

**SOCIAL INCLUSION OF MANUAL SCAVENGERS: WITH SPECIAL
REFERENCE TO MEHTAR CASTE OF PALIA KALAN KHERI**

**DISSERTATION
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**UNDER THE SUPERVISION OF
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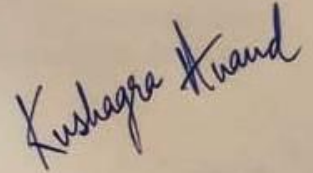
DECLARATION

I, **Kushagra Anand**, declare that the work embodied in this dissertation entitled "**SOCIAL INCLUSION OF MANUAL SCAVENGERS: WITH SPECIAL REFERENCE TO MEHTAR CASTE OF PALIA KALAN KHERI**" has been carried out by me, under the supervision of **Prof. Jaya Shrivastava, Professor**, Department of Sociology, Babasaheb Bhimrao Ambedkar University (A Central University), Lucknow.

The work included in this dissertation has not submitted for any other degree and unless otherwise stated, is all original. I have duly acknowledged all the sources used by me in the preparation of this thesis. I also declare that the dissertation is essentially free from all kinds of plagiarism.

Place: Lucknow

Date: 27/06/2022



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CERTIFICATE

It is to certify that the M.Phil dissertation titled "**SOCIAL INCLUSION OF MANUAL SCAVENGERS: WITH SPECIAL REFERENCE TO MEHTAR CASTE OF PALIA KALAN KHERI**" submitted by **Mr. Kushagra Anand**, Enrollment No. 1341/16, is an original research work and has not been previously submitted in part or full for the award of any other degree or diploma to this or any other University.

The dissertation submitted to Babasaheb Bhimrao Ambedkar University Lucknow satisfies all the requirements as stipulated in the Master of Philosophy (M.Phil.) / Doctor of Philosophy (Ph.D.) Regulations (amended in 2019) and it is fit for submission and evaluation for the award of the degree of Master of Philosophy (M.Phil.) of the University.

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CHAPTER 1

INTRODUCTION

Manual scavenging is the act of picking up human excrement with one's own hands by another human. It is carried out in private latrines and in communal latrines built by governmental and non- governmental organisations. In general, it is done in two ways: first, cleaning of dry latrines, where the manual scavenger's job is to collect human excrement in a bucket or some vessel and then throw it at a fixed location; second, cleaning of septic tanks (or sewage pits), which serve as waste disposal in some people's homes' toilets or in municipalities.

The work of cleaning tanks full of excrement is done at night and many people are needed to do it. Both men and women clean tanks, whereas the dry latrines in houses and public spaces are generally cleaned by women.

This practise is still practised in various parts of the country, but the methods vary and have evolved in response to local needs or practises. In north India, communal toilets are generally not latrines, whereas in south India such communal latrines are commonly under the aegis of the panchayats or the municipalities.

In some states, a terribly oppressive feudal thinking can be seen, whether in the absence of sewer lines or in the apathy of the policy makers towards flush toilets. Definitely this prevails in the colonies inhabited by people with low incomes, as also Muslim colonies. There are thousands of examples of people who have kept this practice alive due to their feudal mind set. While in Haryana and Punjab, dry latrines have been constructed even in opulent mansions made with lakh of rupees, women in Rajasthan can be seen carting basket upon basket of excrement from princely havelis for just a stale roti and a pittance in wages. One can also see that in old towns like Lucknow (the capital of Uttar Pradesh), Kanpur and Aligarh, women are engaged in manual scavenging in poor households on credit. In all these places, these women are treated with contempt. These women and their families are forced to live their entire lives like this, condemned to remain on the lowest rung of the caste system.

World Bank defines 'Social Inclusion' as "the process of improving the terms on which individuals and groups participate in society—improving the ability, opportunity, and dignity of those who are disadvantaged because of their identity".

Some groups face barriers in every country that prevent them from fully participating in political, economic, and social life. These groups may be excluded not only through legal systems, land, and labour markets, but also through stigmatising or discriminatory attitudes, beliefs, or perceptions. Disadvantage is frequently based on, among other things, gender, age, location, occupation, race, ethnicity, religion, citizenship status, disability, and sexual orientation and gender identity (SOGI). Individuals are deprived of their dignity, security, and the opportunity to live a better life as a result of social exclusion.

United Nations define 'Social inclusion' as "the process of ensuring equal opportunities – that everyone, regardless of background, can reach their full potential in life. Policies and actions that promote equal access to public services and allow citizens to participate in decision-making processes that affect their lives are examples of such efforts".

When the Swachh Bharat Mission was launched in 2014, signs appeared in metropolitan public spaces, especially in upmarket areas, urging citizens to dispose of trash in trash cans as an act of civic pride. Teltumbde's work suggests that cleaning up urban India will require not only a new sense of civic responsibility but also a change in the attitudes of higher caste people towards Dalits. However, such a shift may also require Dalits and members of other lower castes to reject higher caste values.

The manual scavenging prohibition act of 1993, in its chapter 2 states the following prohibitions and conditions:

Prohibition of employment of manual scavengers, etc. (1) Subject to sub-section (2) and the other provisions of this Act, with effect from such date and in such area as the State Government may, by notification, specify in this behalf, no person shall (a) engage in or employ for or permit to be engaged in or employed for any other person for manually carrying human excreta; or (b) construct or maintain a dry latrine.

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

CHAPTER III OF THE PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER states in its sections:

Section 5. Prohibition of insanitary latrines and employment and engagement of manual scavenger. Section 6. Contract, agreement, etc., to be void. Section 7. Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks. Section 8. Penalty for contravention of section 5 or section 6. Section 9. Penalty for contravention of section 7. Section 10. Limitation of prosecution.

In 1993, Parliament passed a law that made it illegal to hire manual scavengers in several states of India. In 2013, the law – called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act – was updated to cover the entire country. In principle, it imposes a fine and a potential prison sentence on people who employ manual scavengers. In addition to cleaning dry latrines, it identifies several other activities as manual scavenging as well. For example, hiring someone to handle human faeces, without protective gear, in a drain, latrine pit, sewer, public toilet or railway track, is legally considered manually scavenging. It is important to note, though, that the act does not prohibit hiring someone to empty a twin-pit latrine in which faeces have decomposed.

However, despite the valuable signal that the act prohibiting manual scavenging sends, the government's commitment to enforcing the act has been weak. We could find no evidence that the government has ever convicted anyone under either of the acts of 1993 and 2013. Several newspapers report that no one was ever convicted for employing manual scavengers during the twenty year period from 1993 to 2013. Further, the National Crime Records Bureau, which publishes the number of cases registered for each crime for each year, listed no registered cases under the act for any state in 2014.

The lack of convictions should not be misinterpreted as evidence that manual scavenging has been eliminated; it still exists. Some 800,000 households openly admitted to using dry latrines

in the 2011 census. Activists such as Bezwada Wilson and his colleagues at the Safai Karmachari Andolan, as well as other organisations against manual scavenging, have brought many cases of manual scavenging to the attention of government officials without securing prosecutions. Even if the government is not willing to prosecute people for employing manual scavengers, there are many other ways it could work to bring an end to manual scavenging. In urban India, many different forms of manual scavenging take place in plain sight. As a matter of course, the Indian state actually hires people to do manual scavenging in the drains and sewers of cities. Many people have died as a result of this dangerous work.

To reduce manual scavenging in cities, large public investments in infrastructure are needed to update railway coaches and city sewage systems – alongside better regulation of mechanical sewage removal for urban households that are not connected to sewers. These investments are feasible and would be well worth it. They would help the government comply with its own law to promote the health and dignity of sanitation workers. These investments would be a visible, public stand against caste discrimination. They would also work against the disastrous consequences of poor sanitation for health and the economy. If the government wants to end manual scavenging and promote latrine use, it should do a great deal more to inform the public about the 2013 act.

The work of manual scavenging and continuation of dry latrines is a violation of articles 14, 17, 21 and 23 of the constitution and it is also a direct violation of the law passed in 1993.

Actually, the way our policymakers have treated this issue in the past twenty years is an eye-opener. It makes it very clear why our society has allowed this inhuman practice to continue for centuries. If we take a close look at the various provisions of the law passed in 1993 - as well as the way the executive and judiciary of the country have behaved after the law was passed-one can get a very clear picture of the situation. Indeed, if the country's policymakers have taken any action at all, it is all because the manual scavengers have not given up their struggle and have faced every challenge with courage-especially when the lawmakers have tried their best to ensure that no change manifests in these people's lives. We will have to understand all this in an organized way. Let us first look at this law that, in spite of its many drawbacks, showed manual scavengers the way to liberation. It was for the first time in 1990 Babasaheb Ambedkar's centenary year – that the government began looking seriously at the Dalit agenda, and the process of forming some opinion about it began to take shape. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act of 1993 was the result of this. The first step toward enacting the law proved to be detrimental. Because cleanliness and health are on the concurrent list, this Act fell under Article 252 of the Constitution. However, a law passed by the Central government on a subject from the concurrent list can be implemented only when the vidhan sabhas of the states approve it too. As a result, when this bill was introduced in Parliament, only five states had given their prior approval. Let us examine the legislators' level of seriousness. The law was passed by Parliament in 1993 and the President signed its notification on 24 January 1997. That meant it took four years for this law to cover the distance between Parliament and Rashtrapati Bhavan. However, even after that, the rest of the states ignored it and showed no desire to approve it. In fact, until 2005, no other state had taken any step in this direction. Only when the Safai Karmachari Andolan submitted a petition in the Supreme Court and all states received a notice did they wake up. In spite of this, six states, including the capital city of New Delhi, had not

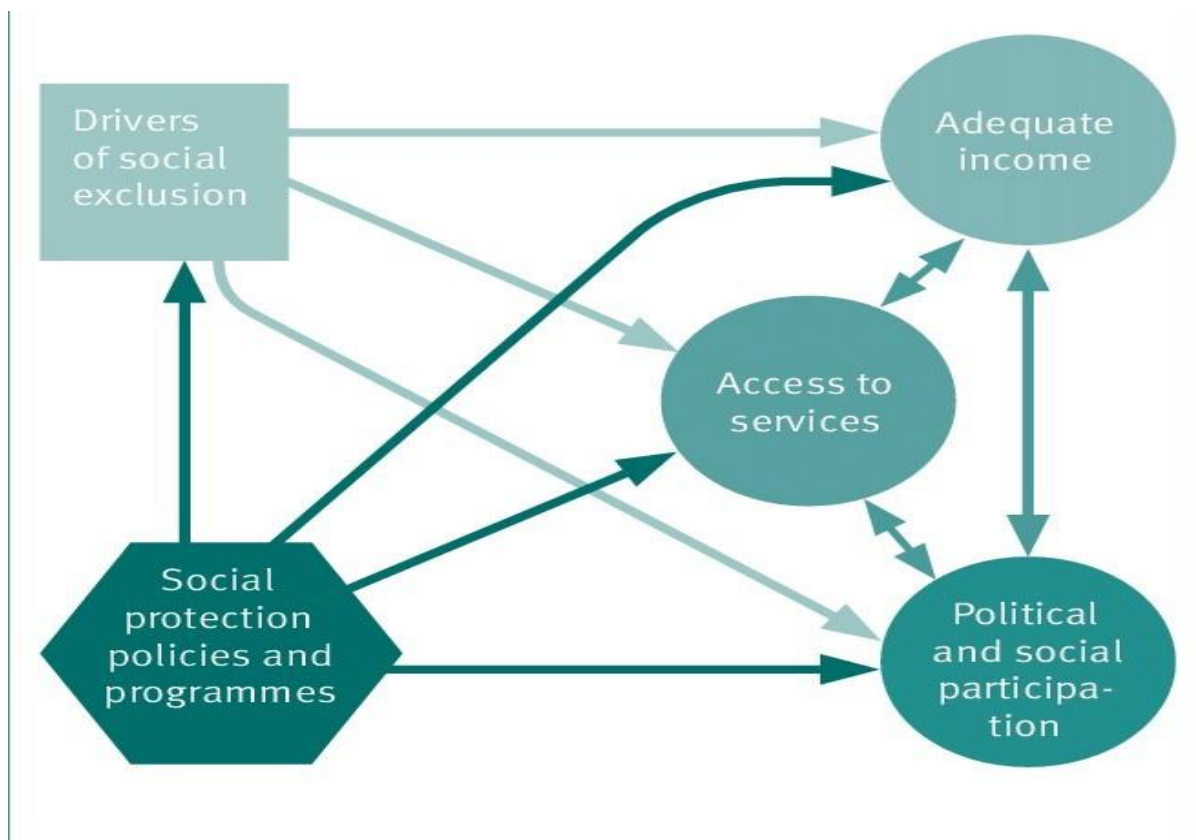
approved it till 2010. It was only at the end of 2010 that they had to approve it. This paints a sorry picture, showing how it took several years for a law passed in 1993 to get the approval of all the states of the country. Obviously, state governments only awoke after receiving Supreme Court directives, and it was under this pressure that they appointed inspectors and executives to enforce the law. Now let us look at the provisions of this law which hinder the basic purpose of the law. First, in this law, the definition of manual scavengers is limited to those who clean dry latrines only, whereas those who clean railway tracks, manholes, sewerage lines, septic tanks, open toilets, etc., have not been considered, though all these jobs are equally disgusting and inhuman. Thus, a big percentage of manual scavengers were deprived of the benefits of this law. Secondly, in Article 3 (1) of the Act, there is a provision that even after the states are notified, the law will not automatically become effective over the whole state immediately. States will have to issue a separate notification and identify those districts or areas where this practice prevails. Moreover, a period of ninety days would have to be given to those areas to implement the law. As if this were not enough, in Article 3 (2), there are loopholes provided by the law which serve to undermine the total eradication of this practice. In Article 3 (2) (2) the condition for implementing this law is that there should be adequate supply of water in the given area for flush toilets. Similarly in Article 3 (2) (3), the implementation of the law has been further hindered under the guise of protecting the environment and public health safety. Which means that if any local official so wishes he can refuse to implement the law in the name of shortage of water or hazard to the environment or public health. Thus the whole of Article 3 (2) seems to be against the basic spirit behind the formulation of the law. And if this surprises you, then wait till you hear this! If these escape vents are not enough, then in Article 4 of the Act, the state governments have been given total liberty to exempt any category of buildings or class of persons from the provisions of this law. There may or may not be a reason for this; only the whim of the state government is needed. If such exemptions exist, then what is the whole point of having a law? The desire of the lawmakers is clear: everything should remain as it is and whatever little is left may be given to the manual scavengers. This is very similar to the mentality that, for centuries has kept the Dalit castes deprived of all facilities and pushed them out of villages or towns. They need to be asked whether there should be any exemption to granting all the human dignity that is guaranteed in the Preamble to the Constitution of India. In the 1993 Act, it has also been said that whatever is possible should be done for the purpose of rehabilitation-meaning there is no watertight provision here. First the law is so loosely formulated and, on top of that, the administration that has to implement it is so snail-paced, even reluctant. It is not surprising that one often loses faith in the system. Now talking of punishment, according to chapter four of the Act, Article 14, punishment is mentioned, but it is not specified whether the manual scavenger has to be punished or those who employ him. This gives the officials the permission to bully and punish only the poor and helpless manual scavengers, when punishment should rightfully be meted out to those who employ them or those who get dry latrines constructed in their homes. There are real examples of this being done in Rajasthan and Tamil Nadu. The Mandal town council of Dholpur in Rajasthan issued notices to twelve manual scavengers in July 2009, while in Nagapattinam in Tamil Nadu, eight manual scavengers were issued notices. Moreover, in Article 17 of chapter four, it is written that if any manual scavenger wishes to register a case under this Act, he will have to take prior permission of the operative officer. The point to be noted is that these operating officers were appointed in order to implement this law. But this provision means that in case those operating officers are unable to implement the law, then one would need their

permission to register a complaint against them. What a somersault! Our Parliament made such a law for the most backward among the backward communities in the country. But despite the problems in this law, the manual-scavenging community made it their strength and began their fight. The fight that began in the Supreme Court in 2003 is still continuing in different courts and political arenas of the country. It is due to this ongoing struggle that the government agreed to amend the eighteen-year-old law, but look at the irony here. The work of amending the law was given to the ministry of housing and cleanliness when technically it should have been given to the ministry of social justice and empowerment or to the law ministry. This means that the government still sees it as a housing or cleanliness issue, not as an issue of caste-based discrimination and oppression. It is obvious that this point of view will persist even as efforts to solve the problem are made. Emptying latrine pits is a job done by poor and downtrodden people in other developing countries where untouchability and manual scavenging do not exist. They are not, however, people whose parents were barred from drawing water from a well. They are not the children of people who were forced to eat scraps after public functions. In other countries, emptying latrine pits is an unpleasant task rather than a symbol of oppression and humiliation over generations. The history of untouchability in India – and how it is being renegotiated in villages today – is what distinguishes the job of emptying latrine pits in Indian villages from other parts of the developing world.

It is important to note that people from lower castes are involved in the occupation of manual scavenging. **Anthropologist Sarah Pinto** observes that people's thinking about caste and cleanliness is circular: Dalits are filthy because they work in filthy conditions.

In developing countries, other than India, where untouchability and manual scavenging never existed, emptying latrine pits is a job done by people who are poor and down on their luck. But they are not people whose parents were prevented from drawing water from a well. They are not, however, people whose parents were barred from drawing water from a well. They are not the children of people who were forced to eat scraps after public functions. In other countries, emptying latrine pits is an unpleasant task rather than a symbol of oppression and humiliation over generations. The history of untouchability in India – and how it is being renegotiated in villages today – is what distinguishes the job of emptying latrine pits in Indian villages from other parts of the developing world.

This research focuses on achieving a comprehensive explanation of the role of the government, civil society and the opinions of manual scavengers on their social conditions and the pathway for social inclusion.



Source: Abhishek Gupta: Manual Scavenging: A case of denied rights

Literature Review

Bindeshwar Pathak (1991) The formalisation of 'sweeping and scavenging' as a profession appears to be recent. The Kautalya's Arthashastra mentions that during the Maurya period, open defecation in towns was prohibited, but there is no mention of scavengers disposing of night soil. However, the age-old scriptures throw clear the air on the system of scavenging. It is alleged that only after the advent of the Muslims in India that 'sweeping and scavenging' seems to have taken the form of a formal profession. It is said that the system of bucket privies was designed and constructed by Muslims for their women in pardah. Captives were forced to clean latrines, bucket privies and dispose off the night soil at places far away. These captives/slaves when freed, informally formed a separate caste and continued with the work of scavenging because there was no acceptance of them in the society. When the British period were constructing municipalities and army cantonments, a large number of people were perhaps, required to do these services on a regular basis.

The methods of manual scavenging and related social sanctions might be different according to difference of places, but the cleaning of night soil from the places of defecation and carrying it to the place of disposal were in practice everywhere. Islamic sanctions suggest the presence

Comparison between THE EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT, 1993 and THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013		
Year of Enactment	Act of 1993	Act of 2013
Perspective of Act	Sanitation Perspective	Right to dignity Perspective
Coverage	Only covers dry latrines	Dry latrines; the sewage system, railway tracks, septic tanks and insanitary Latrines
Definition of Manual Scavenger	Person employed for “manually carrying human excreta”	a person employed for “manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which human excreta from insanitary latrines is disposed of, or on a railway track, before the excreta fully decomposes”
Enacted Under	State List	Concurrent List
Focal Points	Prohibition of dry latrines	Labour Welfare and Rehabilitation
Classification of Offence	Cognizable	Cognizable and Non-Bailable
Identification and Rehabilitation of Manual Scavengers	No Provision	Chapter IV section 11
Penal Provisions	Up to 1 year of imprisonment and fine up to Rupees 2000	For violation of provisions of prohibition of insanitary: • 1 st contravention- upto 1 year imprisonment and fine upto Rs. 50,000/- or both. • Double in case of 2nd and subsequent offences. For violation of provisions of prohibition of hazardous cleaning of septic tanks and sewers • 1st

		contravention- upto 2 years imprisonment and fine upto Rs.2 lakh. • 2nd/ subsequent contravention - 5 years and fine upto Rs. 5 lakh, or both.
Responsibility of Local Authorities to provide Sanitary Latrines	No such obligation	Mandatory obligation under section 4(1)

of the disposal system in the early days of Islam, i.e. the 7th Century AD. Or even in pre-Islamic days. The religious sanctions related to Bait-al-khola (latrine) in Islam clearly suggest that the latrine system was existing at the time and, hence, the disposal of human excreta also took place in Arabia. Moreover the sanctions of purdah in Islam imposed a restriction on the free movement of women. As the covering of the body and space by Muslim women was a religious duty, it was required to have a place of defecation inside the house and also a place for the disposal of night soil. Defecation outside the house by women involved the possibility of violation of ‘purdah sanctions’ and was against the concept of hijab, essential for every adult Muslim woman.

These sanctions also lead to the conclusion that a system for disposing of night soil existed. Moreover the disposal required cleaning of the latrine and removal of the human excreta to some other place outside the habitat, or at the distant place from it. Hence, the scavenging system was in vogue.

In the past, even in European countries and America, the disposal of night soil was done through scavenging. 'The water closet, the sewage of European cities was disposed of by 'scavengers,' men who made nightly rounds of the cities (hence 'night-soil,' collecting the contents of privy vaults and carting them to nearby farming areas,' according to an excerpt from 'Scavenger.'

(Hamlin, 1982) Often the farmer who bought his produce to the city returned home with a load of fertilizer. This was also the custom in America, where the widespread introduction of water closets and the sewerage system occurred only late in the century. At the midst of 19th century, the scavenging system had broken down in many parts of the world. As cities grew, so did the supply of sewage. The laws of supply and demand prevailed and the bottom fell out of the night-soil maker. Farmers living near cities were saturated, while for those living further away transportation costs were too high’.

This excerpt suggests that the scavenging system was prevalent in American and European countries for the disposal of human excreta before the introduction of the sewerage system. The scavenging system ended in the developed world with the development of higher technology and proper water supply in required quantity at all places. The sewerage system is now in common practice in the developed countries for disposing human excreta.

It is also evident that the term ‘night-soil’ was coined for human excreta because in American and European countries the human excreta was collected by scavengers from privy vaults at

night and was carried to farming areas to be used as manure. The practise of cleaning human excreta at night gave rise to the term "night soil."

Bhasha Singh (2014) Manual Scavengers have various surnames and titles that are used to call them in different parts of India. Different scavenging communities have adopted such labels as they are introduced by it. The surnames used to identify them is many times used as an insulting and degrading social remark to belittle their occupation and caste.

