development Corporation may promulgate training program to impart **training to Manual Scavengers** by bearing training expenditure and also ensure payment of stipend to the trainees.
- More **community-centric model** should be adopted, where the entire community is given more opportunities to help them come out of this practice,.
- While many Manual Scavengers have been rehabilitated, it is also important to **revisit** to see how they and their families are doing.

### iii) Implementation:

- Many states make tall claim that they have zero manual scavengers, and nil insanitary latrines but these are far from truth. Accountability for such incorrect statements of the Authorities to be fixed.
- The **figures** emerging from the survey of manual scavengers should be **cross checked** with the figures which may be available with the **Unions/Associations of Safai Karamcharis**. Member of these Associations have more authentic information about the presence of manual scavengers.
- Sensitize the authority to increase rate of convictions under the Act

- From the legal perspective, PEMSRA is also linked with the “**The Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989**”. Hence the person who employs manual scavengers should be punished under the appropriate sections of these legislations.
- Need to have **police investigation officer with special training** under SC/ST Atrocities Act, 1989, PEMS&R Act, 2013 and **Supreme Court 2014 judgement**.
- The role of different **rural and urban local bodies** under the Act needs to be clearly specified and strengthened.
- There is a need for **fixing responsibility** on district level officials for non implementation of the Act in its letter and spirit under their jurisdiction.
- **Special Rapporteur** can be deputed to check the presence of Manual Scavenging in any region.
- **The National Crime Research Bureau (NCRB) may also be instructed to monitor the sewer deaths** and to reflect the data in its Annual Report.
- In spite of a well-funded programme such as the Swachh Bharat Abhiyan in operation, little attention is devoted to this aspect of sanitation.
- The Govt. of India may introduce a **National Award** for the States for encouraging effective implementation of Manual Scavenging Act 2013.

#### **iv)Financial Support:**

- The Ministry of Finance of GOI may **designate particular Nationalised Bank** for each State to take-up the responsibility of extending loans to the Manual Scavengers and their dependants.
- Either individual or group **insurances** must be provided to Manual Scavengers and the premium may be paid by the concerned Local Bodies.
- Nodal authority/department that will bear the expense of Compensation in case of sewer death and time frame may be clearly specified..
- National Safai Karmacharis Finance and Development Corporation of GOI may extend the subsidy for the purchase of mechanised vehicles to the extent of 50% of the cost and the remaining may be from (Urban Local Bodies) ULBs.

#### v) Miscellaneous:

- A **penal** section is required to be put in Law to prevent the discrimination and harassment faced by the children of the Manual Scavengers and women Manual Scavengers.
- An **App** and a **toll-free** number for registration of complaints
- Disposal of **plastic waste** which is considered a root cause of clogging the sewer lines be ensured by evolving a separate mechanism.
- The Swachh Bharat Abhiyan should not only focus just on toilet building but also eradication of manual scavenging and the workers rehabilitation.
- Indian Railways to make free of Manual Scavengers.

#### B) Technical Session II: Identification Of Gaps In The Act And The Challenges Faced By The Manual Scavengers:

- **Reluctance of various states** results in data inconsistencies which leads the Manual Scavengers to deprivation of the benefits available under the Government schemes.
- As the practice of Manual Scavengers banned under the Act of 2013, a sense of fear/suspicion still prevails among the Manual Scavengers and they perceive themselves engaged in the practice of Manual Scavengers which is already banned.
- Strict **Action against local authorities** who employ people to work as manual scavengers.
- Rehabilitation process may be **linked to schemes** under which they can immediately start earning like **MNREGA**.
- Unlike urban areas, rural areas do not have sewerage system and have unique problem. Under Swachh Bharat Mission (Grameen), the preferred toilet technology option is the twin leach pit toilet in which the faecal matter is automatically converted to manure in 1-2 years which can be emptied safely and reused and no manual scavenging is required.
- However, it is estimated that 50% households may have septic tanks/single pits, which require periodic de-sledging. Currently, it is being done by States/districts authorities through private entrepreneurs.