Table 1.1

Scavengers Surnames in Various States in India	
States/Union Territories	Surnames
Andhra Pradesh	Madiga
Assam	Mehtar, Bhangi
Bengal	Harihadi
Bihar	Mehtar
Delhi	Bhangi, Balmiki
Gujarat	Lalbegi, Halalkhor, Hela, Barwashia
Karnataka	Madiga
Kerala	Madiga
Madhya Pradesh	Mehtar, Bhangi
Maharashtra	Ghare, Bhangi
Odisha	Mehtar, Bhangi, Balmiki
Punjab	Mira, Lalbegis, Chuhra, Balashahi , Vamiki
Rajasthan	Bhangi, Mehtar, Chuhra, Balmiki
Tamil Nadu	Thoti
Uttar Pradesh	Valmiki, Dhanuk

Source: Singh B. 2014

Table 1.1 shows that the scavenging community is called with different names in different parts of the country and all the majority of them feels an association with Lord Valmiki as many surnames as visible in the table are of the surname 'Valmiki' or 'Balmiki'

Table 1.2

Population of Scavengers Caste in Uttar Pradesh			
Scavengers Caste	Male	Female	Total
Balmiki	6,90,140	6,29,101	13,19,241
Dhanuk	3,46,943	3,04,412	6,51,355
Hela	27,314	25,000	52,314
Lalbegi	303	257	560

Source: State PCA for Individual Scheduled Caste drawn from census 2011

Census (2011) Table 1.2 displays that ‘Balmiki’ caste is the largest scavenging community of Uttar Pradesh. In the whole country ‘Balmiki’ caste is highest who is engaged in the work of scavenging. ‘Dhanuk’ caste comes second in this data as it also holds large number of population involved in the work of scavenging. ‘Hela’ caste comes third as it holds a population of 52,314 and Lalbegi being the minority of the scavenging community holds a population of 560. Even after seven decades of Independence, members of the Schedule Castes still perform the work of scavenging.

Table 1.3

Religion of Scavenging communities in Uttar Pradesh				
Scavengers Caste	Hindu	Buddhist	Sikh	Total
Balmiki	13,18,265	575	401	13,19,241
Dhanuk	6,50,956	218	181	6,51,355
Hela	52,244	52	18	52,314
Lalbegi	558	0	2	560

Source: State PCA for Individual Scheduled Caste drawn from census 2011

Census (2011) Table 1.3 shows that the majority of the scavenging communities follow Hindu religion, about only 1 percent follow other religions than Hinduism.

Table 1.4

Literacy rate of Scavenging communities in Uttar Pradesh				
Surname	Male	Female	Total	Literacy Rate
Balmiki	4,01,261	2,59,173	6,60,434	50.06
Dhanuk	1,99,908	1,26,248	3,26,156	50.07
Hela	18,612	12,813	31,425	60.06
Lalbegi	191	122	313	55.89

Source: State PCA for Individual Scheduled Caste drawn from census 2011

Census (2011) Table 1.4 shows that only half the population of the ‘Dhanuk’ and ‘Balmiki’ caste are literate and the literacy rate of ‘Hela’ and ‘Lalbegi’ caste are 60.66 and 55.89 percent respectively.

Different authors have a different perspective on social inclusion. Following are some definitions on social inclusion and social exclusion.

(European Commission, 2004) Social inclusion is “a process which ensures that those at risk of poverty and exclusion gain the opportunities and resources necessary to participate fully in economic, social, political and cultural life and to enjoy a standard of living that is considered normal in the society in which they live. It ensures that they have greater participation in decision making which affects their lives and access to their fundamental rights”.

(Bradshaw et al., 2004) Social exclusion is defined as “what can happen when people or areas suffer from a combination of linked and mutually reinforcing problems”.

(Levitas et al., 2007) Social exclusion is stated as “a complex and multidimensional process. It involves the lack or denial of resources, rights, goods and services and the inability to participate in the normal relationships and activities, available to the majority of people in a society, whether in economic, social, cultural or political arenas. It affects both the quality of life of individuals and the equity and cohesion of society as a whole”.

World Bank (2013) Social inclusion is stated as “the process of improving the terms for individuals and groups to take part in society”.

World Bank (2013) Social inclusion is defined as “the process of improving the ability, opportunity and dignity of people, disadvantaged on the basis of their identity, to take part in society”.

United Nations (2016) Social exclusion is “a state in which individuals are unable to participate fully in economic, social, political and cultural life, as well as the process leading to and sustaining such a state”.

United Nations (2016) Social inclusion is defined as “the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or another status, through enhanced opportunities, access to resources, voice and respect for rights”.

From the above definitions, it is clear that social inclusion is a multidimensional concept and it is used to explain the socio-economic and socio-political conditions of the marginalised people of the society.

Kakkoos (2017) is a documentary based on the lives of the manual scavengers directed by **Divya Bharathi** in Tamil language. She addresses manual scavenging as a caste based issue in her documentary. Kakkoos was shot across 25 districts in Tamil Nadu. The word ‘Kakkoos’ also called ‘Kazhipparai’ is a Tamil word which means ‘Toilet’ or ‘a place to send out from stomach’. This documentary sheds light on how we as a society turn a blind eye towards the hazardous problem of manual scavenging. Divya Bharathi, the maker of ‘Kakkoos’ made this documentary by living with the scavenging community for a year and also helped them by filing cases of injustices against them. This documentary also focuses on how many a times the sewage workers are equipped with inappropriate and low quality tools and safety gear for scavenging and sometimes no tools and safety gears at all. It was unfortunate that during the shooting of this documentary, Divya Bharathi witnessed 27 deaths of sewage workers by entering into the sewerages. Divya Bharathi captures the life of women scavengers who are

most affected by this occupation as they are in constant exposure to heavy labour and hazardous chemicals.

Avalok Langer (2017) 'What I Learnt From Climbing Into Human Waste' is a documentary based on the unfair practice of sewage cleaning by manual scavengers in the financial capital of India i.e. Mumbai. This documentary is directed by Avalok Langer and reported by Samdish Bhatia. The documentary focuses on Mumbai's sewage disposal system and also records the lives of the manual scavengers residing in the slums of Mumbai. The visuals of the documentary are heart wrenching as the reporter himself gets into the gutter with manual scavengers to understand how it might feel to do such hazardous work on daily basis. Problems of scavengers consuming alcohol on a daily basis in order to forget the filth they have been through all day has also been recorded in the documentary.



Source: <https://indianexpress.com/article/explained/explained-what-is-manual-scavenging-and-why-is-it-still-prevalent-in-india-7815400/>

A newspaper article in The Indian Express published on 12th of March 2022 by Sanjana Bhalerao explains what is manual scavenging and the reasons behind its prevalence. She puts forward the fact that because of the irresponsible enforcement of the Act passed both in 1993 and 2013. And exploitation and harassment of the unskilled labour has been the major reasons for the presence and prevalence of Manual Scavenging.



Source: <https://www.hindustantimes.com/india-news/no-manual-scavenging-deaths-161-died-while-cleaning-sewers-in-3-years-govt-101649247631971.html>

A newspaper article in the Hindustan Times published on 06th of April 2022 by Malavika Murali explains the hypocrisy and negligence of the government towards manual scavenging. In the article, the writer showcases the fact that when asked to the government about the number of deaths of Manual Scavengers in the last, the government replied that there is no report on deaths due to manual scavenging but 161 people have died by accident while cleaning sewers. The article also showcases that the government tries to create a distinction between manual scavenging and sewer cleaning. The article also recorded the statement of Bezwada Wilson, founder of the Safai Karamchari Andolan, speaking to the newspaper, Wilson added that the government is threatening scavengers and Safai Karamcharis along with the police and that the practice of manual scavenging is prevalent in Uttar Pradesh, Madhya Pradesh, Bihar and Jammu and Kashmir.

Statement of the Problem

Manual Scavenging is a degrading form of employment in India which influences the life of the people from the lowest rungs of the caste system.

The disturbing scenario of the caste based discrimination and manual scavenging go hand in hand.

This research addresses the problems faced by manual scavengers as well as the opportunities they have regarding employment other than the present one, because coming from the margins of the caste system, they face unemployment as they are not accepted in many jobs. The plight

of the manual scavengers coming from the 'Mehtar' caste and the role of government and civil society will be taken into account.

Many research articles, documentaries, books, and papers are available studying manual scavenging. The problem of manual scavenging in India have social, legal, political and economic aspect to it. Since every field of study deals with the problem in its own way, be it economics, law or political science. Therefore, the study of this research have a social and human aspect to it by investigating the financial inclusion of the manual scavengers, their views on their emancipation and the role of government and civil society.

Objectives

1. To know the opportunities for social inclusion available for 'Mehtar' caste in society with respect to financial inclusion.
2. To know the opinions of Manual Scavengers on their social inclusion.
3. To evaluate government policies and the role of civil society for the social inclusion of manual scavengers.

Research Gap

Big Municipalities with the budget of crores of rupees like Mumbai, Delhi, Bangalore, etc. can spend and eradicate manual scavenging and many research papers and documentaries are available depicting the situation of the conditions of Manual Scavengers. But there are few information available on the working and living conditions of Manual Scavengers coming from the small towns and villages of India.

Therefore, this research will focus on the Tehsil of Palia Kalan Kheri, Uttar Pradesh, as there is no academic research done in the field of Manual Scavenging in this particular geographical area.

Governments and civil society has reached scavengers in big cities and towns whereas small towns like Palia Kalan Kheri are untouched by big government schemes and help from civil society. Also inclusion of the scavenging community in terms of finance and other means have not been broadly covered by sociological academic research, therefore this research takes into account all such aspects including how manual scavengers view their social condition and what views they carry while interacting with the rest of the society and how members of upper caste treat their occupation and see their caste.

Theoretical Framework of the Study

In his book 'Road to Freedom,' **Dr Bindeshwar Pathak** (1991) writes that "according to the contents of sacred scriptures and other literatures, scavenging, especially the disposal of night soil by a certain caste or castes of Indian society, has existed since the beginning of civilization." One of the fifteen responsibilities assigned to slaves in the Naradiya Samhita was to dispose of human excreta. The Chandals and Paulkasa mentioned in the Vajasaneyi Samhita have been called slaves whose work is to dispose the night soil".

How does a higher caste Hindu in a village in north India conceive of cleanliness, dirtiness, purity and pollution? That was the question that **R.S. Khare**, then an anthropology PhD candidate at the University of Lucknow, set out to answer in a paper published in the Eastern Anthropologist in the early 1960's. Khare was especially interested in how people perceived the cleanliness and purity of their homes and daily lives. According to the villagers he studied, cleanliness and purity apply to objects, situations, and people, according to Khare. Physical cleanliness and ritual cleanliness are not always synonymous, though they can certainly overlap. Human faeces and used menstrual cloths, for example, are both ritually and physically polluting. Some objects are physically clean but ritually polluted, such as a recently cleaned drain that removes waste water from the house.

Vegetables peels strewn on the floor or rat excreta in flour are both seen as physically dirty but not ritually polluting. Over fifty years later, still there are many people in rural Uttar Pradesh who approach dirtiness and pollution in ways similar to those R.S. Khare documented in the 1960's.

According to anthropologist **Sarah Pinto**, people's thinking about caste and cleanliness is circular: Dalits are dirty because they do dirty jobs, and the jobs are dirty because Dalits do them.

Damaris Luthi, a sociologist, studied hygiene behaviour in Kottar, a small town in Tamil Nadu. She describes how, in a Hindu value system, the cleanliness and purity of the home are very important. Many purity rules focus on the home, which is seen as a reflection of one's character and status. However, Luthi observes, interest in cleanliness stops 'at the doorsteps of private homes, and habits related to the outside define it as an irrelevant rubbish dump'.

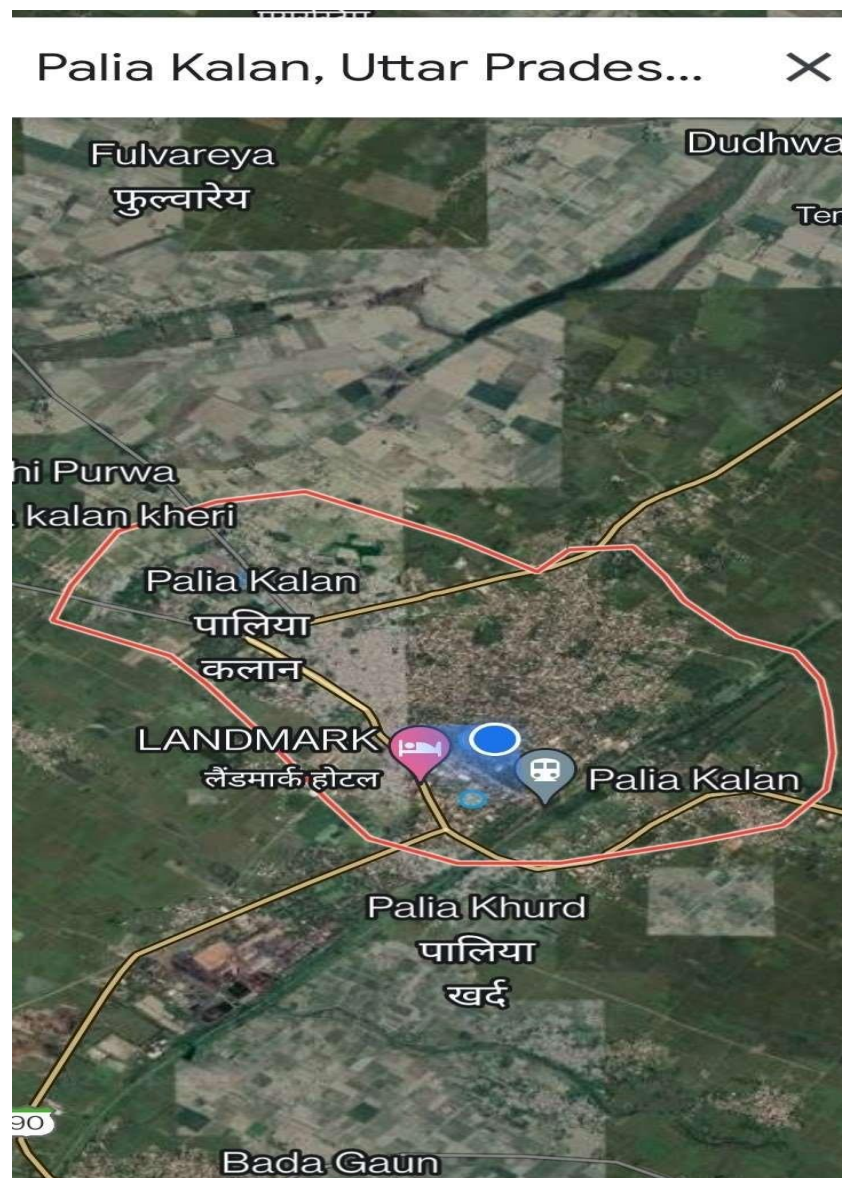
Anand Teltumbde, a management professor at IIT Kharagpur and a scholar of Dalit movements, writes in Economic and Political Weekly that the litter problem plaguing Indian cities is caused not only by a lack of concern for what happens in public spaces, but also by caste politics. Indians throw trash on the ground not only out of laziness, but also to demonstrate their superiority over Dalits. After all, it is Dalits who are expected to clean public spaces.

Research Methodology:

Universe of the Study

This study relating to the different aspects of the life of manual scavengers have been conducted in Moholla Rangrejan 1st in the town of Palia Kalan Kheri, a Tehsil of Uttar Pradesh situated near the Indo-Nepal border.

Following is the Map of Palia Kalan Kheri.



SOURCE: Google Maps

Research Design

This study is exploratory and descriptive in nature. It explores the problems faced by manual scavengers and is in direction to meet the objectives of the research as well as describes the outcomes that it has achieved.

Descriptive research is a type of research that is used to describe a population's characteristics. It collects data that is used to answer a variety of what, when, and how questions about a specific population or group.

Exploratory research is a methodology approach that investigates previously unstudied research questions. Exploratory research is frequently qualitative. A large-sample exploratory study, on the other hand, can be quantitative as well.

Sampling of the Respondents

This study applied snowball sampling method in order to reach the respondents, and as it is known that the practice of manual scavenging is prohibited by law, only willing participants have been interviewed.

The respondents of the study are manual scavengers from the 'Mehtar' caste of Moholla Rangrejan 1st from the town of Palia Kalan Kheri, Uttar Pradesh. The study has achieved interviewing 25 manual scavengers.

Socio-Economic Profile of the respondents

Table 1.5

Age Distribution		Percentage
Less than 20	2	8
21-30	8	32
31-40	10	40
41-50	5	20
Total	25	100

Table 1.6

Number of Earning Members in the Family		Percentage
1	17	68
2	8	32
Total	25	100

Table 1.7

Size of the Family		Percentage
2-5	15	60
6-9	10	40
Total	25	100

Table 1.8

Marital Status		Percentage
Married	22	88
Unmarried	1	4
Widow	2	8
Total	25	100

Table 1.9

Status of Education		Percentage
Up to 5th Class	3	12
6th to 8th Class	9	36
Illiterate	13	52
Total	25	100

Table 1.10

Monthly Income of the Respondents		Percentage
Less than 10,000	13	52
10,001-20,000	8	32
20,001-30,000	3	12
More than 30,000	1	4
Total	25	100

Table 1.11

Gender Distribution		Percentage
Male	21	84
Female	04	16
Total	25	100

Tools for Data Collection

In order to generate data, non-participant observation and interview schedule have been used. This study aimed to collect the narratives of the manual scavengers.

Along with it, focussed group discussions have been carried out with the manual scavenging community of the 'Mehtar' caste and record their views and opinions and understand their perspective. This research has also used government records, newspaper articles, books and documentaries.

Structure of the Thesis

Chapter 1: INTRODUCTION

This chapter introduces and familiarizes with the research study and emphasises on how the research has been conducted, what tools are used, which methodology is implemented, what are the objectives that are set, following with research design, sampling of the respondents, socio economic profile of the respondents and the significance and limitations of the study.

Chapter 2: ROLE OF GOVERNMENT AND CIVIL SOCIETY IN THE SOCIAL INCLUSION OF MANUAL SCAVENGERS

This chapter evaluates the role of the government and civil society in the social inclusion of the Manual Scavengers. From different committees formed by the government for the emancipation of manual scavengers to NGO's working for the betterment of the scavenging community, the chapter closely looks into it. This chapter contains both primary and secondary information/data on how and what roles different agencies have played for the upliftment of Manual Scavengers.

Chapter 3: FINANCIAL INCLUSION AS A MEANS OF SOCIAL INCLUSION FOR MANUAL SCAVENGERS

This chapter looks into how Manual Scavengers of ‘Mehtar’ caste of Palia Kalan Kheri manage their everyday life, financially. The chapter investigates what use a scavenger makes out of a bank account, checks the indebtedness and sees what other work scavengers perform other than manual scavenging. The chapter also looks into the financial stability in manual scavenging in the views of the scavengers. Among many aspects, the chapter also looks into the relation between the financial stability and social stigmas attached to Manual Scavenging.

Chapter 4: VIEWS OF MANUAL SCAVENGERS ON THEIR SOCIAL INCLUSION

This chapter captures the views of manual scavengers on what they think about their occupation, their social conditions and their relationship with the members of the upper caste. The chapter draws attention towards the discrimination faced by the scavenging community at public spaces and their disappointment from their political and social emancipation.

Chapter 5: CONCLUSION AND RECOMMENDATIONS

This chapter concludes by objectively describing the findings of the study and recommends solutions to problems found in the field and what can governments and civil society do in order to reach out to manual scavengers.

Significance and Limitations of the Study

By noting the problems faced by manual scavengers, this study offers recommendations for the social inclusion of manual scavengers. This research studies the financial conditions of manual scavengers and describes the social inclusion for manual scavengers with respect to financial inclusion and evaluates government policies and take into account the perspectives of manual scavengers on their emancipation.

Since the study has used snowball sampling method, which is a non-probability sampling method and also the practice of manual scavenging is prohibited by law, not many manual scavengers were ready to share their views and experiences as they feared of police and other authority administrations, so in that light only willing participants have been interviewed which limited the study to only 25 respondents.

CHAPTER 2

ROLE OF GOVERNMENT AND CIVIL SOCIETY IN THE SOCIAL INCLUSION OF MANUAL SCAVENGERS

Introduction

Manual Scavenging is a degrading and inhuman form of employment which is a clear sign of the presence of untouchability in its obvious form. Manual Scavenging refers to the practice and menial work of picking up of human excrement. Before independence and now after more than seventy years of Independence, our nation state is unable to get rid from the unconstitutional practice of manual scavenging. Though Article 17 of the Indian Constitution ensures the elimination of untouchability and Article 21 ensures protection of life and personal liberty, even then thousands of sewage workers go deep down in the gutter, sewage line, latrine pits and septic tanks without adequate equipment risking their lives to maintain hygiene in the towns and cities of our country. Legislative, Judiciary and Executive bodies of Indian democracy are in place to ensure values enshrined in the constitution; still the vicious cycle of caste based discrimination and untouchability persist in our social order. Data in this study highlights that steps like the Act of 1993 and the Act of 2013 have prohibited manual scavenging constitutionally and governments and NGO's have worked for the eradication of manual scavenging but it still exists and carry forward the practice of untouchability. Sociologically and otherwise it is an important caste based issue which needs to be addressed. Therefore social inclusion of Manual Scavengers is the need of the hour. There are many aspects through which the process of social inclusion can take place i.e., politically, financially, etc. World Bank defines 'social inclusion', as the process of improving the terms on which individuals and groups take part in society - improving the ability, opportunity and dignity of those disadvantaged on the basis of their identity.

Table 2.1 is a tabular representation of the number of manual scavengers recorded in the Socio-Economic and Caste Census of 2011.

Table 2.1

Top 10 States Having Manual Scavengers	Number of Manual Scavengers	Percentage
Maharashtra	65,181	36
Madhya Pradesh	23,105	13
Uttar Pradesh	17,388	10
Tripura	17,333	10
Karnataka	15,375	08

Punjab	11,951	06
Bihar	7,268	04
Daman and Diu	6,277	03
Jharkhand	4,153	02
Rajasthan	3,498	02
All Other States	10,976	06
Total	1,82,505	100

Source: Socio-Economic and Caste Census, 2011.

A total of 182,505 manual scavengers were recorded in the Socio-Economic and Caste Census of 2011. Some see this as numbers, some see this data as a reference for research but these are real people who enter a gutter on a daily basis to earn their bread.

The Government of India has taken into cognizance the inhuman practice of manual scavenging and has passed two Acts, i.e. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 993 and The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 respectively.

The 1993 Act mainly focuses on the prohibition of manual scavenging and the prohibition to construct dry latrines; whereas the 2013 Act briefly addresses the issue of their rehabilitation; in which one time cash assistance shall be provided to the identified Manual Scavengers; which is not enough for the broader goal of financial inclusion.

Table 2.2

State wise details of identified Manual Scavengers in India		
Urban		
S. No.	State	Total Number of Manual Scavengers
1.	Andhra Pradesh	124
2.	Bihar	137
3.	Chhattisgarh	03
4.	Karnataka	302
5.	Madhya Pradesh	36

6.	Odisha	237
7.	Punjab	86
8.	Rajasthan	577
9.	Tamil Nadu	462
10.	Uttar Pradesh	2404
11.	Uttarakhand	137
12.	West Bengal	104
	Total	4609
Rural		
1.	Punjab	05
2.	Uttar Pradesh	7612
	Total	7617

Source: Ministry of Social Justice and Empowerment Yearly Report 2015-16

The above table illustrates the state wise details of manual scavengers in India identified by the Government of India. The table showcases that Uttar Pradesh has the highest number of Manual Scavengers be it urban or rural and specifically rural India have significantly more number of manual scavengers as compared to urban India.

However, National Safai Karamcharis Finance and Development Corporation - A government of India Undertaking under the Ministry of Social Justice and Employment has its share in the Financial Inclusion of Manual Scavengers.

Table 2.3

SI. No.	Scheme	2021-22 (upto 30.09.21)		2020-21	
		No. of Beneficiaries	Amount (Rs in Lakh)	No. of Beneficiaries	Amount (Rs in Lakh)
1	General Term Loan *	59	82.72	197	389.85
2	Mahila Adhikarita Yojana	25	29.70	87	53.55

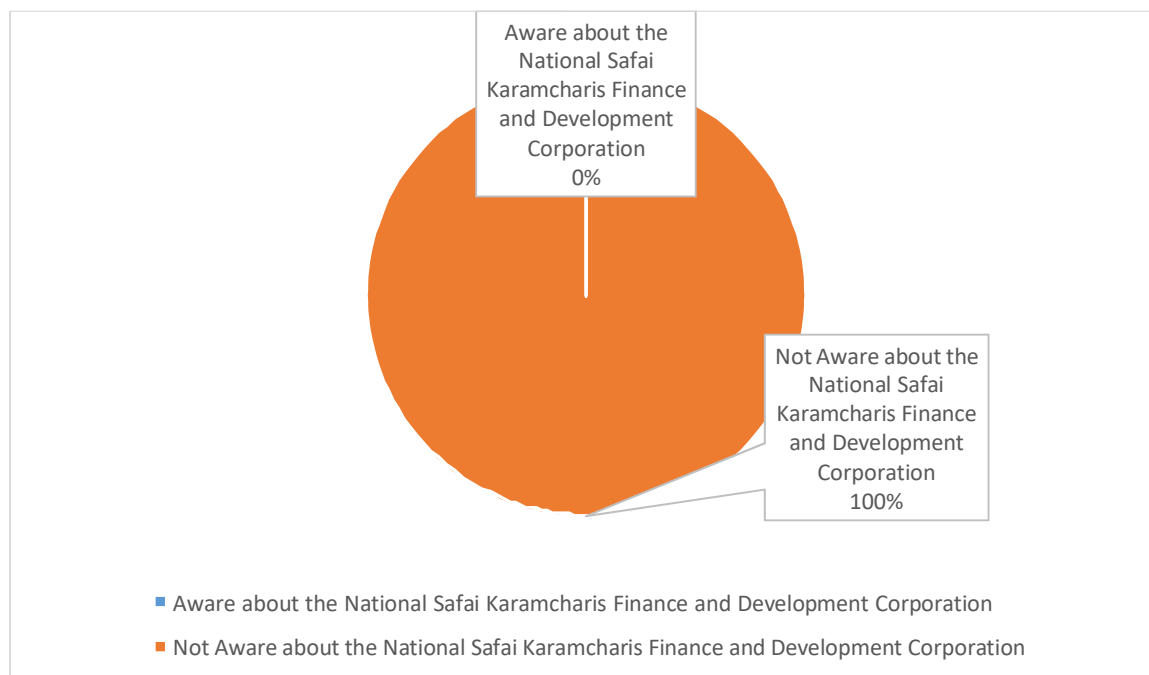
SI. No.	Scheme	2021-22 (upto 30.09.21)		2020-21	
		No. of Beneficiaries	Amount (Rs) in Lakh	No. of Beneficiaries	Amount (Rs in Lakh)
3	Mahila Samridhi Yojana	9549	3587.57	11214	4714.77
4				63	24.70
5				0	0
6	Education Loan	3	51.01	6	81.45
7	Swachhta Udyami Yojana			2	17.33
				49	821.91
8	Green Business			1	1.35
	Total	9664	3768.84	11619	6104.90

SI. No.	Scheme	2019-20		2018-19	
		No. of Beneficiaries	Amount (Rs in Lakh)	No. of Beneficiaries	Amount
1	General Term Loan *	2938	6063.10	11826	14431.59
2	Mahila Adhikarita Yojana	707	635.76	1898	1529.90
3	Mahila Samridhi Yojana	17793	12800.09	3140	1514.29
4	Micro Credit Finance	3379	1028.31	4237	2105.81
5	Sanitary Marts Scheme	0	0.00	0	0.00
6	Education Loan	15	44.25	0	54.40
7	Swachhta Udyami Yojana	1416	4702.65	0	0.00
		247	3195.53(ULB)		
8	Green Business	0	0.00	200	252
	Total	26674	28751.82	21301	19887.99

Source: <https://nskfdc.nic.in/en/content/home/operational-performance>

According to National Safai Karamcharis Finance and Development Corporation's data on operational performance shows that a total of 227195.50 lacs of disbursement with beneficiaries amounting to 438157 in number have been benefitted from different schemes like 'Mahila Adhikaarita Yojana', 'Mahila Samridhi Yojana', 'Micro Credit Finance', 'Sanitary Marts Scheme', 'Swachhta Udyami Yojana', 'Green Business', 'Education Loan' and 'General Term Loan' since 2018-2019 to 2021-2022.

Chart 2.1



The role of the National Safai Karamcharis Finance and Development Corporation is to eradicate manual scavenging. It has been designated as the nodal agency for the implementation of Self-Employment Scheme for Rehabilitation of Manual Scavengers under the direction of Ministry of Social Justice and Environment. The primary data on whether the manual scavengers of 'Mehtar' caste of Palia Kalan Kheri are aware about the National Safai Karamcharis Finance and Development or not. The results were shocking to the core. The respondents never heard about such a corporation and no government official or any person from the administration talked about such institution with the scavenging community. The above chart shows that the scavenging community were not at all aware about the corporation.

Moreover, it is not like that the government and its agencies took the problem of manual scavenging into consideration only after the 1990's. Many initiatives were taken up by the central and state governments since independence for the eradication of manual scavenging and to uplift the social conditions of manual scavengers and their family members. Further in this study; we will look into major initiatives taken up by the central and state governments in order to end manual scavenging.

Barve Committee

In the chairmanship of late Shri V.N. Barve, the former government of Bombay in 1949 formed a committee named Scavenger's Living Conditions Enquiry Committee in order to study the living conditions of manual scavengers and suggest appropriate measures to improve their working conditions and fix the problem of minimum wages for them. The committee submitted its report in 1952.

Recommendations by the Barve Committee

Barve Committee was appointed to know the living conditions of manual scavengers particular to the State of Bombay but some recommendations are of common interest to the whole of India. Among many recommendations, following are the ones which are directed for the financial inclusion of manual scavengers as a means of social inclusion.

- Municipal Acts does not provide provision of housing or rent allowance for manual scavengers who are not provided with free quarters. In the absence of such provisions, an Act should be amended suitably.
- The committee had proposed minimum wages prescribing a scale of Rupees 25-1/2-30 in the case of district municipalities with a selection grade of 15 percent with a further time scale of Rupees 5 spread over 10 years and in the case of notified Area Committee and Gram Panchayats at a flat rate of Rupees 20 per month. Manual Scavengers should get the same scale of allowances as is allowed to Class 4 employees of government. Unclean work allowance given by some municipalities should be treated as part of the wages of manual scavengers.
- Cooperative Credit Societies should be organised with the help of local bodies for the use of servants of local bodies including manual scavengers.

Backward Classes Commission (Kaka Kalekar Commission)

In 1953, the first Backward Classes Commission was formed and submitted its report in 1955 under the chairmanship of Kaka Kalekar. The report emphasized the urgent requirement to introduce up to date mechanical methods to clean latrines in order to prevent manual scavenging. Kaka Kalekar described the lives of manual scavengers as sub-human. He also noticed that manual scavengers; especially 'Bhangis' who performed this work; without them the whole population would have to face the ravage of epidemics and still we are unable to provide them with decent quarters to live.

Malkani Committee

Formed on 12th October, 1957 under the chairmanship of Prof. N.R. Malkani, this committee started working in January 1958 and finally submitted its report in December 1960. This report focussed not only on the eradication of manual scavenging but to provide a dignified life to manual scavengers and to improve the working and living conditions and the social status.

The recommendations made by the Malkani Committee were threefold:-

Working Conditions:-

- Introducing wheel barrows which will eliminate carrying of night soil as head load.
- Public and private latrines should be equipped with receptacles.
- Obligation to use scrapper made available by the local bodies to their staff and not to the manual scavengers.
- Use of rubber gloves should be encouraged at the paid depots and dumping grounds particularly.
- Carrying night soil as head load should be prohibited by law.

Housing for Sweepers and Scavengers

- To avoid segregation, quarters should be constructed near the place of work and not around public latrines, morgues, pail depots or dumping grounds.
- The houses of manual scavengers should be improvised in such a way that they and their children should feel a new sense of self-respect.
- Manual Scavengers have large families; so in order maintain the adequacy of space and hygiene, every tenements must have a kitchen, a bathroom, two rooms and a latrine and also if possible, supply of water and electricity.

Wages

- Manual Scavengers should be benefitted with casual, privileged and earned leaves and local authorities should frame leave rules.
- Extra amenities such as availability of water, gloves, etc. should be provided instead of unclean work allowance.
- Manual Scavengers should be allowed a full day off in a week at least in the local bodies where scavenging is municipalised.
- Payment of wages to the manual scavengers should be performed under Minimum Wages Act. Also state governments should form committees to look into the question of wages and payments of other allowances and should not fall below the minimum wages.
- The time of work for full time scavengers should not be more than seven hours of which only four to five hours be reserved for manual scavenging. In order to keep a chance for manual scavengers to find other work; part time manual scavengers should not be asked to work both in the morning and evening shifts.

Valmiki Ambedkar Malin Basti Awas Yojana

Valmiki Ambedkar Malin Basti Awas Yojana popularly known as VAMBAY was launched in December 2001 to enrich the conditions of urban slum dwellers living below the poverty line without proper shelter. The central government subsidise 50 percent of the scheme and leaves the other 50 percent for the states to manage for the upgradation of dwelling units and toilet under the Nirmal Bharat Abhiyan, a unit of the scheme.

Chart 2.2

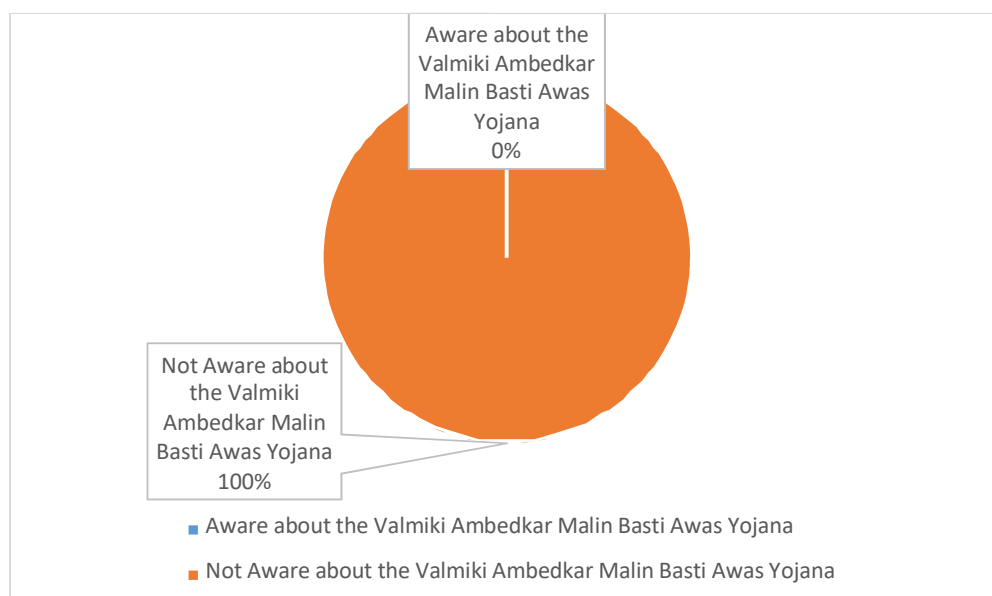


Chart 2.2 showcases that Manual Scavengers of ‘Mehtar’ Caste of Palia Kalan Kheri were not at all aware about such a scheme and also they did not know any member of their community in Palia Kalan Kheri or outside the town who might have benefitted from such a scheme.

Pradhanmantri Awas Yojana

Under the Ministry of Housing and Urban Affairs, the scheme launched on 25th June, 2015 is an initiative by the Government of India to provide pucca houses to all the eligible applicants. This initiative came with a vision to ensure that poor people must have a permanent place of residence.

Chart 2.3

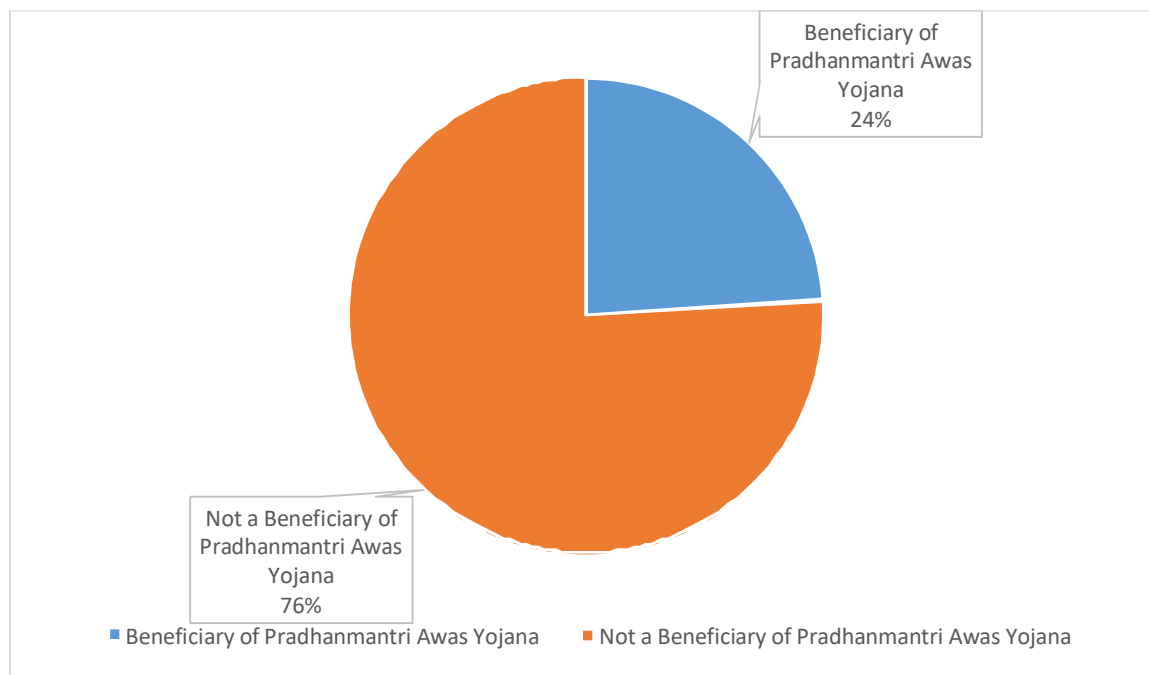


Chart 2.3 represents that the manual scavengers of ‘Mehtar’ caste of Palia Kalan Kheri were majorly not benefitted from the Pradhanmantri Awas Yojana. The primary data collected shows that only 24 percent of the respondents were the beneficiaries of this scheme and the other 76 percent did not get any benefit from the same. Interestingly, the scavenger community called this Yojana as ‘Colony’. Another significant revelation related to the Yojana is that everyone in the ‘Mehtar’ community were fully aware about the scheme and applied and wanted to get it but by now, many of their applications were rejected by the local administration, many were pending and many of the scavengers are still in the hope of getting a house of their own.

Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)

The Self- Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) came into existence in the month of January, 2007 with an objective to rehabilitate manual scavengers and their dependents in alternative occupations by the month of March, 2009. However the target was not achieved so the date of accomplishment was extended for a year to 2010. Soon after the enactment of 2013 Act of prohibiting the employment of manual scavengers and their rehabilitation; the Self-Employment Scheme was revised in synchronisation with the provision of the Act.

One member from the family of manual scavenger would be identified in order to provide onetime cash assistance that would include project based back ended capital subsidy up to 3,25,000 rupees and concessional loan for undertaking self-employment ventures. Beneficiaries would get training for skill development for a period up to two years during which a stipend of 3000 rupees per month is also provided.

In the revised guidelines for SRMS, applicable from the year 2021-22, the beneficiaries have an option to select any viable income generating self-employment project. Projects would not be imposed on the beneficiaries, rather their interest, experience and choice would be given due weightage in selection of project. The various projects that a beneficiary can chose are from agricultural sector, service sector, industrial sector, transport sector and sanitary based equipment.

Chart 2.4



Chart 2.4 indicates that the Self- Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) had not reached to the manual scavengers of ‘Mehtar’ caste of Palia Kalan Kheri. Nobody in the ‘Mehtar’ community was aware about such a scheme. A scheme which promises the eradication of manual scavenging in such a sound and technical manner has no footprint in the lives of manual scavengers of Palia Kalan Kheri.

Pradhanmantri Shauchalay Yojana

Pradhanmantri Shauchalay Yojana is a scheme under Swachh Bharat Abhiyan which is focussed on constructing of toilets in order to make the country free from open defecation. The scheme is implemented under IHHL (Individual Household Latrine) in the year 2017.

Chart 2.5

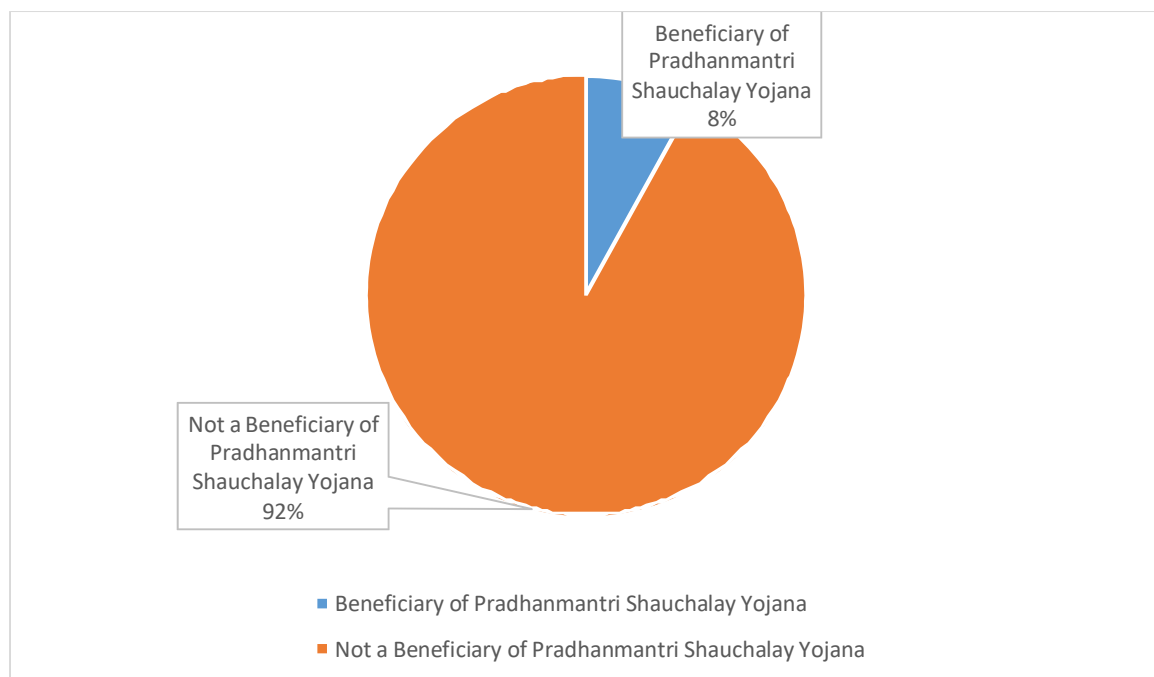
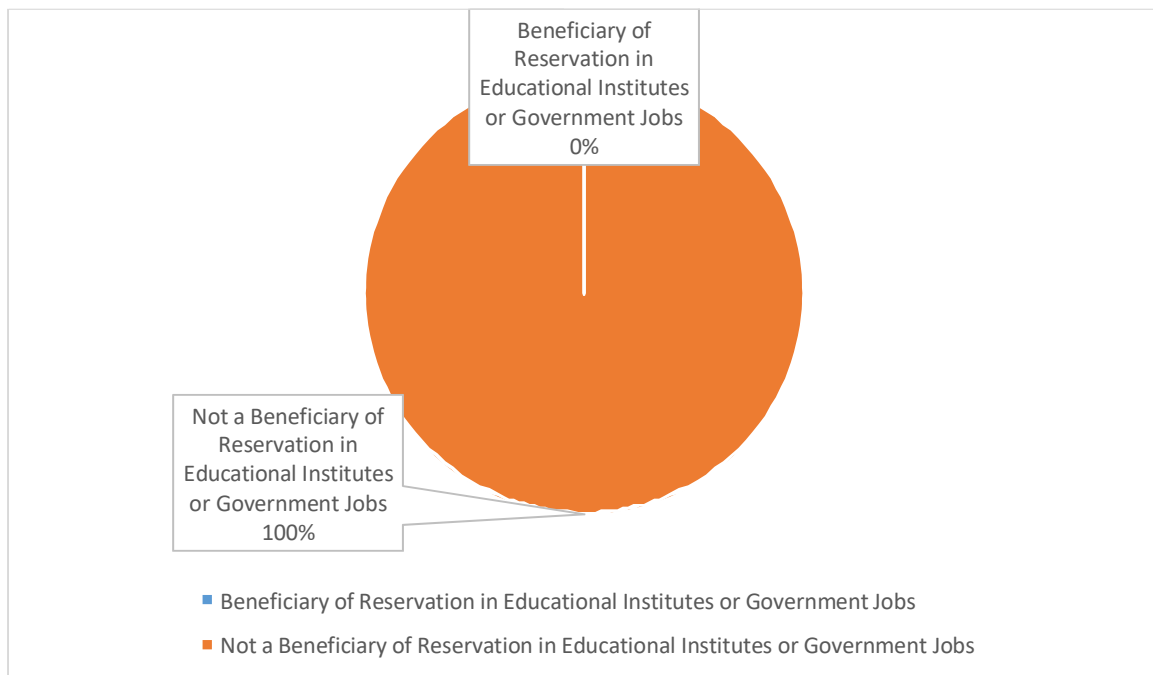


Chart 2.5 represents the primary data from the ‘Mehtar’ community of Palia Kalan Kheri which shows only a handful of people from the community have benefitted from this scheme. The chart shows that only 8 percent of the respondents have acquired toilet construction amount and a majority of 98 percent have no access to the scheme.