- In order to promote mechanized dislodging of faecal matter DDWS is exploring the option of utilising the potential of start-ups working in sanitation domain in addressing the sanitation challenges in rural context.
- Construction of toilet is easy but monitoring its usage a challenging task.
- Ensuring **participation from civil society**/community participation in the **vigilance committee** formed under section 24 of PEMSRA, 2013.
- The railway department is upgrading and modifying the bio toilets and also encouraging its usage by placing multilingual stickers spreading awareness in the toilets.
- Places where water table is at low level, biogas toilet can be promoted.
- Monitoring committee mandated under the Act benot constituted and made functional.
- We can think about formulating a new Act or include some provision in the already existing Act for Hazardous cleaning.
- Authorities may **identify colonies** where Manual Scavengers tends to live for easy identification and rehabilitation.

### C) Technical Session III: Role of the Civil Society and technology in eradicating the menace of Manual Scavenging

- **Apathetic behaviour of general public** who insist on construction of septic tanks and easy and cheap availability of manual scavengers also promote this dehumanizing practice
- **Resident Welfare Association** needs to be involved in creating awareness.
- **Awareness campaign** for Manual scavengers.
- Extensive **Research and Development is required** before a kick start of designing the Robotics machines.
- Manual Scavengers themselves may be trained to operate those technologies which could be employed for cleaning purposes.
- Emerging technological solutions, such as **Bandicoot**, have kept the **simple user interface** of the machines such that the manual scavengers can be **re-employed** to operate them which help to resolve the issue of lose of their livelihood. It may be replicated by other private stakeholders working in this domain

- States need to speed up the process of technology adoption. Semi automated devices like **Bandicoot** (Kerala based start up), **MECHUAL** (Ahmadabad based start up) can be procured by civic bodies
- **Proper drainage and sewerage system** with modern infrastructure in well planned manner may be developed so that manual scavenging is not required in the first place.
- Technological intervention in manual scavenging is costly; however, wide usage of technology can bring down the cost significantly.
- Government needs to plan adequate investment facilitating the shift to the use of technology, maintenance of technology and training the workers to operate the technology.
- **NSKFDC** may provide financial assistance to help start up working in the domain of sanitation.

**7. After Due Deliberations, The Following Doable Action Points Emerged For Recommending To The Concerned Authorities:**

**I) The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**

**Ministry of Social Justice and Empowerment** may be requested to formulate new rule or may include following provision in upcoming bill to eradicate the menace of Manual Scavenging:

- **Categorize** manual Scavenging.
- **Broaden** the definition of Manual Scavenging.
- We can think about formulating a **new Act for Hazardous cleaning** or include some provision in the already existing Act.
- **Define** what comes under the term ‘**protective gear**’ and make it mandatory while using equipment like sucking and jetting machines.
- **Accountability must be fixed in** the cases of wrong reporting about the number of Manual Scavengers in any region
- Ensure to remove the role of **middle man** by making provision like DBT or by collaborating with NGOs
- Rehabilitation process may be **linked to schemes** under which they can immediately start earning like **MNREGA**.
- The amount of compensation paid as one time cash assistance for their rehabilitation may be enhanced to 1 Lakh. **Nodal authority/department that** will bear the expense of such Compensation may also be clearly **specified**.
- **Strict Action against local authorities** who employ people to work as manual scavengers.
- An **App** and a **toll-free** number for registration of complaints.
- A penal section may be put in Law to prevent the discrimination and harassment faced by the children of the Manual Scavengers and women Manual Scavengers

**[Action: M/o Social Justice and Empowerment]**



## II) Identification:

- Officer in the Supervisory level or In charge of the area should submit a declaration to the respective civic body to the effect that the required safety gears are being provided before any person enters the sewer/septic tank.
- **Monitoring Mechanism and a vigilance committee** with a proper SOP must be established, under Section 24 of the PEMSRA, 2013. Ensuring **participation from civil society**/community participation in the **vigilance committee** formed under section 24 of PEMSRA, 2013. .
- While many Manual Scavengers have been rehabilitated, it is also important to **revisit** to see how they and their families are doing.
- Safai Karamchari **Association** may be involved while conducting any **survey** for identification purpose.
- Special emphasis must be given to **colonies** where Manual Scavengers tends to live.
- Local bodies must ensure proper disposal of **plastic** to avoid clogging.