Reservation in Educational Institutes/Government Jobs

Chart 2.6



Reservation is something that the oppressed class have a claim to be in the mainstream and further grow and achieve goals in society but unfortunately in the case of manual scavengers of the ‘Mehtar’ community of Palia Kalan Kheri, Chart 2.6 depicts that they have not received any benefits from any form of reservation in educational institutes and government jobs. While many of them working in the Nagar Palika, a government administered body, they work on contracts and do not have a permanency in jobs.

ROLE OF CIVIL SOCIETY IN THE SOCIAL INCLUSION OF MANUAL SCAVENGERS

In any democracy, the state alone cannot emancipate the marginalised, the role of responsible citizens is equally important. The role of civil society and the Non-Governmental Organizations in the emancipation of manual scavengers is as crucial as the role of the government. The civil society has mainly focussed in the eradication of manual scavenging as a profession. Also some major achievements and goals have been achieved in the financial inclusion of manual scavengers by the civil society simultaneously.

Let us look at some of the major non-governmental organizations working in the direction of financial inclusion of manual scavengers.

Harijan Sewak Sangh

Founded on September 30, 1932, carrying the objective to eradicate untouchability and also difficulties and disabilities. Till 1935, a number of thirty five cooperative societies functioned under the Harijan Sewak Sangh in order to provide credit to manual scavengers and safeguard them from the burden of money lenders. Harijan Sewak Sangh hired 226 rooms for manual scavengers at cheaper rates for their accommodation in Bombay. After Harijan Sewak Sangh's intervention the Ujjain and Bhilsa municipalities in Gwalior state, loans were available to manual scavengers at a low rate of interest. Similarly in faizabad, Uttar Pradesh, the municipality advanced Rupees 500 to the Sweepers Cooperative Society and agreed to recover the amount from their salaries in monthly instalments. The Harijan Sewak Sangh had also been receiving grants from the central government for Bhangi Kashta Mukti Program.

Safai Karamchari Andolan

Bezwada Wilson is one of the founders and the National Convener of the Safai Karamchari Andolan started in 1994, an year after the government of India prohibited the employment of Manual Scavengers and the construction of dry latrines in the Act of 1993. Safai Karamchari Andolan has been working to eradicate manual scavenging for more than 30 years with a number of 6350 volunteers working in 439 districts of India. The members and volunteers of the Safai Karamchari Andolan also help manual scavengers in their liberation by providing them work such as E-rickshaws, small garment shop, grocery shop, betel shop, dairy business, etc. Women Self Help Groups participate in a large number with Safai Karamchari Andolan and contribute in the eradication of the practice of manual scavenging. While speaking on the **National Roundtable at the United Nations Development Program (UNDP)**, **Bezwada Wilson**; founder of the **Safai Karamchari Andolan** mentions that there is a difference between the issue of Manual Scavenging and Insanitary Latrines; both should not be linked. The former is a 'human dignity' issue and the latter is a 'sanitation' issue. Sometimes political parties fail to make a distinction between the two. Manual Scavenging is a caste, human dignity and a gender problem which many times is treated as a sanitation issue.

Chart 2.7

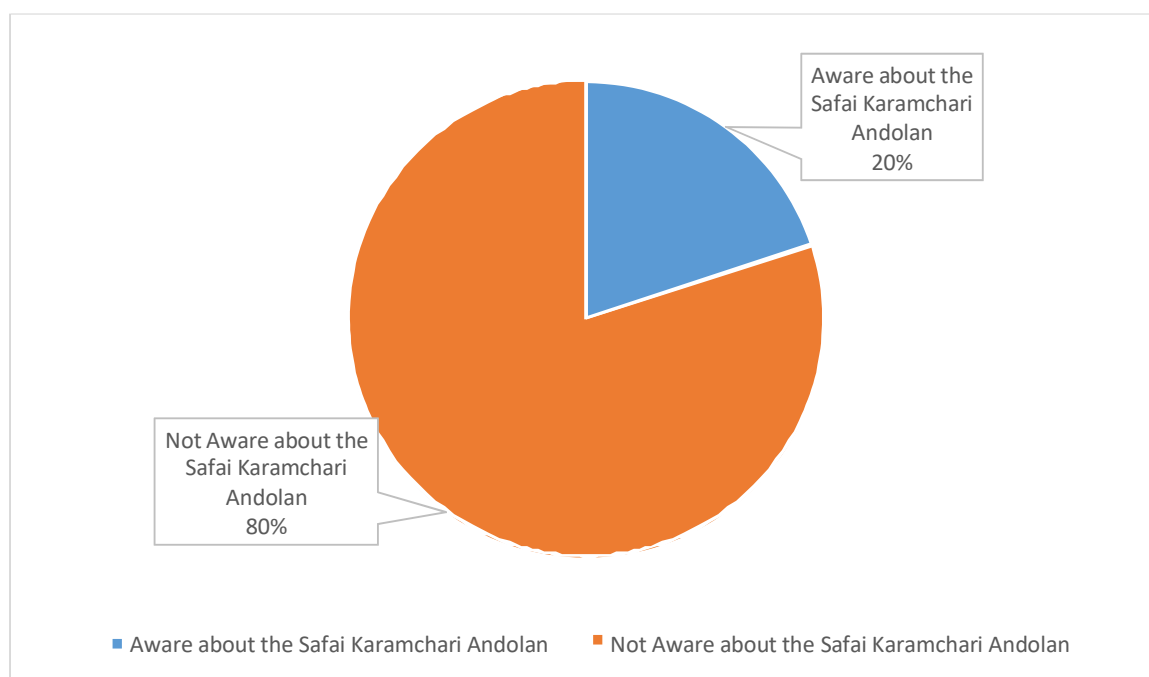


Chart 2.7 specifies that when asked about Non-Governmental organizations working for the emancipation of Manual Scavengers only 20% of the respondents were aware about the Safai Karamchari Andolan and the scavenging community knew no other NGO working for the betterment of manual scavengers.

RECOMMENDATIONS BY THE NATIONAL HUMAN RIGHTS COMMISSION FOR THE FINANCIAL INCLUSION OF MANUAL SCAVENGERS

Apart from the human and social part of its recommendations; with in it, the National Human Rights Commission has given some really important recommendations to the government which will be useful for the financial inclusion of Manual Scavengers.

Following are those recommendations made by National Human Rights Commission on Manual Scavenging and Sanitation on 4th January 2021:-

- The Ministry of Social Justice and Empowerment may evolve modalities for payment of immediate relief of Rupees ten thousand to manual scavengers as in the case of bonded labour, pending the rehabilitation.
- The scholarship to the children of manual scavengers should not be stopped even after their parents have been liberated and rehabilitated.

- It should be ensured that the identified manual scavenger families who are entitled to get the BPL cards are issued the BPL cards.
- Banks must simplify their procedure for giving loans to Manual Scavengers for their rehabilitation.
- Rehabilitation process of manual scavengers may be linked to schemes under which they can immediately start earning like MNREGA and revisit to see how they and their families are doing.
- The amount of compensation paid as one time cash assistance for rehabilitation of manual scavengers may be enhanced from Rupees forty thousand to one lakh. Nodal authority/department that will bear the expense of such compensation may also be clearly specified.
- Union Finance Ministry of Government of India may designate particular Nationalised bank for each state to take up the responsibility of extending loans to the manual scavengers and their dependents up to Rupees ten 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.

This chapter aimed at exploring and describing the role of government and civil society in the social inclusion of manual scavengers of the 'Mehtar' caste of Palia Kalan Kheri. It was found that the scavenging community was completely unaware of the Self- Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) 2007, the National Safai Karamcharis Finance and Development and the the Valmiki Ambedkar malin Basti Awas Yojana. However, few responding members knew about the Safai Karamchari Andolan. Beneficiaries of Pradhanmantri Awas Yojana and Pradhanmantri Shauchalay Yojana were found in lesser numbers. Also there was not a single manual scavenger who was benefitted from reservation, both in educational institutes and government jobs.

CHAPTER 3

FINANCIAL INCLUSION AS A MEANS OF SOCIAL INCLUSION FOR MANUAL SCAVENGERS

This chapter of the study focuses on how financial inclusion can play a role in the social inclusion of Manual Scavengers. As it is known that social inclusion has many paradigms; be it socio-cultural, socio-political or socio-economic but this chapter emphasises on the basis that for a better living condition, financial inclusion of the marginalised section is a must.

In order to improve the abilities and opportunities available for manual scavengers; financial inclusion would be the first step. Financial inclusion of a marginalised section of society in a democracy cannot be achieved without the role of government and an active participation by the civil society. Financial inclusion of manual scavengers is an idea to look forward in achieving social inclusion for them.

Financial Inclusion can provide access to Manual Scavengers to financial and banking services that will help them meet their needs such as transactions, payments, savings, credit and insurance which can be delivered in a responsible and sustainable way. Having access to a transaction account is a first step toward broader financial inclusion; since it will allow Manual Scavengers to store, send and receive money. Transaction accounts also ensures a gateway to several other financial services. Such financial inclusion facilitates day-to-day living and can help Manual Scavengers to plan from long term goals to unexpected emergencies. With more financial security, the risk related to financial inclusion is also lowered. Manual Scavengers can use these financial and banking services for savings, insurance or to invest in their children's health and education. They can manage financial shocks which will overall improve the quality of their lives. Therefore, financial inclusion can lead to the social inclusion of manual scavengers.

This chapter of the study deals with the first-hand information collected from the Manual Scavengers of the 'Mehtar' caste of Palia Kalan Kheri which investigated their financial conditions, financial stability and how their financial situations are affected by the occupation of Manual Scavenging.

Now, let us look whether financial conditions have a role in the social inclusion of Manual scavengers or not.

Access to Banking Facilities

Access to banking facilities such as credit, insurance, deposits and withdrawal will lead to access to the pros of the banking services and help Manual Scavengers to grow financially. Now, let us see what were the responses of the Manual Scavengers of the 'Mehtar' caste of Palia Kalan Kheri on their financial inclusion relating to the access to banking facilities.

Chart 3.1

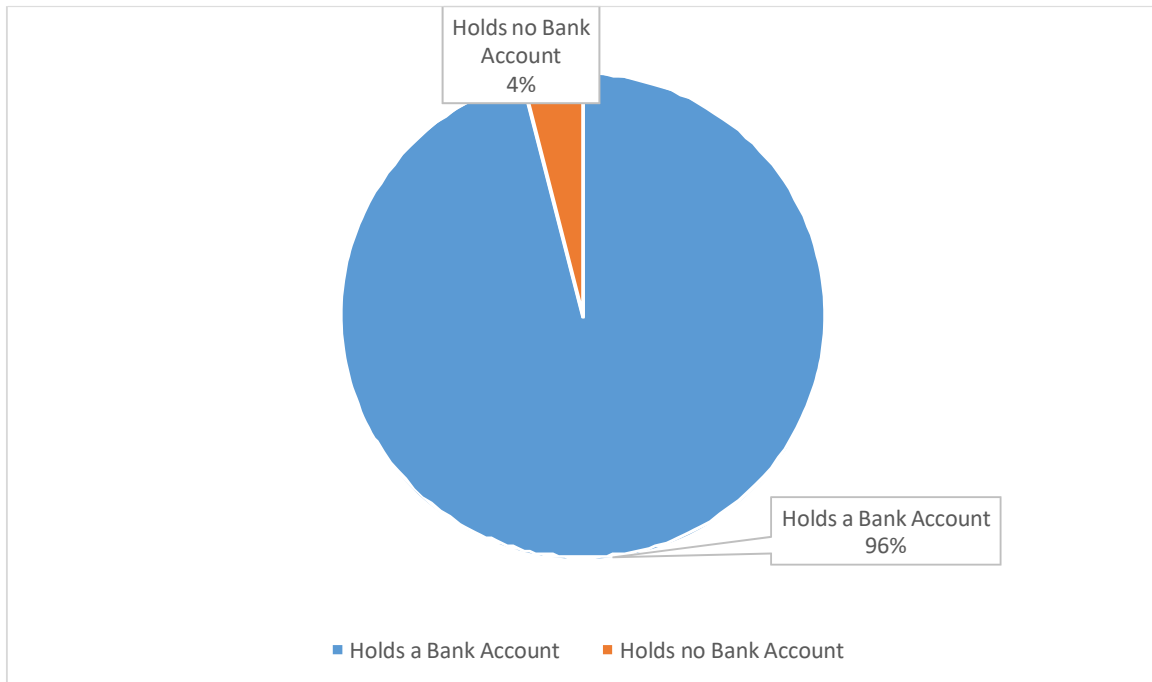


Chart 3.1 shows that only 4 percent of responding Manual Scavengers does not have a Bank Account and the majority 96 percent hold a Bank account. This is a positive data that the majority of the scavengers have a bank account. Now let us see, for what purposes scavengers use their bank account for.

Chart 3.2

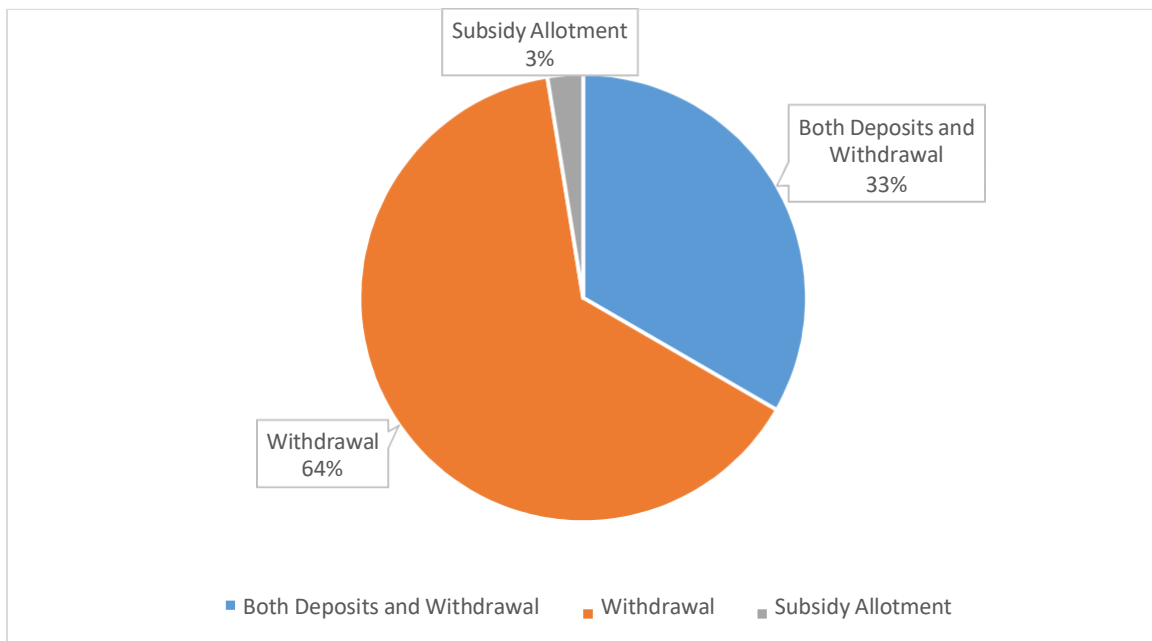
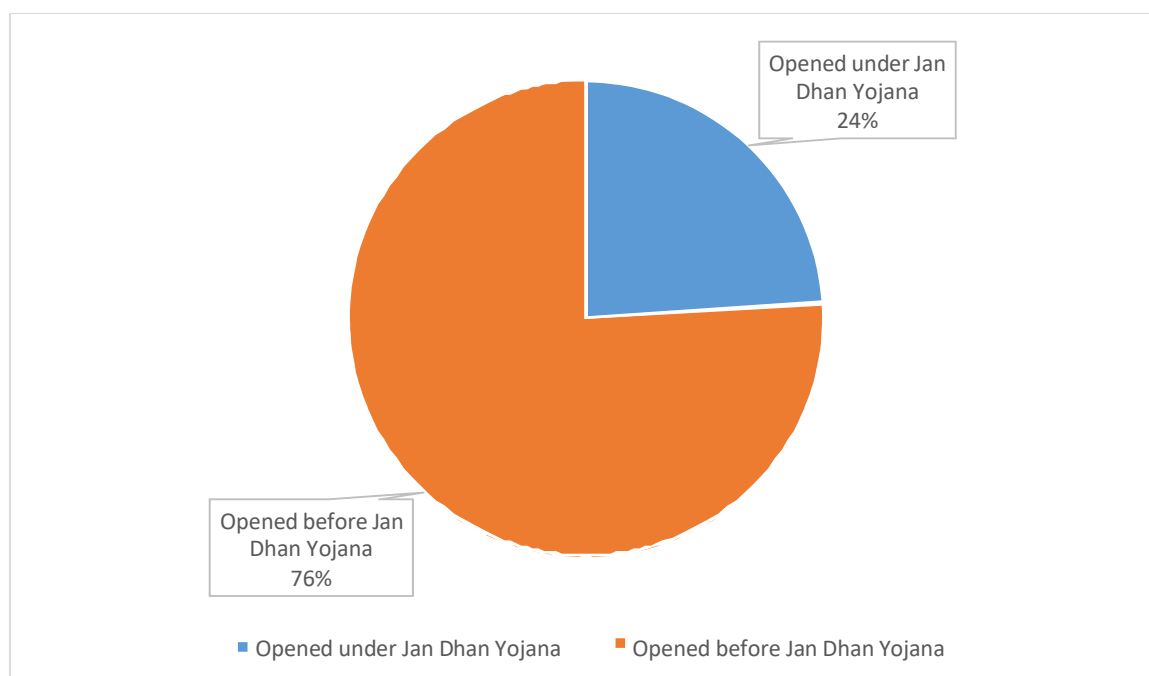


Chart 3.2 depicts the uses of the Bank Account by a Manual Scavenger of ‘Mehtar’ Caste of Palia Kalan Kheri. The majority use of a Bank account is of 64 percent by scavengers is to withdraw money i.e. mainly the withdrawal of their income. 33 percent of scavengers use a bank account for both deposits and withdrawal and a minority of just 3 percent use their bank account for acquiring a subsidy. The use of banking services is limited to deposits and withdrawal for manual scavengers. No scavenger uses their bank account for services like loans and insurances and no scavenger was found having an ATM card, they still cash out money from the method of bank slips and tokens. In the case of manual scavengers, having a bank account does not necessarily mean that services like credit and insurance would also be availed by them. Now, let us see when did manual scavengers opened their account and whether the Jan Dhan Yojana had any role in it or not.

Chart 3.3



Pradhanmantri Jan Dhan Yojana was launched with the aim to open bank accounts of the people of the marginalised sections in order to make them more financially inclusive by providing services like credit, subsidies, insurances and more.

Chart 3.3 shows that 76 percent of Scavengers had a bank account before the advent of Jan Dhan Yojana and 24 percent of Scavengers opened their account under the Jan Dhan Yojana. The main reason that majority of Scavengers have a bank is because they are contractual employees of Nagar Palika of Palia Kalan Kheri and their contractor pays their wages directly to their bank account.

Providing loans is a major banking facility/activity which facilitates the borrower to have access to multitude of financial opportunities. Now, let us have look at the primary data depicting whether scavengers have taken credit or not, if taken then for what purpose.

Loan/Debt Holders

Chart 3.4

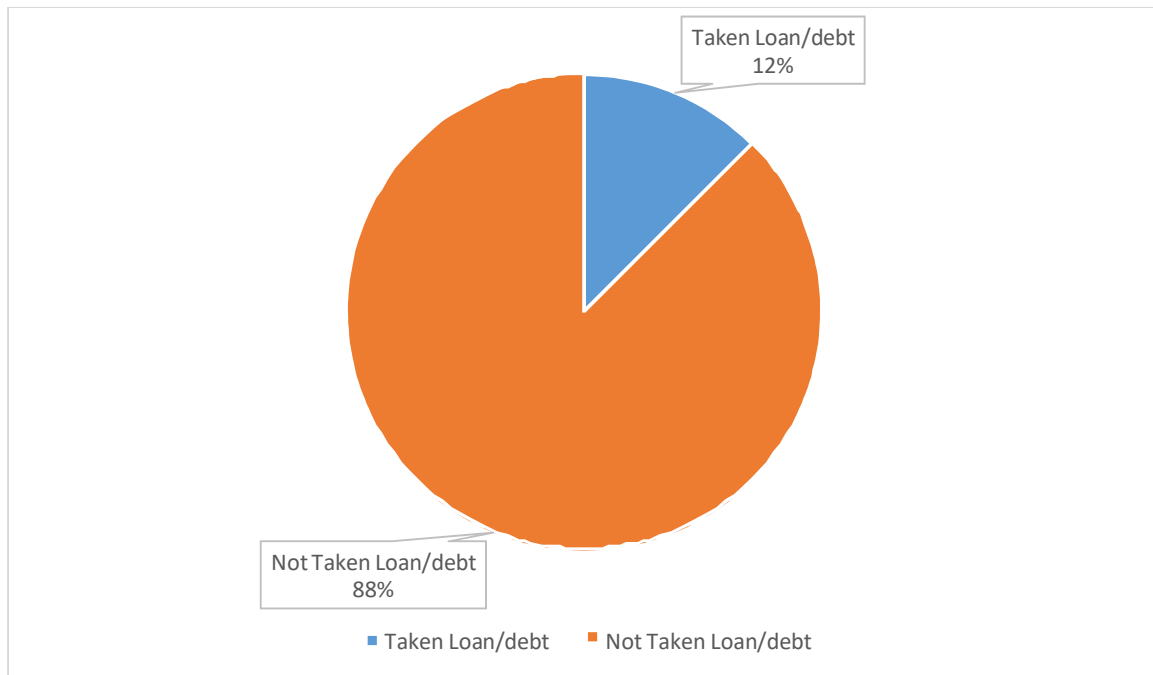
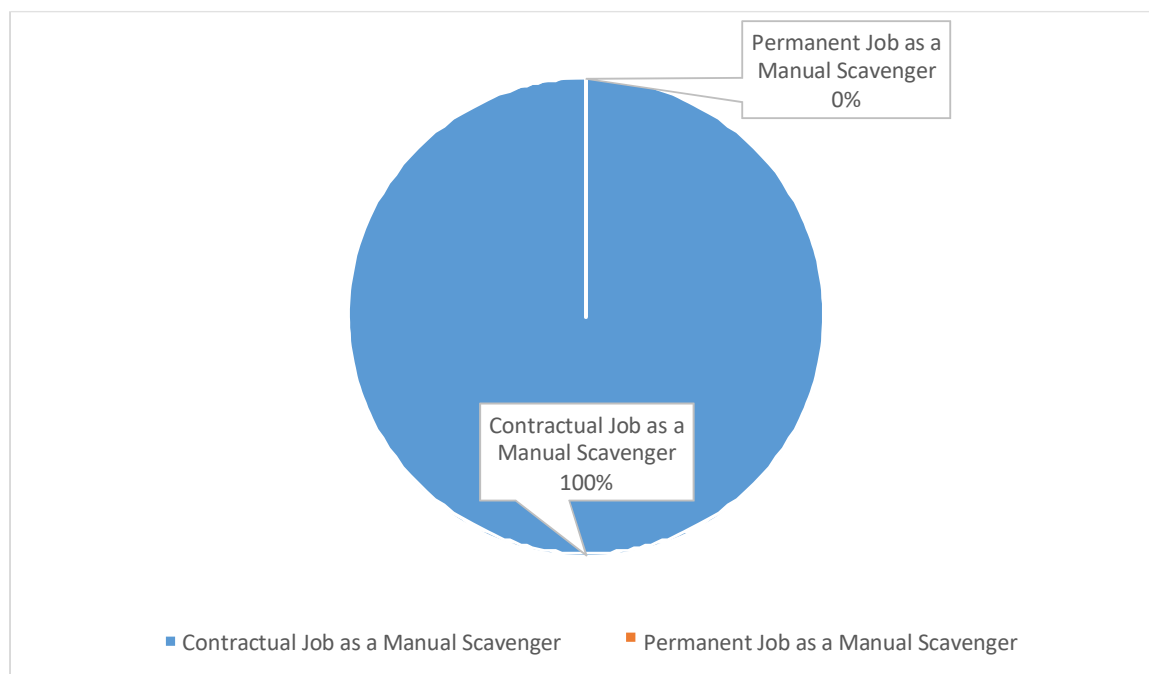


Chart 3.4 tells us that only a handful of scavengers have taken loan i.e. 12 percent, reasons for taking loan are quite social, loans taken are for the purpose of marriage, late payment of wages, etc. On the majority, 88 percent are under no debt. Many reasons were found for not having any debt, majorly it happened because they could get loans from their community only people from upper castes were not willing to give them credit because of relations of caste and trust issues developed because of caste notions.

Now let us look at the type of job manual scavenger have, whether they have job permanency or not. Whether they perform only manual scavenging or they have some other work in hand for some extra income.

Type of Job as a Manual Scavenger

Chart 3.5



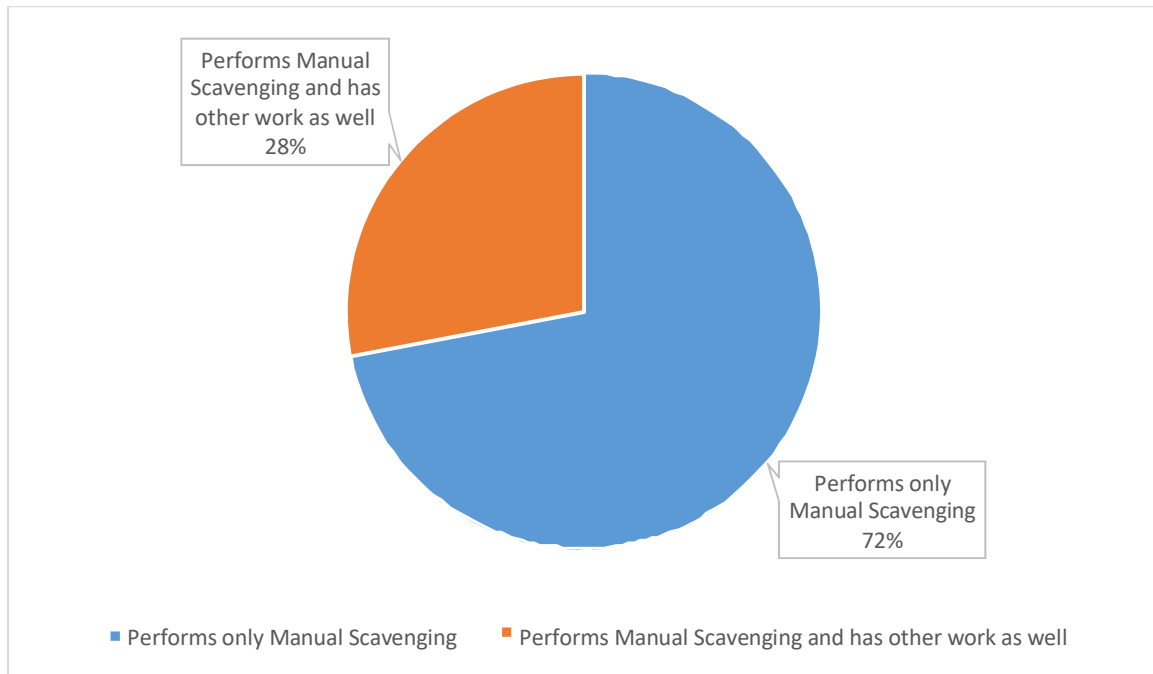
No Manual Scavenger was found having a permanent job, be it at the Nagar Palika, cleaning of private latrines or septic tanks, either they worked on contract basis or people call them to clean their house toilets or they have no work at all. Chart 3.5 shows that scavengers of Palia Kalan Kheri do not have job permanency, they work on private contracts and there is no future guarantee of having a permanent job.

Job permanency is a sign of financial well-being and the above data shows that manual scavengers are not living with the satisfaction of financial inclusivity.

Now, let us look at what other jobs manual scavengers perform to maintain financial stability to sustain everyday life.

Other Work than Manual Scavenging

Chart 3.6



The Self-Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) 2007 and the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 ensures alternate employment availability for scavengers but the primary data shows us something different from what these schemes promise. Chart 3.6 shows that apart from the hazardous work of manual scavenging 28 percent of scavengers perform other menial jobs like sweeping at houses, washing utensils and sweeping of roads at temporary basis for the Nagar Palika for extra income. And a majority of 72 percent perform only Manual Scavenging and are completely financially dependent on this occupation for their daily bread and also they were not able to find any other work that is also the reason that they are stuck with this job.

Now, let us look whether manual scavengers believe that they are satisfied with their financial conditions or not, whether they believe that there is financial stability in the work of manual scavenging or not.

Financial Stability in Manual Scavenging

Chart 3.7

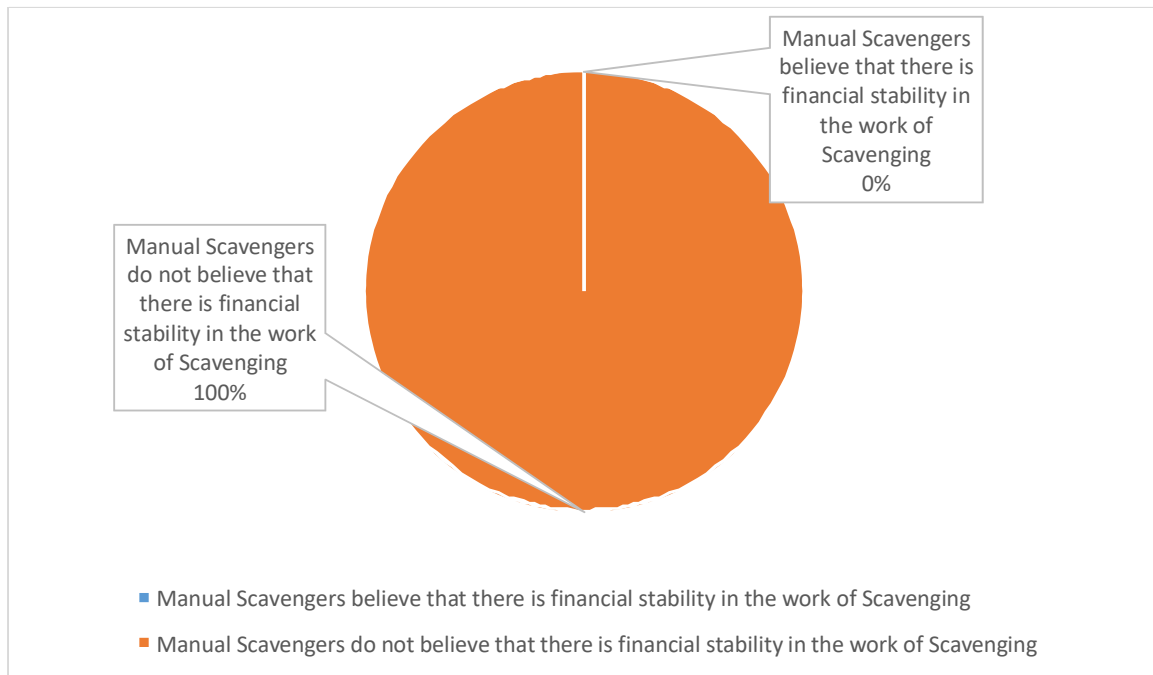


Chart 3.7 depicts that no respondent believed that there is financial stability in the work of manual scavenging. As found in the field, more than 50 percent of the scavengers earned less than 10,000 rupees a month, this shows that with such minimum income, manual scavengers of 'Mehtar' caste of Palia Kalan Kheri are surviving their everyday life.

Now, let us look whether they believe that if their financial conditions had been better, would there be no social stigma attached to their caste and employment.

Social stigma remains even with good financial conditions

Chart 3.8

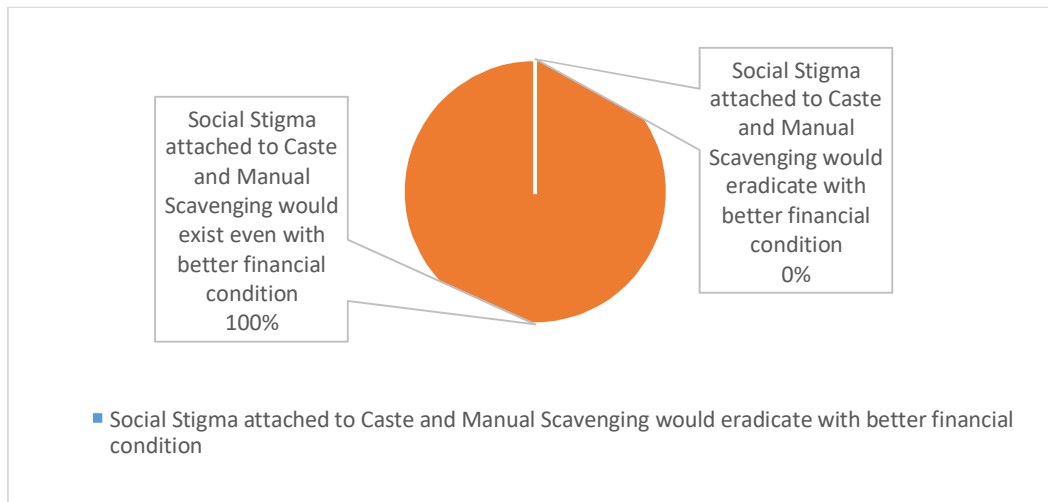


Chart 3.8 clearly specifies that each and every manual scavenger believed that even if their financial condition improves, the social stigma attached to their caste and employment would still exist. Even if they leave the occupation of manual scavenging, society will taunt them and their children with casteist slangs and inappropriate language that they belong to low castes and performed such menial work. The ghost of untouchability never stops haunting them.

Availability and access to food is a human right and access to a Ration Card helps people in India to avail basic nutritional raw food and food making items at subsidised rates. Now, let us look whether scavengers have ration Cards or not and if they have, then what type of Ration Card do they have.

Ration Card

Chart 3.9

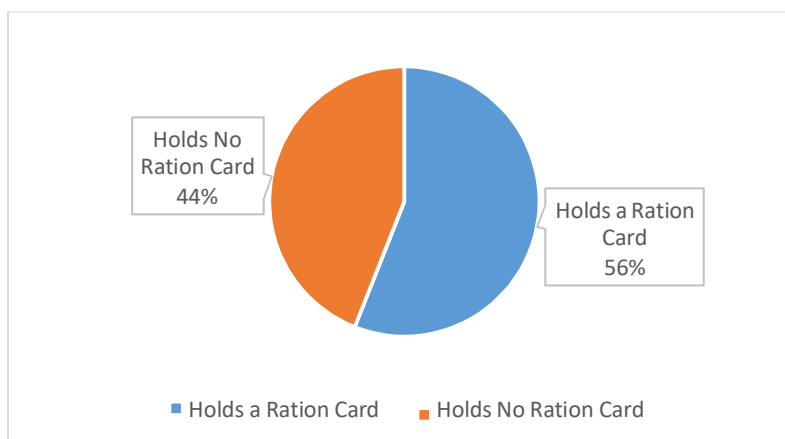
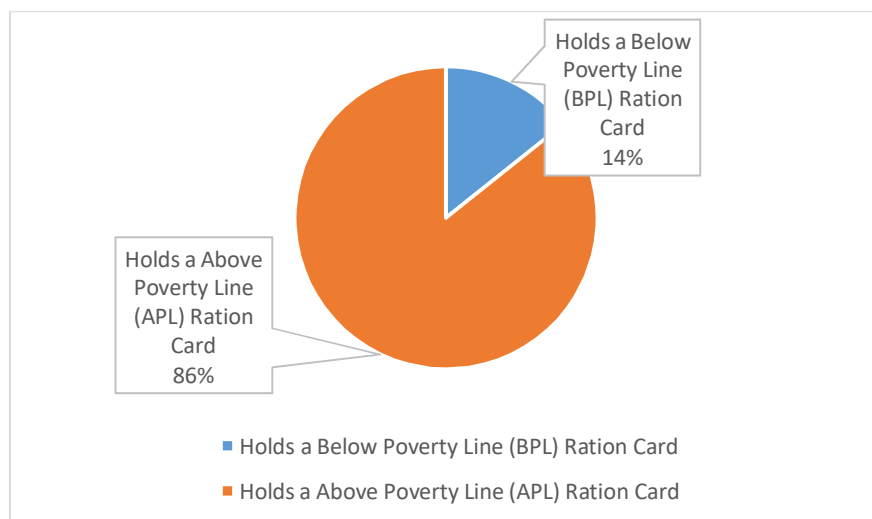


Chart 3.9 shows that 44 percent of Manual Scavengers of 'Mehtar' Caste of Palia Kalan Kheri does not have a Ration Card and only 56 percent holds a Ration Card. This is a sad picture that almost half of the scavengers does not have a Ration Card.

Type of Ration Card

Chart 3.10



From the 56 percent of scavengers holding a Ration Card, the above chart represents that 86 percent of scavengers hold an Above Poverty Line (APL) Ration Card and 14 percent of scavengers hold a Below Poverty Line (BPL) Ration Card. This also indicates that 14 percent of scavengers interviewed out of the 56 percent were below the poverty line.

This chapter was aimed to understand financial inclusion as a means of social inclusion of the Manual Scavengers of the 'Mehtar' caste of Palia Kalan Kheri. It was found that scavengers were using banking facilities majorly to withdraw their wages and many scavengers were found having no Ration Card and those who had Ration Card, many of them were under below the poverty line. Those who performed some other work than manual scavenging were doing menial jobs to earn some extra money to survive everyday life. All the scavengers were found having no permanency of job and were working under contracts. All the Manual Scavengers firmly believed that there is no financial stability in the work of manual scavenging and even if they were financial sound/stable even then social stigmas related to their caste and employment would exist.

CHAPTER 4

VIEWS OF MANUAL SCAVENGERS ON THEIR SOCIAL INCLUSION

Manual Scavenging is the ugliest example of existing untouchability in Indian society and Manual Scavengers are the most oppressed class which faces exclusion and untouchability in everyday life. This chapter captures the views of the Manual Scavengers of the 'Mehtar' caste of Palia Kalan Kheri on their social inclusion and how they see the world of untouchability, the practicing of scavenging and their social conditions.

There are many barriers to the social inclusion of the marginalised section of the society especially the manual scavengers who are denied dignity of life from their fellow citizens.

Following are some of the barriers of social inclusion that were identified during the collection of primary data from the manual scavengers of the 'Mehtar' caste of Palia Kalan Kheri. These are some most visible barriers that one can identify while visiting the area of the residence of the scavenging community and their homes.

- Discrimination (Untouchability)
- Inequality (Socio-Economic)
- Prejudice
- Poverty
- Lack of knowledge and skills (Know no other work than scavenging)
- Deprivation
- Illiteracy
- Shackled Confidence

Voting, Caste Association and Political Power

Chart 4.1

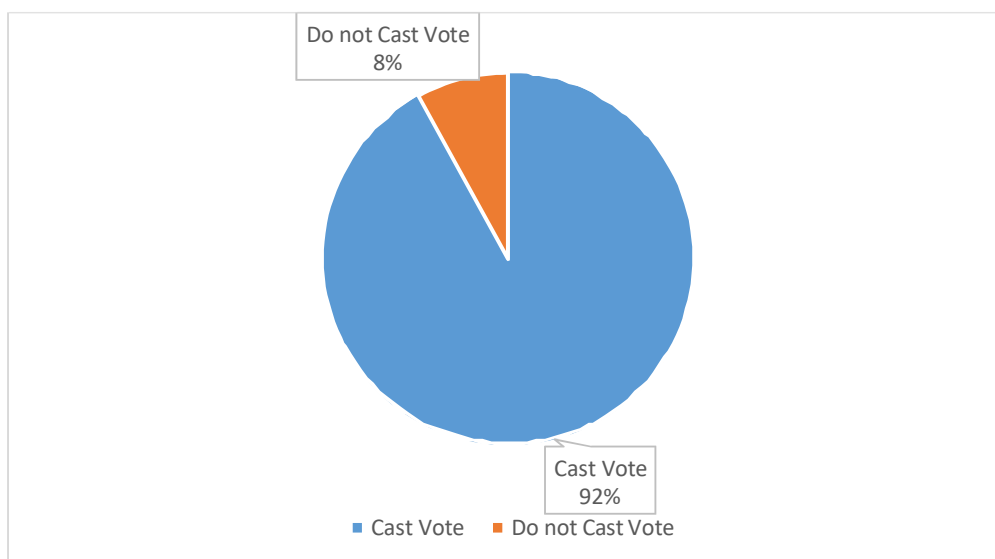


Chart 4.1 shows that a majority of 92 percent of Manual Scavengers cast vote and participate in electoral democracy and 8 percent of scavengers do not cast vote because they do not have faith in the electoral process.

Now, let us have a look on whether Manual Scavengers vote on the basis of their caste association with the candidate or not.

Chart 4.2

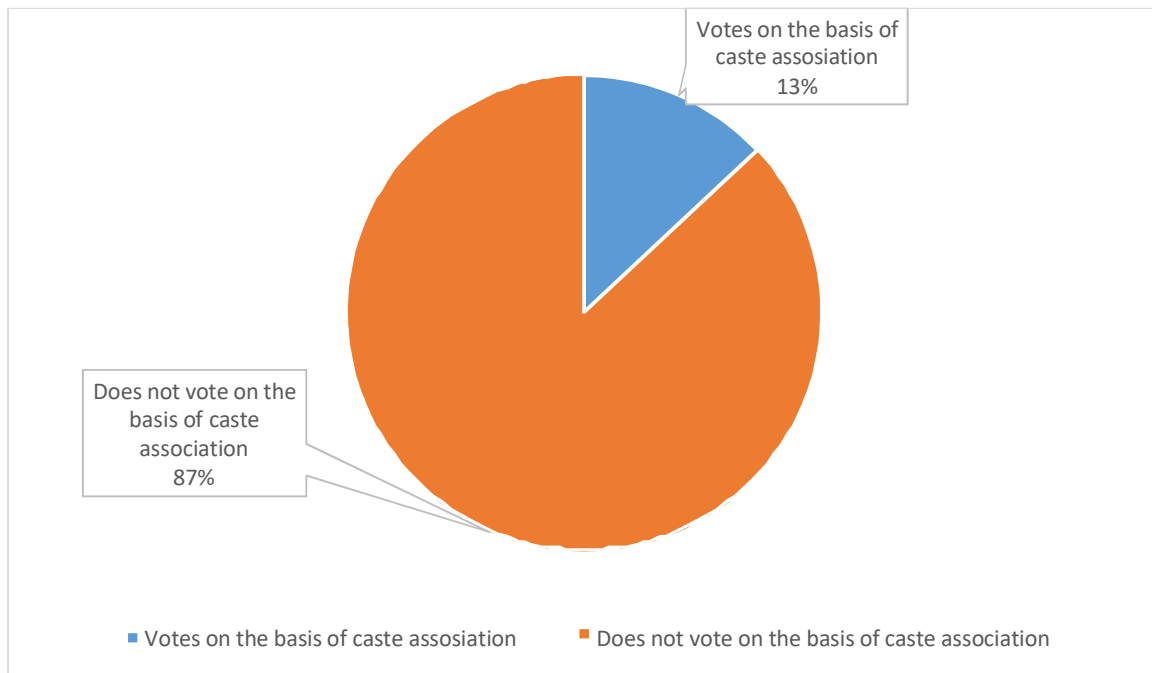


Chart 4.2 depicts that only 13 percent of Manual Scavengers cast their vote on the basis of their caste association with the candidate and 87 percent of the scavengers do not cast vote on the basis of their caste association with the candidate. In their responses, they believed that whoever talk and work in favour of their community as well as fulfilment of their basic needs, they would vote that candidate irrespective of caste and religion.

Now, let us have a look whether Manual Scavengers believe that political power can emancipate the Manual Scavengers or not.

Chart 4.3

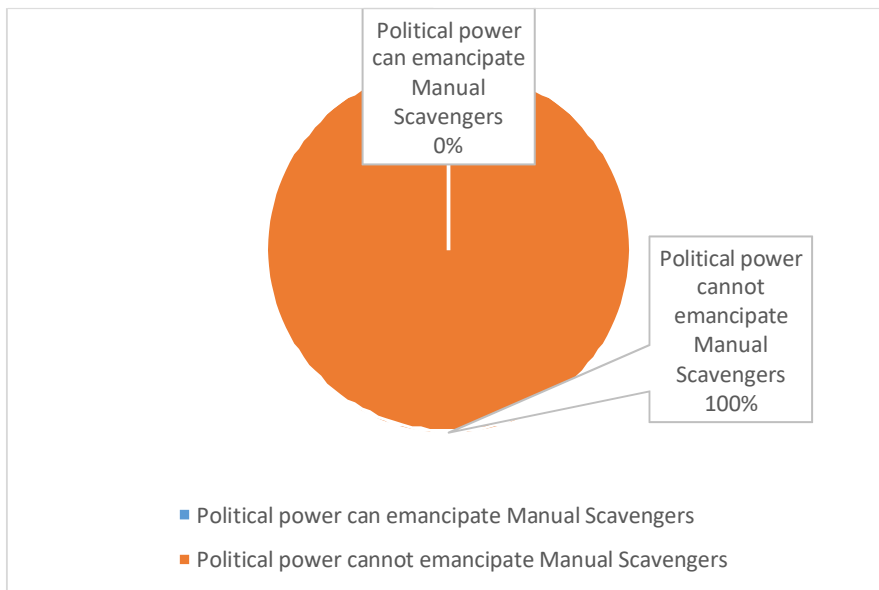


Chart 4.3 shows that none of the Manual Scavenger believed that political power can emancipate them from the filth and evil of manual scavenging. They strongly believed that whoever might come to power; their social and economic conditions will not improve as they have seen decades passed with miseries and disappointments. They believed that they have to earn their bread with the same social conditions as they did in the past.