[Action: Municipal/Local Bodies]

## III) Rehabilitation Program:

- The National Safai Karmacharis Finance and Development Corporation may promulgate/undertake **training programs**. The training expenditure and payment of stipend to the trainees to be borne by NSFKDC.
- There is a need of **Women centric rehabilitation programs**
- **NSKFDC** may provide financial assistance to help start up working in the domain of sanitation and companies, in turn, be asked to provide training to Manual Scavengers how to operate those technologies.

[Action: NSKFDC]

## iv) Ministry of Home Affairs/Police

- Need to have **police investigation officer with special training** under SC/ST Atrocities Act, 1989, PEMS&R Act, 2013 and **Supreme Court 2014 judgement**.
- **The National Crime Research Bureau (NCRB) to monitor the sewer deaths and data reflected in its report.**

[Action: NCRB]

#### **V) Provision for Financial Inclusion:**

- The Ministry of Finance of GOI may **designate particular Nationalised Bank** for each State to take-up the responsibility of extending loans to the Manual Scavengers and their dependants' up to Rs.10.00 lakhs to take up the business Activity.
- Either individual or group **insurances** must be provided to Manual Scavengers and the premium shall be paid by the concerned Local Bodies.

[Action: M/o Finance]

#### **VI) Monitoring the Performance of Concerned Bodies**

- NHRC is required to continuously **monitor** the practice of manual scavenging by conducting review meetings at least once in six months.
- **Special Rapporteur** can be deputed to check the presence of Manual Scavenging in any region.

[Action:NHRC]

**List of Participants**

**NHRC Officials**

1. Members of NHRC: Hon'ble Member Justice Shri P C Pant
2. Secretary General, Sh. Bimbadhar Pradhan
3. Joint Secretary (A&R), Sh. RK Khandelwal
4. Senior Research Officer, Sh. Sudesh Kumar
5. Junior Research Consultant, Ms. Lakshmi Kumari

**Speakers**

1. Shri R. Subhramanyam, Secretary, Department of Social Welfare & Empowerment, GoI
2. Shri Samir Kumar, Joint Secretary, Department of Drinking Water & Sanitation, Ministry of Jal Shakti, GoI
3. Shri Naveen Agarwal, Director, Swachh Bharat Mission, Ministry of Housing and Urban Affairs, GoI
4. Rohit Kakkar, Dy. Advisor [PHE & Trg], Ministry of Housing and Urban Affairs, GoI
5. Shri C S Verma, Director, National Commission for Schedule Caste
6. Smt. R. RAMA, Secretary, Karnataka State Commission for Safai Karamcharis
7. Shri Harshvardhan, Director, Social Welfare Department, Andhra Pradesh
8. Smt. Tmt Kalaiselvi Mohan, Joint Commissioner of Municipal Administration
9. Shri Vijay Kumar, Special Secretary, Scheduled Castes Development Department, Telangana
10. Smt. Sheeba George, Director, Social Justice Department, Kerala
11. Shri T. Venkatasubramanian, Principal Chief Mechanical Engineer, Southern Railway
12. Shri Bejwada Wilson, National Convener, Safai Karamchari Andolan Dr. Lalit Kumar, Senior Advisor, Sulabh International Social Service Organization
13. Dr. Mohan Das, Associate Professor, Vijayanagara Sri Krishnadevaraya University
14. Shri K.B Obalesh, Thamate, Founder Secretary & Executive Director, Centre for Rural Development, Karnataka
15. Shri Vimal Govind MK, CEO and Architect of Genrobotics Innovation
16. Dr. Sasi Meethal, CEO, Kerala Startup Mission, Kerala
17. Dr. V.A Rameshnatham, General Secretary, National Dalit Movement For Justice (NDMJ)-NCDHR

**Other Participants:**

- Other concerned officers from above mentioned department.
- Municipal Corporations From Tamil Nadu