Awareness about the Prohibition of Manual Scavenging

Chart 4.4

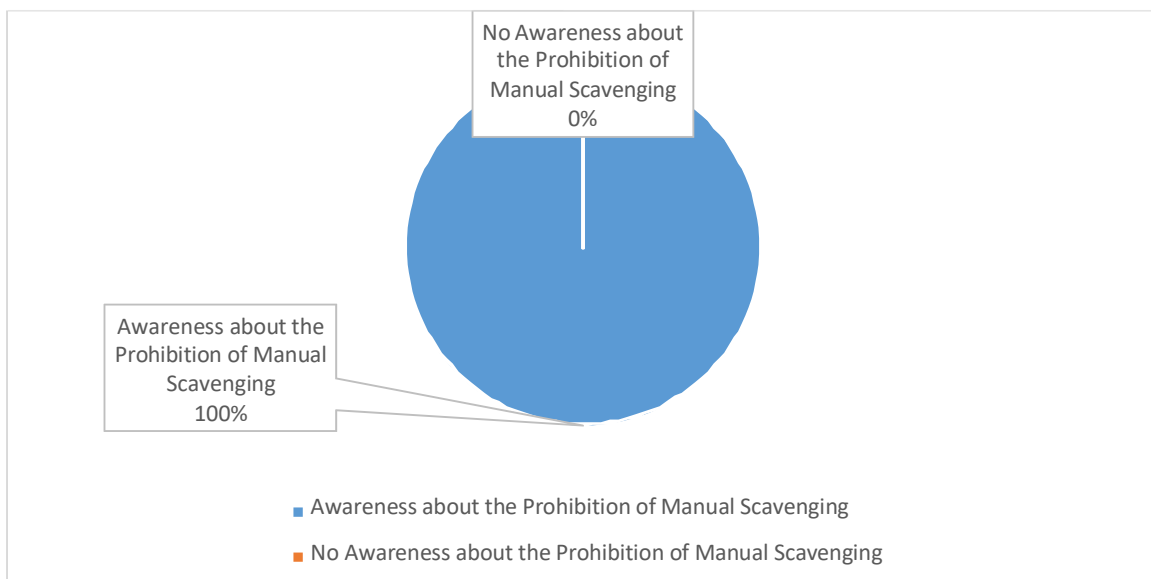


Chart 4.4 shows that each and every Manual Scavenger was aware that the Government of India has prohibited the occupation of manual scavenging. Interestingly, the Nagar Palika of Palia Kalan Kheri hires manual scavengers to clean drains and sweep roads on contractual basis and even after knowing that the practice of manual scavenging is illegal, members of ‘Mehtar’ caste perform it because they do not have any other work to do and the society just do not accept them performing other occupations.

Now, Let us have a look at whether Manual Scavengers believe that they perform Manual Scavenging because they belong to the ‘Mehtar’ caste.

Society: A hindrance in Social Inclusion

Chart 4.5

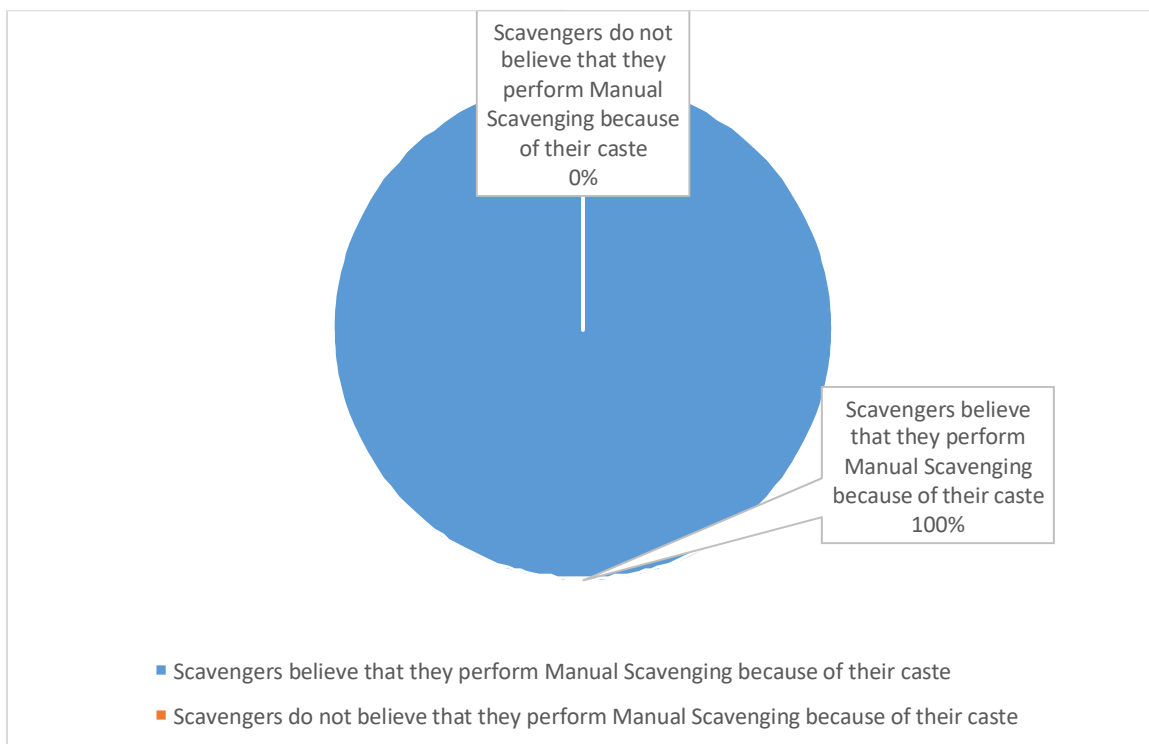


Chart 4.5 shows that all the manual scavengers believed that they perform manual scavenging because of their caste. They believe that being born in ‘Mehtar’ caste signifies that you have to do dirty work. They believe that there are limited options in employment for them and they are left with only scavenging to perform.

Now, let us have a look whether Manual Scavengers face discrimination at public spaces or not.

Chart 4.6

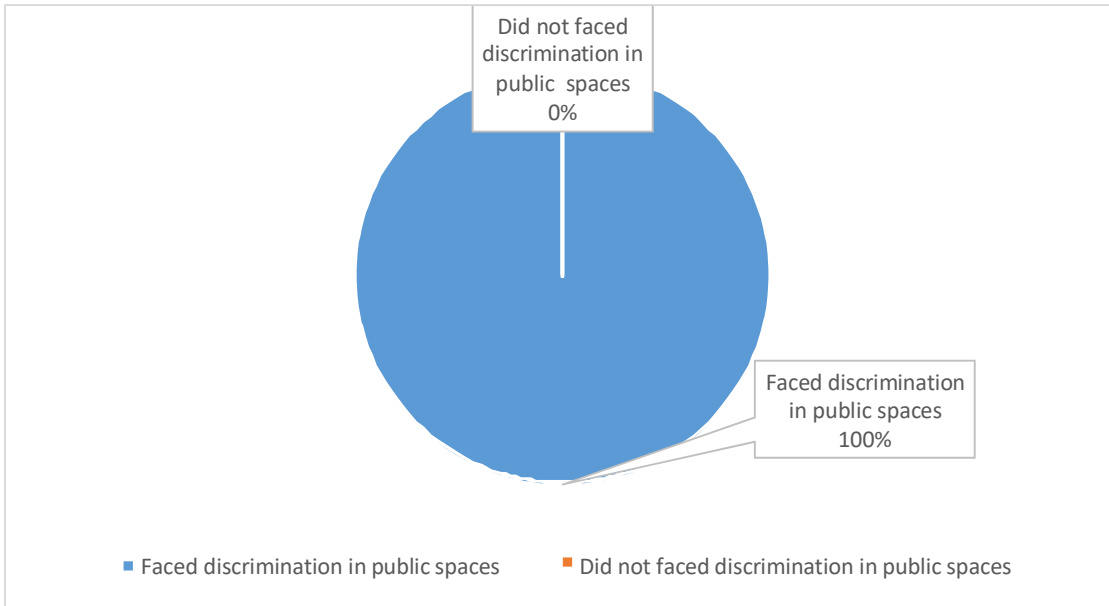


Chart 4.6 shows that each and every responding manual scavenger faced discrimination in public spaces like parks, restaurants etc, Scavengers said that they face the burden of the use inappropriate language/slans by members of upper caste to belittle their occupation and caste. Now, let us see whether members of upper caste invite the members of the 'Mehtar' caste to social functions/gatherings or not.

Chart 4.7



Chart 4.7 depicts that no responding Manual Scavenger of 'Mehtar' caste is invited to social functions/gatherings/festivals such as marriages by members of upper caste. They recorded that they work for the members of upper caste, clean their toilets and work for them whenever needed and have been doing it for years and then also they do not invite them in their celebrations/functions.

Now, Let us see whether Manual Scavengers face discrimination at their place of worship or not.

Chart 4.8

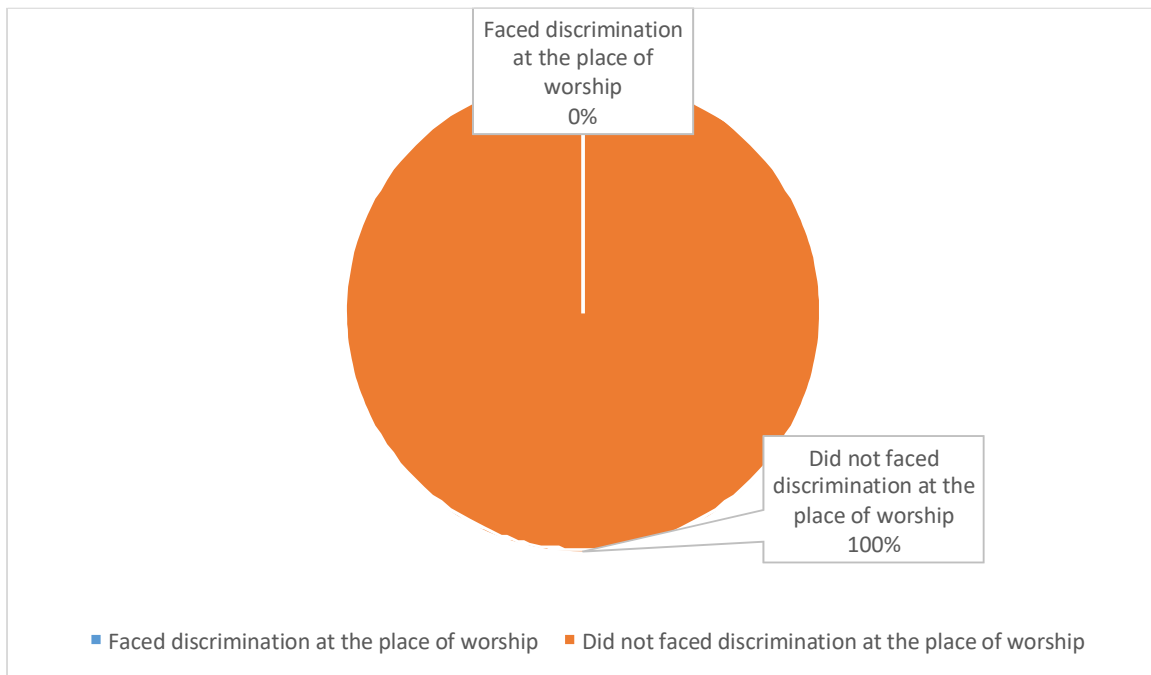


Chart 4.8 shows that the manual scavengers do not face discrimination at their place of worship. The reason that they do not face any discrimination at their place of worship is because their community worships Lord Valmiki and in the town of Palia Kalan Kheri, there is a temple of Lord Valmiki and members of the 'Mehtar' caste worship him and also not many members of upper caste visit this temple, therefor they do not face any discrimination.

Now, Let us see whether the Manual Scavengers of the 'Mehtar' caste face resistance in marrying outside their caste or not.

Chart 4.9

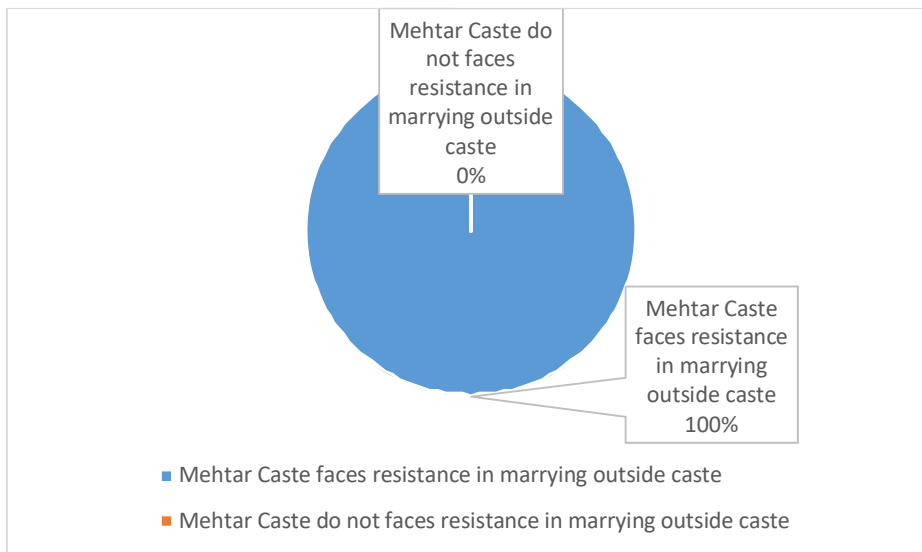


Chart 4.9 shows that members of ‘Mehtar’ caste who perform manual scavenging do face resistance in marrying outside their caste. They recorded that reasons for such is because members of upper caste would never allow such a thing to happen as this hurts their prestige and they might create problems for the scavenging community.

Now, Let us see whether Manual Scavengers feel inferior in meeting people from upper caste or not.

Chart 4.10

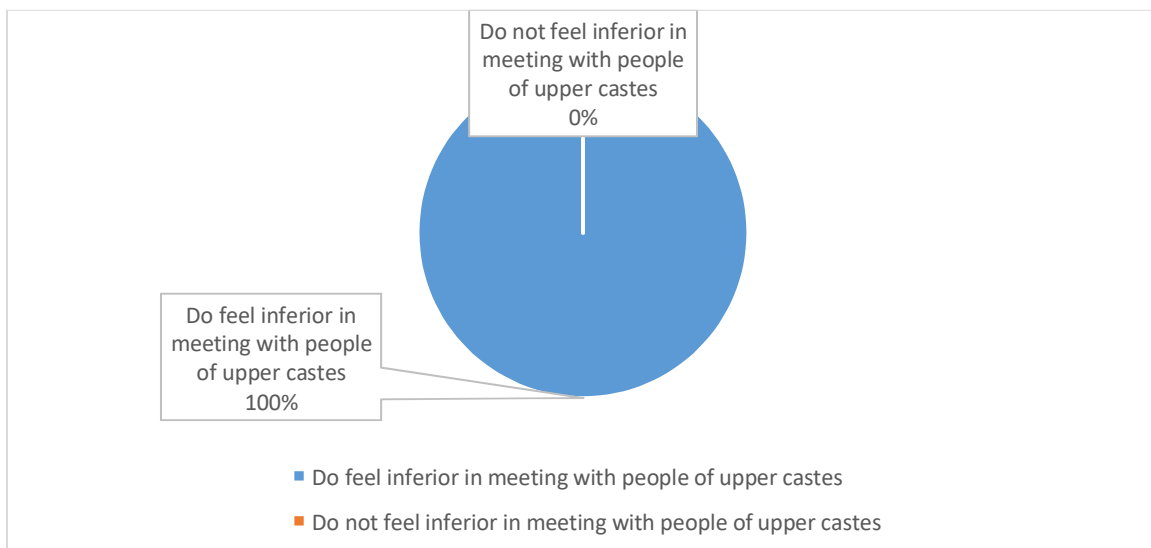


Chart 4.10 shows that Manual Scavengers feel inferior in meeting with people of upper caste. The reason behind such is the lifelong oppression in the form of untouchability and inferiority

of caste. The confidence of the scavenger community shakes in meeting with people from upper caste.

The pressure and exclusion that the society builds on the scavenging community can be clearly seen in the illustrations of the primary data given above. Now, Let us look at the type of scavenging performed by the Manual Scavengers.

Type of Scavenging Performed

Chart 4.11

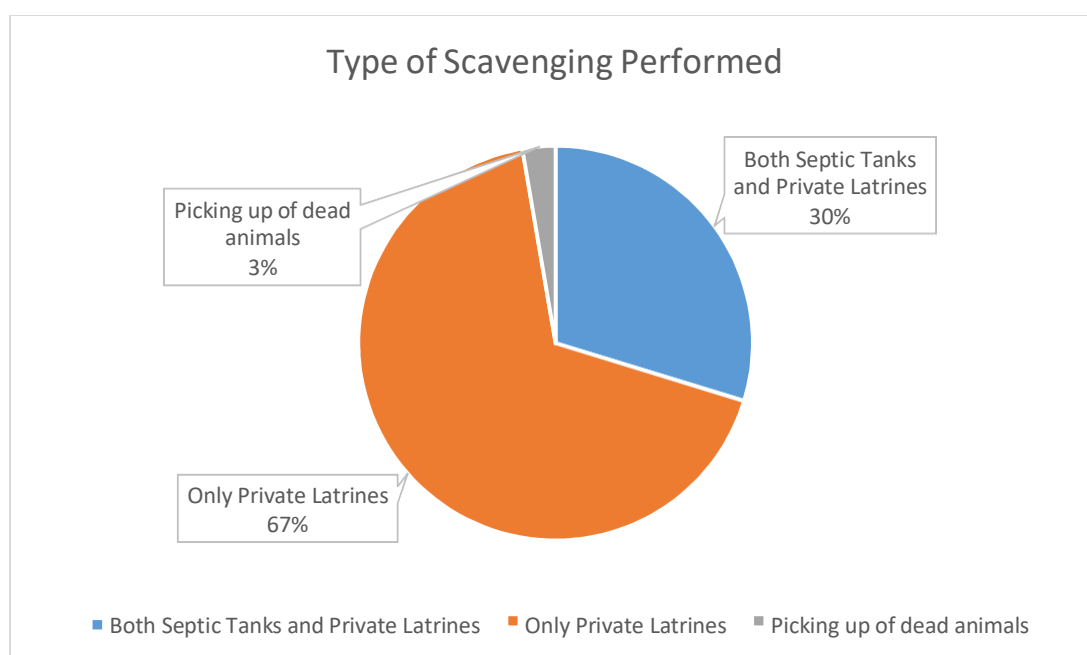


Chart 4.11 depicts that 67 percent of Manual Scavengers perform the cleaning of private latrines at houses of the members of upper caste. 30 percent of Manual Scavengers perform the cleaning of both septic tanks and private latrines at the houses of the members of upper caste. And only 3 percent of Manual Scavengers pick up dead animals.

This chapter was aimed to understand the views of the Manual Scavengers of the 'Mehtar' caste of Palia Kalan Kheri on their social inclusion. Manual Scavengers firmly believed that political power cannot emancipate them from the evil of caste and manual scavenging. Due to this some scavengers did not even cast vote on elections. All the responding scavengers believed that they perform scavenging because of their caste and have to face discrimination at public spaces in everyday life as members of upper castes use inappropriate language/slangs to belittle their occupation. For people whom they work, who belong to upper castes do not invite them in social functions/gatherings because of caste notions, they even face resistance from members of upper caste from marrying outside their caste. Bearing all this discrimination all life, they feel inferior in meeting with people from upper castes and they have said it on record.

CHAPTER 5

CONCLUSION AND RECOMMENDATIONS

This study was aimed to find the social conditions of the manual scavengers of the 'Mehtar' caste of Palia Kalan Kheri with respect to their financial well-being, role of the government and civil society in their emancipation and to understand their views on the occupation performed by them and what they think on their emancipation respectively.

Major conclusions that can be drawn from the study

Socio-Economic Profile:

- All the responding Manual Scavengers were found illiterate as they and their families do not possess enough resources to get basic education.
- All the scavengers were found married at a very young age except one who was unmarried.
- 52 percent of the manual scavengers were found having very low income i.e. less than 10,000 rupees a month. The income was used to sustain the whole family.
- 68 percent of the manual scavengers were the solo earning member in their family, which made it difficult for them in their daily survival.

Objective:

To evaluate government policies and the role of civil society for the social inclusion of manual scavengers.

- The scavenging community was completely unaware about the Self- Employment Scheme for Rehabilitation of Manual Scavengers (SRMS).
- The scavenging community was unaware of the National Safai Karamcharis Finance and Development Corporation.
- Scavengers were also unaware of the Valmiki Ambedkar Malin Basti Awas Yojana.
- 24 percent of the Manual Scavengers were found as the beneficiaries of the Pradhanmantri Awas Yojana.
- Only 8 percent of the scavengers were found as the beneficiaries of the Pradhanmantri Shauchalay Yojana.
- No manual scavenger and none of their family member have benefitted from reservation in educational institutes as well as government jobs.
- Only 20 percent of the manual scavengers were found aware about the Safai Karamchari Andolan.

- Manual scavengers did not know about any NGO working in the field of manual scavenging.

Objective:

To know the opportunities for social inclusion available for ‘Mehtar’ caste in society with respect to financial inclusion.

- Only 4 percent of manual scavengers were found having no bank account.
- 64 percent of manual scavengers used bank accounts just for the purpose of the withdrawal of their wages, 33 percent of the scavengers used their bank account for both subsidy and withdrawal and only 3 percent of scavengers used the bank account for subsidy allotment.
- Only 24 percent of the Manual Scavengers opened under the Jan Dhan Yojana.
- Only 12 percent of the scavengers were found having a debt, they took the loan for reasons like marriage and late payment of wages.
- 56 percent of the responding scavengers hold a Ration card whereas 44 percent of them had no ration card with them and in their family as well.
- Among the 56 percent of scavengers holding a ration Card, 14 percent hold Below Poverty Line (BPL) Ration Card and 86 percent hold Above Poverty Line (APL) Ration Card.
- It was found that 28 percent of manual scavengers have some or the other work in hand other than manual scavenging. Because of low wages, scavengers had to look for other jobs for their survival. It was also found that they had limited options, like they did the work of washing utensils and sweeping at other people’s homes.
- All the manual scavengers were found have a temporary/contractual job as a manual scavengers.
- Scavengers firmly believed that there is no financial stability in the work of manual scavenging.
- Scavengers also believed that even if there financial condition would have been better, social stigmas attached to their caste and employment would still remain.

Objective:

To know the opinions of Manual Scavengers on their social inclusion.

- All the scavengers firmly believed that political power cannot emancipate them.
- All the scavengers believed that they perform manual scavenging because of their caste.

- Scavengers believed that they have to face discrimination at public places because of their caste.
- Coming from 'Mehtar' caste they are not invited in social functions/gatherings.
- Scavengers recorded that they feel inferior in meeting with people from upper castes.
- Scavengers face resistance in marrying outside their caste and members of upper castes use inappropriate language/slangs to belittle their occupation.
- All the responding manual scavengers do not face discrimination at their place of worship. The reason that they do not face any discrimination at their place of worship is because their community worships Lord Valmiki and in the town of Palia Kalan Kheri, there is a temple of Lord Valmiki and members of the 'Mehtar' caste worship him and also not many members of upper caste visit this temple, therefore they do not face any discrimination.
- All the scavengers were fully aware that the practice of manual scavenging is prohibited by law.
- 92 percent of scavengers cast vote and participate in electoral democracy and only 8 percent of scavengers do not cast vote.
- Among the 92 percent of scavengers who cast their vote, only 13 percent of scavengers cast their vote on the basis of their caste association with the candidate, rest 87 percent vote whoever they like as a candidate.
- 67 percent of scavengers were found who clean private latrines as their job, 30 percent of scavengers clean both private latrines and septic tanks and 3 percent worked at picking up of dead animals.

Recommendations

- Governments should immediately initiate awareness drives regarding their schemes which are for the welfare of the manual scavengers.
- Governments should identify manual scavengers who have not benefitted from its programs and actions.
- Governments should intensely work on the employment alternatives for manual scavengers as the present ones are not effective enough.
- Governments should initiate awareness drives for the annihilation of manual scavenging and take strict actions on officials who allow manual scavenging in their area.
- Governments should allot interest free loans to scavengers to build their own independent businesses.
- Governments should implement technological advancement such as Bandikoot – the robot designed and engineered by Genrobotics for the cleaning of sewers and septic tanks.
- The civil society of India should reach at places like Palia Kalan Kheri where government has failed to emancipate the scavenging community.

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APENDIX

Babasaheb Bhimrao Ambedkar University, Lucknow

Questionnaire for MPhil Dissertation

Kushagra Anand

MPhil (Department of Sociology)

Topic: “Social Inclusion of Manual Scavengers: With Special Reference to Mehtar Caste of Palia Kalan Kheri”

Socio-economic profile of the respondent.

Name of the respondent

Age (in years)

Marital Status – Married () Unmarried () Widow () Divorced ()

Gender – Male () Female () Transgender ()

Educational Qualification

Caste Group – SC () ST () OBC () General ()

Area of residence

Type of Family – Nuclear Family () Joint Family () Extended Family ()
Any Other ()

Size of the Family

Number of earning members in the family ()

Monthly Income of the respondent ()

Combined Monthly Income of the Family of the respondent ()

Objective 1

To know the opportunities for social inclusion available for ‘Mehtar’ caste in society with respect to financial inclusion

Do you have a bank account?

YES () NO ()

If Yes then, what purpose/purposes do you use your bank account for?

Loan () Deposits () Insurance () Withdrawal ()

Subsidy Allotment ()

If any other () Please specify

Have you opened your bank account under the Jan Dhan Yojana?YES

() NO ()

Are you indebted? YES (

) NO ()

If Yes then, whom you have taken the loan/debt from?

Government Bank () Private Bank () Moneylender/Sahukaar ()

If any other () Please specify

Please specify the reasons for taking the loan/debt

.....

Do you have a Ration Card?

YES () NO ()

If Yes then which type?

BPL () APL () AAY ()

1.2.2 If any other, Please Specify.....

Do you have an ATM Card?

YES () NO ()

Does your area of residence have access to clean drinking water?

Yes () No ()

If Yes, Please specify

.....

Do you perform any work other than Manual Scavenging?

YES () NO ()

If YES,

What is the work?

.....

How much do you earn from that work?

Specify the amount

Do you have a regular/permanent or a contractual/temporary job as a manual scavenger?

Permanent () Temporary () On Call ()

How much do you earn from Manual Scavenging?

Specify the Amount

Do you feel that there is financial stability in the employment of Manual Scavenging?

Yes () No ()

Do you think if your financial condition had been well-off, the social stigma attached to your caste and employment would not exist in society?

YES () NO ()

Please specify the reasons for your answer

.....

Do you know that the occupation of manual scavenging has been prohibited by the government of India?

YES () NO ()

Objective 2

To know the opinions of Manual Scavengers on their social inclusion

Do you participate in Voting in elections?

YES () NO ()

If YES,

Do you vote on the basis of your caste association with the candidate?YES

() NO ()

If YES,

Do you think political power can emancipate manual scavengers?YES

() NO ()

What type of scavenging do you perform?

Cleaning of Septic Tanks () Cleaning of Public Latrines () Cleaning of Private Latrines () Removing dead animals/carcasses ()

If any other () Please Specify

How long have you been doing the work of manual scavenging?

Work in Months/Years

What made you join the employment of manual scavenging?

Give Reasons

Do you believe that you perform Manual Scavenging because of the caste associated with you?

YES () NO () Please specify the reasons for your answer

.....

Do you believe that your community face problems/discrimination in society because of your occupation?

YES () NO ()

What are the other occupations performed by your caste members other than manual scavenging?

Please Specify

Do you get invitation for social functions such as marriages, festivals and community gatherings from people belonging to other castes?

Sometimes () Often () Never ()

Do you face caste based discrimination in public spaces such as public parks, markets and restaurants, etc?

Yes () No ()

If Yes, what kind?

Do you face any discrimination at your place of worship?Yes

() No ()

If Yes, what kind?

In your opinion, do members of your caste face resistance in marrying outside your caste?

Yes () No ()

If Yes, please specify

Do you feel inferior in meeting with people from upper castes?YES

() NO ()

Do people from upper caste use inappropriate language/slangs to belittle your employment/caste?

YES () NO ()

Objective 3

To evaluate government policies and the role of civil society for the social inclusion of Manual Scavengers

Are you aware about the Self-Employment Scheme for Rehabilitation of Manual Scavengers?

YES () NO ()

If YES then,

Have you received any financial assistance from this scheme?YES

() NO ()

Are you aware about the National Safai Karamcharis Finance and Development Corporation?

YES () NO ()

If Yes,

Have you received any financial assistance from this corporation?YES

() NO ()

Have you received any kind of financial assistance from any government policy?

YES () NO ()

If yes, please specify policy name

Have you applied for the Pradhanmantri Awaas Yojana ?

YES () NO ()

If Yes,

Did you face any problem in availing the benefit of this Yojana ?YES

() NO ()

If yes, please specify the problem

Do you know about the Valmiki Ambedkar Malin Basti Awas Yojna?

YES () NO ()

If Yes,

Have you received any financial assistance from this scheme?YES

() NO ()

Do you know any member/members of your community who has benefitted from the reservation policy of the government in educational institutions?

YES () NO ()

Do you know any member/members of your community who has benefitted from the reservation policy of the government in employment?

YES () NO ()

Have you applied for Pradhanmantri Shauchalay Yojana?

YES () NO ()

If Yes,

Did you face any problem in availing the benefit of this Yojana?YES

()

NO ()

If yes, please specify the problem

Do you know about Safai Karamchari Andolan?

YES () NO ()

If Yes,

Have you received any form of help or assistance from the organisation?YES

() NO ()

Do you know about any Non-Governmental Organisation working in the field of manual scavenging?

YES () NO ()

IF YES,

Please specify the name of the organisation

Have you received any help/assistance from the organization? Yes () No ()

THE EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT, 1993

ARRANGEMENT OF SECTIONS

SECTIONS

CHAPTER I PRELIMINAR

1. Short title, application and commencement.
2. Definitions.

CHAPTER II

PROHIBITION OF EMPLOYMENT OF MANUAL SCAVENGERS, ETC.

3. Prohibition of employment of manual scavengers, etc.
4. Power to exempt.

CHAPTER III IMPLEMENTING AUTHORITIES AND SCHEMES

5. Appointment of Executive Authorities and their powers and functions.
6. Power of State Government to make schemes.
7. Power of State Government to issue directions.
8. Executive Authorities, inspectors, officers and other employees of such authorities to be public servants.
9. Appointment of inspectors and their powers of entry and inspection.
10. Power of Executive Authority to prevent environmental pollution in certain cases.
11. Duty of HUDCO to extend financial assistance in certain cases.
12. Power to levy fee.
13. Constitution of committees.

CHAPTER IV PENALTIES AND PROCEDURE

14. Penalty for contravention of the provisions of the Act and rules, orders, directions and schemes.

15. Offences by companies.
16. Offences to be cognizable.
17. Provision in relation to jurisdiction.
- 18. Limitation of prosecution.**

19. Information, reports or returns.

CHAPTER V MISCELLANEOUS

20. Protection of action taken in good faith.
21. Effect of other laws and agreements inconsistent with the Act.
22. Power of Central Government to make rules.
23. Power of State Government to make rules.
24. Power to remove difficulties.

2

THE EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT, 1993

ACT NO. 46 OF 1993

[5th June, 1993.]

An Act to provide for the prohibition of employment of manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water-seal latrines and for matters connected therewith or incidental thereto.

WHEREAS fraternity assuring the dignity of the individual has been enshrined in the Preamble to the Constitution;

AND WHEREAS article 47 of the Constitution, *inter alia*, provides that the State shall regard raising the standard of living of its people and the improvement of public health as among its primary duties;

AND WHEREAS the dehumanizing practice of manual scavenging of human excreta still continues in many parts of the country;

AND WHEREAS the municipal laws by themselves as a measure for conversion of dry latrines into water-seal latrines and prevention of construction of dry latrines are not stringent enough to eliminate this practice;

AND WHEREAS it is necessary to enact a uniform legislation for the whole of India for abolishing manual scavenging by declaring employment of manual scavengers for removal of human excreta an offence and thereby ban the further proliferation of dry latrines in the country;

AND WHEREAS it is desirable for eliminating the dehumanising practice of employment of manual scavengers and for protecting and improving the human environment to make it obligatory to convert dry latrines into water-seal latrines or to construct water-seal latrines in new construction;

AND WHEREAS Parliament has no power to make laws for the States with respect to the matters aforesaid, except as provided in articles 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by all the Houses of the Legislatures of the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal that the matters aforesaid should be regulated in those States by Parliament by law;

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

CHAPTER I PRELIMINARY

1. Short title, application and commencement.—(1) This Act may be called the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

(2) It applies in the first instance to the whole of the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and to all the Union territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force in the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and in the Union territories on such date¹ as the Central Government may, by notification, appoint and in any other State which adopts this Act under clause (1) of article 252 of the Constitution, on the date of such adoption.

2. Definitions.—In this Act, unless the context otherwise requires,—

(a) “area”, in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification;

1. 26th January, 1997, *vide* notification No. S.O. 58(E), dated 24th January, 1997, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

3

(b) “building” means a house, out-house, stable, latrine, urinal, sheet house, hut, wall (other than a boundary wall) or any other structure whether made of masonry, bricks, wood, mud, metal or other material;

(c) “dry latrine” means a latrine other than a water-seal latrine;

(d) “environment” includes water, air and land and the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property;

(e) “environmental pollutant” means any solid, liquid or gaseous substance present in such concentration as may be, or tend to be, injurious to environment;

- (f) “environmental pollution” means the presence in the environment of any environmental pollutant;
- (g) “Executive Authority” means an Executive Authority appointed under sub-section (1) of section 5;
- (h) “HUDCO” means the Housing and Urban Development Corporation Limited, a Government company registered by that name under the Companies Act, 1956 (1 of 1956);
- (i) “latrine” means a place set apart for defecation together with the structure comprising such place, the receptacle therein for collection of human excreta and the fittings and apparatus, if any, connected therewith;
- (j) “manual scavenger” means a person engaged in or employed for manually carrying human excreta and the expression “manual scavenging” shall be construed accordingly;
- (k) “notification” means a notification published in the Official Gazette;
- (l) “prescribed” means prescribed by rules made under this Act;
- (m) “State Government”, in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;
- (n) “water-seal latrine” means a pour-flush latrine, water flush latrine or a sanitary latrine with a minimum water-seal of 20 millimetres diameter in which human excreta is pushed in or flushed by water.

CHAPTER II

PROHIBITION OF EMPLOYMENT OF MANUAL SCAVENGERS, ETC.

3. Prohibition of employment of manual scavengers, etc.—(1) Subject to sub-section (2) and the other provisions of this Act, with effect from such date and in such area as the State Government may, by notification, specify in this behalf, no person shall—

- (a) engage in or employ for or permit to be engaged in or employed for any other person for manually carrying human excreta; or
- (b) construct or maintain a dry latrine.

(2) The State Government shall not issue a notification under sub-section (1) unless—

- (i) it has, by notification, given not less than ninety days’ notice of its intention to do so;
- (ii) adequate facilities for the use of water-seal latrines in that area exist; and
- (iii) it is necessary or expedient to do so for the protection and improvement of the environment or public health in that area.

4. Power to exempt.—The State Government may, by a general or special order published in the Official Gazette, and upon such conditions, if any, as it may think fit to impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification or scheme made thereunder or dispense with the observance of any such requirement in a class or

classes of cases, if it is satisfied that compliance with such provisions or such requirement is or ought to be exempted or dispensed with in the circumstances of the case.

CHAPTER III IMPLEMENTING AUTHORITIES AND SCHEMES

5. Appointment of Executive Authorities and their powers and functions.—(1) The State Government may, by order published in the Official Gazette, appoint a District Magistrate or a Sub-Divisional Magistrate, as an Executive Authority to exercise jurisdiction within such area as may be specified in the order and confer such powers and impose such duties on him, as may be necessary to ensure that the provisions of this Act are properly carried out and the Executive Authority may specify the officer or officers, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

(2) The Executive Authority appointed under sub-section (1) and the officer or officers specified under that sub-section shall, as far as practicable, try to rehabilitate and promote the welfare of the persons who were engaged in or employed for as manual scavengers in any area in respect of which a notification under sub-section (1) of section 3 has been issued by securing and protecting their economic interests.

6. Power of State Government to make schemes.—(1) The State Government may, by notification, make one or more schemes for regulating conversion of dry latrines into, or construction and maintenance of, water-seal latrines, rehabilitation of the persons who were engaged in or employed for as manual scavengers in any area in respect of which a notification under sub-section (1) of section 3 has been issued in gainful employment and administration of such schemes and different schemes may be made in relation to different areas and for different purposes of this Act:

Provided that no such scheme as involving financial assistance from the HUDCO shall be made without consulting it.

(2) In particular, and without prejudice to the generality of the foregoing power, such schemes may provide for all or any of the following matters, namely:—

- (a) time-bound phased programme for the conversion of dry latrines into water-seal latrines;
- (b) provision of technical or financial assistance for new or alternate low cost sanitation to local bodies or other agencies;
- (c) construction and maintenance of community latrines and regulation of their use on pay and use basis;
- (d) construction and maintenance of shared latrines in slum areas or for the benefit of socially and economically backward classes of citizens;
- (e) registration of manual scavengers and their rehabilitation;
- (f) specification and standards of water-seal latrines;
- (g) procedure for conversion of dry latrines into water-seal latrines;

(h) licensing for collection of fees in respect of community latrines or shared latrines.

7. Power of State Government to issue directions.—Notwithstanding anything contained in any other law but subject to the other provisions of this Act, the State Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or local or other authority and such person, officer or a local or other authority shall be bound to comply with such directions.

8. Executive Authorities, inspectors, officers and other employees of such authorities to be public servants.—All Executive Authorities, all officers and other employees of such authorities including the officers authorised under sub-section (1) of section 5, all inspectors appointed under sub-section (1) of section 9 and all officers and other employees authorised to execute a scheme or order made under this Act, when acting or purporting to act in pursuance of any provisions of this Act or the rules or schemes made or orders or directions issued thereunder, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

9. Appointment of inspectors and their powers of entry and inspection.—(1) The State Government may, by notification, appoint such persons as it may think fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Every inspector within the local limits of jurisdiction of an Executive Authority shall be subordinate to such authority.

(3) Subject to any rules made in this behalf by the State Government, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any place for the purpose of—

(a) performing any of the functions of the Executive Authority entrusted to him;

(b) determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules, orders or schemes made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with;

(c) examining and testing any latrine or for conducting an inspection of any building in which he has reason to believe that an offence under this Act or the rules, orders or schemes made thereunder has been or is being or is about to be committed and to prevent or mitigate environmental pollution.

10. Power of Executive Authority to prevent environmental pollution in certain cases.—

(1) On receipt of information with respect to the fact or apprehension of any occurrence of contravention of the provisions of section 3, whether through intimation by some person or on a report of the inspector or otherwise, the Executive Authority shall, as early as practicable, besides taking any other action under this Act, direct the owner or occupier of the premises to take such remedial measures, as may be necessary, within such reasonable time as may be specified therein and in case the owner or occupier, as the case may be, fails to comply with such directions, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution at the cost of such owner or occupier of the premises.

(2) The expenses, if any, incurred by the Executive Authority with respect to the remedial measures referred to in sub-section (1), together with interest at such rate as the State Government may specify from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.

11. Duty of HUDCO to extend financial assistance in certain cases.—(1) Notwithstanding anything contained in its Memorandum of Association or Articles of Association or schemes for the grant of loans for housing and urban development, it shall be the duty of HUDCO to extend, in suitable cases, financial assistance for the implementation of such schemes for the construction of water-seal latrines as may be made under section 6.

(2) The financial assistance referred to in sub-section (1) may be extended by HUDCO on such terms and conditions (including on easy and concessional rates of interest) and in such manner as it may think fit in each case or class of cases.

12. Power to levy fee.—Any order or scheme which the State Government is empowered to make under this Act may, notwithstanding the absence of any express provision to that effect, provide for levy of fees in respect of—

- (a) community latrines constructed under a scheme on pay and use basis; or
- (b) shared latrines constructed under a scheme; or
- (c) supply of copies of documents or orders or extracts thereof; or
- (d) licensing of contractors for construction of water-seal latrines; or
- (e) any other purpose or matter involving rendering of service by any officer, committee or authority under this Act or any rule, direction, order or scheme made thereunder:

Provided that the State Government may, if it considers necessary so to do, in the public interest, by general or special order published in the Official Gazette, grant exemption on such grounds as it deems fit from the payment of any such fee either in part or in full.

13. Constitution of committees.—(1) The Central Government may, by notification, constitute—

- (a) one or more Project Committees for appraising of the schemes for the construction of water-seal latrines in the country;
- (b) one or more Monitoring Committees to monitor the progress of such schemes;
- (c) such other committees for such purposes of the Act and with such names as the Central Government may deem fit.

(2) The composition of the committees constituted by the Central Government, the powers and functions thereof, the terms and conditions of appointment of the members of such committees and other matters connected therewith shall be such as the Central Government may prescribe.

(3) The members of the committees under sub-section (1) shall be paid such fees and allowances for attending the meetings as may be prescribed.

(4) The State Government may, by notification, constitute—

(a) one or more State Co-ordination Committees for coordinating and monitoring of the programmes for the construction of water-seal latrines in the State and rehabilitation of the persons who were engaged in or employed for as manual scavengers in any area in respect of which a notification under sub-section (1) of section 3 has been issued;

(b) such other committees for such purpose of the Act and with such names as the State Government may deem fit.

(5) The composition of the committees constituted by the State Government the powers and functions thereof, the terms and conditions of the members of such committees and other matters connected therewith shall be such as the State Government may prescribe.

(6) The members of the committees under sub-section (4) shall be paid such fees and allowances for attending the meetings as may be prescribed.

CHAPTER IV PENALTIES AND PROCEDURE

14. Penalty for contravention of the provisions of the Act and rules, orders, directions and schemes.—Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules or schemes made or orders or directions issued thereunder, shall, in respect of each such failure or contravention be punishable with imprisonment for a term which may extend to one year or with fine, which may extend to two thousand rupees, or with both, and in case the failure or contravention continues, with additional fine which may extend to one hundred rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

15. Offences by companies.—(1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or such other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

16. Offences to be cognizable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be cognizable.

17. Provision in relation to jurisdiction.—(1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

(2) No prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the Executive Authority.

(3) No court shall take cognizance of any offence under this Act except upon a complaint made by a person generally or specially authorised in this behalf by the Executive Authority.

18. Limitation of prosecution.—No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of the complainant.

CHAPTER V MISCELLANEOUS

19. Information, reports or returns.—The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it, any prescribed authority or officer any reports, returns, statistics, accounts and other information as may be deemed necessary and such person, officer, State Government or other authority, as the case may be, shall be bound to do so.

20. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the Government or any officer or other employee of the Government or any authority constituted under this Act or executing any scheme made under this Act or any member, officer or other employee of such authority or authorities in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or schemes made, or the orders or directions issued, thereunder.

21. Effect of other laws and agreements inconsistent with the Act.—(1) Subject to the provisions of sub-section (2), the provisions of this Act, the rules, schemes or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, custom, tradition, contract, agreement or other instrument.

(2) If any act or omission constitutes an offence punishable under this Act and also under any other Act, then, the offender found guilty of such offence shall be liable to be punished under the other Act, and not under this Act.

22. Power of Central Government to make rules.—(1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the composition of the Project Committees, Monitoring Committees and other committees constituted by the Central Government under sub-section (1) of section 13, the powers and functions thereof, the number of members and their terms and conditions of appointment and other matters connected therewith;

(ii) the fees and allowances to be paid to the members of the committees constituted under sub-section (1) of section 13.

(3) Every rule made by the Central Government under this Act, shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. Power of State Government to make rules.—(1) The State Government may, by notification, make rules, not being a matter for which the rules are or required to be made by the Central Government, for carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(i) the composition of the State Co-ordination Committees and other committees constituted by the State Government under sub-section (4) of section 13, the powers and functions thereof, the number of members and their terms and conditions of appointment and other matters connected therewith;

(ii) the fees and allowances to be paid to the members of the committees constituted under sub-section (4) of section 13;

(iii) any other matter which is required to be, or may be, prescribed.

(3) Every rule and every scheme made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

24. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty: Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR
REHABILITATION ACT, 2013

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THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS
AND THEIR REHABILITATION ACT, 2013

ACT NO. 25 OF 2013

[18th September, 2013.]

An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

WHEREAS promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

AND WHEREAS the right to live with dignity is also implicit in the Fundamental Rights guaranteed in

Part III of the Constitution;

AND WHEREAS article 46 of the Constitution, *inter alia*, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

AND WHEREAS the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

AND WHEREAS it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity.

BE it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification in the

Official Gazette, appoint:

Provided that the date so notified shall not be earlier than sixty days after the date of publication of

²[the said notification] in the Official Gazette.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(a) “agency” means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate;

(b) “appropriate government”, in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government;

(c) “Chief Executive Officer”, in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;

1. 6th December, 2013, *vide* notification No. S.O. 2989(E), dated 1st October, 2013, *see* Gazette of India, Extraordinary,

Part II, Sec. 3(ii).

2. Subs. by Act 17 of 2015, s. 3 and the Second Schedule, for “the notification” (w.e.f. 13-5-2015).

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(d) “hazardous cleaning” by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;

(e) “insanitary latrine” means a latrine which requires human excreta to be cleaned or otherwise handled manually, either *in situ*, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:

Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.

(f) “local authority” means,—

(i) a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;

(ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006

(41 of 2006); and

(iii) a railway authority;

(g) “manual scavenger” means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression “manual scavenging” shall be construed accordingly.

Explanation.—For the purpose of this clause,—

(a) “engaged or employed” means being engaged or employed on a regular or contract basis;

(b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a „manual scavenger“;

(h) “National Commission for Safai Karmacharis” means the National Commission for Safai Karmacharis constituted under section 3 of the National Commission for Safai Karmacharis Act,

1993 (64 of 1993) and continued by Resolution of the Government of India in the Ministry of Social

Justice and Empowerment *vide* No.17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time;

(i) “notification” means a notification published in the Official Gazette and the expression “notify” shall be construed accordingly;

(j) “occupier”, in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises;

(k) “owner”, in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises;

(l) “prescribed” means prescribed by the rules made under this Act;

(m) “railway authority” means an authority administering railway land, as may be notified by the

Central Government in this behalf;

(n) “railway land” shall have the meaning assigned to it in clause (32A) of section 2 of the Railways Act, 1989 (24 of 1989);

- (o) “sanitary latrine” means a latrine which is not an „insanitary latrine“;
- (p) “septic tank” means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;
- (q) “sewer” means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes;
- (r) “State Government”, in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;
- (s) “survey” means a survey of manual scavengers undertaken in pursuance of section 11 or section 14.

(2) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006

(41 of 2006), shall have the same meanings respectively assigned to them in that Act.

(3) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively.

3. Act to have overriding effect.—The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (46 of 1993) or in any other law, or in any instrument having effect by virtue of any other law.

CHAPTER II

IDENTIFICATION OF INSANITARY LATRINES

4. Local authorities to survey insanitary latrines and provide sanitary community latrines.—(1)

Every local authority shall,—

- (a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of such insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;
- (b) give a notice to the occupier, within fifteen days from the date of publication of the list under clause (a), to either demolish the insanitary latrine or convert it into a sanitary latrine, within a period of six months from the date of commencement of this Act:

Provided that the local authority may for sufficient reasons to be recorded in writing extend the said period not exceeding three months;

- (c) construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary community latrines as it considers necessary, in the areas where insanitary latrines have been found.

(2) Without prejudice to the provisions contained in sub-section (1), Municipalities, Cantonment Boards and railway authorities shall also construct adequate number of sanitary community latrines, within such period not exceeding three years from the date of commencement of this Act, as the appropriate Government may, by notification, specify, so as to eliminate the practice of open defecation in their jurisdiction.

(3) It shall be the responsibility of local authorities to construct community sanitary latrines as specified in sub-sections (1) and (2), and also to make arrangements for their hygienic upkeep at all times.

Explanation.—For the purposes of this section, “community” in relation to railway authorities means passengers, staff and other authorised users of railways.

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CHAPTER III

PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT

AS MANUAL SCAVENGER

5. Prohibition of insanitary latrines and employment and engagement of manual scavenger.—

(1) Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers

and Construction of Dry Latrines (Prohibition) Act, 1993 (46 of 1993), no person, local authority or any agency shall, after the date of commencement of this Act,—

(a) construct an insanitary latrine; or

(b) engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging.

(2) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, by the occupier at his own cost, before the expiry of the period so specified in clause (b) of sub-section (1) of section 4:

Provided that where there are several occupiers in relation to an insanitary latrine, the liability to demolish or convert it shall lie with,—

(a) the owner of the premises, in case one of the occupiers happens to be the owner; and

(b) all the occupiers, jointly and severally, in all other cases:

Provided that the State Government may give assistance for conversion of insanitary latrines into sanitary latrines to occupiers from such categories of persons and on such scale, as it may, by notification, specify:

Provided further that non-receipt of State assistance shall not be a valid ground to maintain or use an insanitary latrine, beyond the said period of nine months.

(3) If any occupier fails to demolish an insanitary latrine or convert it into a sanitary latrine within the period specified in sub-section (2), the local authority having jurisdiction over the area in which such insanitary latrine is situated, shall, after giving notice of not less than twenty one days to the occupier, either convert such latrine into a sanitary latrine, or demolish such insanitary latrine, and shall be entitled to recover the cost of such conversion or, as the case may be, of demolition, from such occupier in such manner as may be prescribed.

6. Contract, agreement, etc., to be void.—(1) Any contract, agreement or other instrument entered into or executed before the date of commencement of this Act, engaging or employing a person for the purpose of manual scavenging shall, on the date of commencement of this Act, be terminated and such contract, agreement or other instrument shall be void and inoperative and no compensation shall be payable therefor.

(2) Notwithstanding anything contained in sub-section (1), no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual scavenging.

7. Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.—No person, local authority or any agency shall, from such date as the State Government may notify, which shall not be later than one year from the date of commencement of this Act, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.

8. Penalty for contravention of section 5 or section 6.—Whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

9. Penalty for contravention of section 7.—Whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both.

10. Limitation of prosecution.—No court shall take cognizance of any offence punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offence.

CHAPTER IV

IDENTIFICATION OF MANUAL SCAVENGERS IN URBAN AND RURAL AREAS AND THEIR REHABILITATION

11. Survey of manual scavengers in urban areas by Municipalities.—(1) If any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction, the Chief Executive Officer of such Municipality shall cause a survey to be undertaken to identify such persons.

(2) The content and methodology of the survey referred to in sub-section (1) shall be such as may be prescribed, and it shall be completed within a period of two months from its commencement in the case of Municipal Corporations, and within a period of one month in the case of other Municipalities.

(3) The Chief Executive Officer of the Municipality, in whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.

(4) After completion of the survey, the Chief Executive Officer shall cause to be drawn up a provisional list of persons found to be working as manual scavengers within the jurisdiction of his Municipality and fulfilling the eligibility conditions as may be prescribed, shall cause such provisional list to be published for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.

(5) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (4), shall, within a period of fifteen days from such publication, file an objection, in such form as the Municipality may notify, to the Chief Executive Officer.

(6) All objections received in pursuance of sub-section (5), shall be enquired into, and thereafter a final list of persons found to be working as manual scavengers within the local limits of the municipality, shall be published by it in such manner, as may be prescribed.

(7) As soon as the final list of manual scavengers, referred to in sub-section (6) is published, the persons included in the said list shall, subject to the provisions of sub-section (2) of section 6, stand discharged from any obligation to work as manual scavengers.

12. Application by an urban manual scavenger for identification.—(1) Any person working as a manual scavenger in an urban area, may, either during the survey undertaken by the Municipality in pursuance of section 11, within whose jurisdiction he works, or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the Municipality, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 11, or, when no such survey is in progress, within fifteen days of receipt of such application, to ascertain whether the applicant is a manual scavenger.

(3) If an application is received under sub-section (1) when a survey under section 11 is not in progress, and is found to be true after enquiry in accordance with sub-section (2), action shall be taken to add the name of such a person to the final list published under sub-section (6) of section 11, and the consequences mentioned in sub-section (7) thereof shall follow.

13. Rehabilitation of persons identified as manual scavengers by a Municipality.—(1) Any person included in the final list of manual scavengers published in pursuance of sub-section (6) of section 11 or added thereto in pursuance of sub-section (3) of section 12, shall be rehabilitated in the following manner, namely:—

(a) he shall be given, within one month,—

(i) a photo identity card, containing, *inter alia*, details of all members of his family dependent

on him, and

(ii) such initial, one time, cash assistance, as may be prescribed;

(b) his children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) he shall be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;

(d) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;

(e) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

(f) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

(2) The District Magistrate of the district concerned shall be responsible for rehabilitation of each manual scavenger in accordance with the provisions of sub-section (1) and the State Government or the District Magistrate concerned may, in addition, assign responsibilities in his behalf to officers subordinate to the District Magistrate and to officers of the concerned Municipality.

14. Survey of manual scavengers in rural areas by Panchayats.—If any Panchayat has reason to believe that some persons are engaged in manual scavenging within its jurisdiction, the Chief Executive Officer of such Panchayat shall cause a survey of such manual scavengers to be undertaken, *mutatis mutandis*, in accordance with the provisions of section 11 and section 12, to identify such person.

15. Application by a rural manual scavenger for identification.—(1) Any person working as a manual scavenger, in a rural area, may, either during the survey undertaken by the Panchayat within whose jurisdiction he works, in pursuance of section 14 or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the concerned Panchayat, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain whether the applicant is a manual scavenger.

16. Rehabilitation of persons identified as manual scavengers by a Panchayat.—Any person included in the final list of manual scavengers, published in pursuance of section 14 or

added thereto in pursuance of sub-section (2) of section 15 shall be rehabilitated, *mutatis mutandis*, in the manner laid down for urban manual scavengers in section 13.

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CHAPTER V

IMPLEMENTING AUTHORITIES

17. Responsibility of local authorities to ensure elimination of insanitary latrines.—

Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every local authority to ensure, through awareness campaign or in such other manner that after the expiry of a period of nine months, from the date of commencement of this Act,—

(i) no insanitary latrine is constructed, maintained or used within its jurisdiction;

and

(ii) in case of contravention of clause (i), action is taken against the occupier under sub-section (3) of section 5.

18. Authorities who may be specified for implementing provisions of this Act.—The appropriate Government may confer such powers and impose such duties on local authority and District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out, and a local authority and the District Magistrate may, specify the subordinate officers, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

19. Duty of District Magistrate and authorised officers.—The District Magistrate and the authority authorised under section 18 or any other subordinate officers specified by them under that section shall ensure that, after the expiry of such period as specified for the purpose of this Act,—

(a) no person is engaged or employed as manual scavenger within their jurisdiction;

(b) no one constructs, maintains, uses or makes available for use, an insanitary latrine;

(c) manual scavengers identified under this Act are rehabilitated in accordance with section 13, or as the case may be, section 16;

(d) persons contravening the provisions of section 5 or section 6 or section 7 are investigated and prosecuted under the provisions of this Act; and

(e) all provisions of this Act applicable within his jurisdiction are duly complied with.

20. Appointment of inspectors and their powers.—(1) The appropriate Government may, by notification, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any premises or place for the purpose of,—

(a) examining and testing any latrine, open drain or pit or for conducting an inspection of any premises or place, where he has reason to believe that an offence under this Act has been or is being or is about to be committed, and to prevent employment of any person as manual scavenger;

(b) examine any person whom he finds in such premises or place and who, he has reasonable cause to believe, is employed as a manual scavenger therein, or is otherwise in a position to furnish information about compliance or non-compliance with the provisions of this Act and the rules made thereunder;

(c) require any person whom he finds on such premises, to give information which is in his power to give, with respect to the names and addresses of persons employed on such premises as manual scavenger and of the persons or agency or contractor employing or engaging them;

(d) seize or take copies of such registers, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or agency; and

(e) exercise such other powers as may be prescribed.

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(3) Any person required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code (45 of 1860).

(4) The provisions of the Code of Criminal Procedure, 1973 (2 of 1974), shall, so far as may be, apply to any such search or seizure under sub-section (2) as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the said Code.

CHAPTER VI

PROCEDURE FOR TRIAL

21. Offences to be tried by Executive Magistrate.—(1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973 (2 of 1974), to be a Judicial Magistrate of the first class.

(2) An offence under this Act may be tried summarily.

22. Offence to be cognizable and non-bailable.—Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence under this Act shall be cognizable and nonbailable.

23. Offences by companies.—(1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) “director”, in relation to a firm, means a partner in the firm.

CHAPTER VII

VIGILANCE COMMITTEES

24. **Vigilance Committees.**—(1) Every State Government shall, by notification, constitute a Vigilance Committee for each district and each Sub-Division.

(2) Each Vigilance Committee constituted for a district shall consist of the following members, namely:—

(a) the District Magistrate—Chairperson, *ex officio*;

(b) all members of the State Legislature belonging to the Scheduled Castes elected from the district—members:

Provided that if a district has no member of the State Legislature belonging to the Scheduled Castes, the State Government may nominate such number of other members of the State Legislature from the district, not exceeding two, as it may deem appropriate.

(c) the district Superintendent of Police— member, *ex officio*;

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(d) the Chief Executive Officer of,—

(i) the Panchayat at the district level—member, *ex officio*;

(ii) the Municipality of the district headquarters—member, *ex officio*;

(iii) any other Municipal Corporation constituted in the district— member, *ex officio*;

(iv) Cantonment Board, if any, situated in the district—member, *ex officio*;

(e) one representative be nominated by the railway authority located in the district;

(f) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the district, to be nominated by the District Magistrate, two of whom shall be women;

(g) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;

(h) the district-level officer in-charge of the Scheduled Castes Welfare— Member-Secretary, *ex officio*;

(i) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:—

(a) the Sub-Divisional Magistrate—Chairperson, *ex officio*;

(b) the Chairpersons and the Chief Executive Officers of Panchayats at intermediate level of the Sub-Division, and where Panchayats at intermediate level, do not exist, Chairpersons from two Panchayats at Village level to be nominated by the Sub-Divisional Magistrate—member, *ex officio*;

(c) the Sub-Divisional Officer of Police—member, *ex officio*;

(d) Chief Executive Officer of—

(i) the Municipality of the Sub-Divisional headquarters—member, *ex officio*; and

(ii) Cantonment Board, if any, situated in the Sub-Division—member, *ex officio*;

(e) one representative to be nominated by the railway authority located in the Sub-Division—member, *ex officio*;

(f) two social workers belonging to the organisation working for the prohibition of manual scavenging and rehabilitation of the manual scavengers, or representing the scavenger community resident in the Sub-Division, to be nominated by the District Magistrate, one of whom shall be a woman;

(g) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(h) the Sub-Divisional level officer in-charge of Scheduled Castes welfare— Member-Secretary, *ex officio*;

(i) Sub-Divisional level officers of Department and agencies who in the opinion of the Sub-Divisional Magistrate, subject to any general orders of the State Government or the District Magistrate, have a significant role to play in the implementation of this Act—member, *ex officio*.

(4) Each Vigilance Committee constituted at district and Sub-Divisional level shall meet at least once in every three months.

(5) No proceeding of a Vigilance Committees shall be invalid merely by reason of any defect in its constitution.

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25. Functions of Vigilance Committee.—The functions of Vigilance Committee shall be—

(a) to advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(b) to oversee the economic and social rehabilitation of manual scavengers;

(c) to co-ordinate the functions of all concerned agencies with a view to channelise adequate credit for the rehabilitation of manual scavengers;

(d) to monitor the registration of offences under this Act and their investigation and prosecution.

26. State Monitoring Committee.—(1) Every State Government shall, by notification, constitute a

State Monitoring Committee, consisting of the following members, namely:—

(a) the Chief Minister of State or a Minister nominated by him—Chairperson, *ex officio*;

(b) the Minister-in-charge of the Scheduled Castes Welfare, and such other Department, as the

State Government may notify;

(c) Chairperson of the State Commissions for Safai Karamcharis, and Scheduled Castes, if any— member, *ex officio*;

(d) representatives of the National Commission for Scheduled Castes, and Safai Karamcharis— member, *ex officio*;

(e) not less than two members of the State Legislature belonging to the Scheduled Castes, nominated by the State Government: Provided that if any State Legislature has no member belonging to the Scheduled Castes, the State

Government may nominate the members belonging to the Scheduled Tribes;

(f) the Director-General of Police— member, *ex officio*;

(g) Secretaries to the State Government in the Departments of Home, Panchayati Raj, Urban Local Bodies, and such other Departments, as the State Government may notify;

(h) Chief Executive Officer of at least one Municipal Corporation, Panchayat at the district-level, Cantonment Board and railway authority as the State Government may notify;

(i) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the State, to be nominated by the State Government, two of whom shall be women;

(j) State-level head of the convener Bank of the State Level Bankers' Committee— member, *ex officio*;

(k) Secretary of the Department of the State Government dealing with development of the Scheduled Castes—Member-Secretary, *ex officio*;

(1) such other representative of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.

(2) The State Monitoring Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

27. Functions of the State Monitoring Committee.—The functions of the State Monitoring Committee shall be—

(a) to monitor and advise the State Government and local authorities for effective implementation of this Act;

(b) to co-ordinate the functions of all concerned agencies;

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(c) to look into any other matter incidental thereto or connected therewith for implementation of this Act.

28. Duty of States or Union territories to send periodic reports to the Central Government.—

Every State or Union territory Government and Union territory administration shall send such periodic reports to the Central Government about progress of implementation of this Act, as the Central Government may require.

29. Central Monitoring Committee.—(1) The Central Government shall, by notification, constitute a Central Monitoring Committee in accordance with the provisions of this section.

(2) The Central Monitoring Committee shall consist of the following members, namely:—

(a) The Union Minister for Social Justice and Empowerment—Chairperson, *ex officio*;

(b) Chairperson of the National Commission for Scheduled Castes—member, *ex officio*;

(c) Minister of State in the Ministry of Social Justice and Empowerment— member, *ex officio*;

(d) Chairperson, National Commission for Safai Karamcharis— member, *ex officio*;

(e) the Member of the Planning Commission dealing with development of the Scheduled Castes—member, *ex officio*;

(f) three elected members of Parliament belonging to Scheduled Castes, two from the Lok Sabha and one from the Rajya Sabha;

(g) Secretaries of the Ministries of,—

(i) Social Justice and Empowerment, Department of Social Justice and Empowerment;

(ii) Urban Development;

(iii) Housing and Urban Poverty Alleviation;

(iv) Drinking Water and Sanitation;

- (v) Panchayati Raj;
- (vi) Finance, Department of Financial Services; and
- (vii) Defence, members, *ex officio*;
- (h) Chairman, Railway Board—member, *ex officio*;
- (i) Director-General, Defence Estates— member, *ex officio*;
- (j) representatives of not less than six State Governments and one Union territory, as the Central Government may, notify;
- (k) not more than six social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the country, to be nominated by the Chairperson, two of whom shall be women;
- (l) Joint Secretary, Department of Social Justice and Empowerment in the Ministry of Social Justice and Empowerment, looking after development of Scheduled Castes—Member-Secretary, *ex officio*;
- (m) such other representatives of Central Ministries or Departments and agencies which, in the opinion of the Chairperson, are concerned with the implementation of this Act.

(3) The Central Monitoring Committee shall meet at least once in every six months.

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30. Functions of the Central Monitoring Committee.—The functions of the Central Monitoring

Committee shall be,—

- (a) to monitor and advise the Central Government and State Government for effective implementation of this Act and related laws and programmes;
- (b) to co-ordinate the functions of all concerned agencies;
- (c) to look into any other matter incidental to or connected with implementation of this Act.

31. Functions of National Commission for Safai Karamcharis.—(1) The National Commission for Safai Karamcharis shall perform the following functions, namely:—

- (a) to monitor the implementation of this Act;
 - (b) to enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and
 - (c) to advise the Central and the State Governments for effective implementation of the provisions of this Act.
 - (d) to take *suo motu* notice of matter relating to non-implementation of this Act.
- (2) In the discharge of its functions under sub-section (1), the National Commission shall have the power to call for information with respect to any matter specified in that sub-section from any Government or local or other authority.

32. Power of State Government to designate an appropriate authority to monitor the implementation of this Act.—(1) The State Government may, by notification, designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority, as it deems fit, to perform, within the State, *mutatis mutandis*, the functions specified in sub-section (1) of section 31.

(2) An authority designated under sub-section (1) shall, within the State, have, *mutatis mutandis*, the powers of the National Commission for Safai Karamcharis as specified in sub-section (2) of section 31.

CHAPTER VIII

MISCELLANEOUS

33. Duty of local authorities and other agencies to use modern technology for cleaning of sewers, etc.—(1) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning.

(2) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in sub-section (1).

34. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against an appropriate Government or any officer of the appropriate Government or any member of the Committee for anything which is in good faith done or intended to be done under this Act.

35. Jurisdiction of civil courts barred.—No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done, by or under this Act.

36. Power of appropriate Government to make rules.—(1) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the obligation of an employer, under clause (d) of sub-section (1) of section 2;

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(b) the manner in which the excreta fully decomposes under clauses (e) and (g) of sub-section (1) of section 2;

(c) the manner of carrying out survey of insanitary latrine and publishing list thereof under clause (a) of sub-section (1) of section 4;

(d) procedure of giving notice and recovering cost of demolition of an insanitary latrine under sub-section (3) of section 5;

(e) content and methodology of the survey under sub-section (2) of section 11;

(f) the eligibility conditions for identification of manual scavengers and publication of provisional list of persons found to be working as manual scavengers under sub-section (4) of section 11;

(g) publication of final list of persons found to be working as manual scavengers under subsection

(6) of section 11;

(h) manner of application to be made to the Chief Executive Officer of the municipality, or to an officer authorised by him in this behalf, under sub-section (1) of section 12 or, as the case may be, sub-section (1) of section 15;

(i) provision of initial, one time, cash assistance under sub-clause (ii) of clause (a) of sub-section (1) of section 13;

(j) such other powers of Inspectors under clause (e) of sub-section (2) of section 20; and

(k) any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

(4) Every rule made under this Act by the State Government shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

37. Power of Central Government to make model rules.—(1) Notwithstanding anything contained in section 36 of this Act:—

(a) the Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and

(b) in case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, *mutatis mutandis*, in such State, till such time as the State

Government notifies its rules.

(2) The model rules made by the Central Government under this Act shall be laid, as soon as may be after they are made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses make any modification in the rule, the rule shall

thereafter have effect only in such modified form; so, however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.

38. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, 16 not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty: Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

39. Power to exempt.—(1) The appropriate Government may, by a general or special order published in the Official Gazette, for reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye-laws or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time.

(2) Every general or special order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.
