

**MANUAL SCAVENGERS AND POLICY INTERVENTIONS IN  
INDIA: A CASE STUDY OF THREE MUNICIPALITIES IN  
DINDIGUL DISTRICT, TAMIL NADU**

*A thesis submitted to the University of Hyderabad in partial fulfillment of the  
requirement for the award of*

**Doctor of Philosophy**

In

Centre for the Study of Social Exclusion and Inclusive Policy

By

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## DECLARATION

I **D. SOORIAPRAKASH** hereby declare that this thesis entitled “**Manual Scavengers and Policy Interventions in India: A Case Study of Three Municipalities in Dindigul District, Tamil Nadu**” Submitted by me under the guidance and supervision of **Dr. J. Rani Ratna Prabha** is a bonafied research work which is also free from plagiarism. I also declare that it has not been submitted previously in part or in full to this University or any other University or Institution for the award of any degree of diploma. I hereby agree that my thesis can be deposited in Shodganga/INFLIBNET.

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This is to certify that the thesis entitled “**Manual Scavengers and Policy Interventions in India: A Case Study of Three Municipalities in Dindigul District, Tamil Nadu**” submitted by **D. SOORIAPRAKASH** bearing Regd. No. **10SIPH01** in partial fulfillment of the requirements for the award of **Doctor of Philosophy in Centre for the Study of Social Exclusion and Inclusive Policy** is a bonafied work carried out by him under my supervision and guidance which is a plagiarism free thesis.

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**Head of the Centre**

**Dean of the School**

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## **TABLE OF CONTENTS**

Acknowledgements

Table of Contents

List of Map & Tables

Acronyms and Abbreviations

	<b>Chapter Title</b>	<b>Page No</b>
<b>Chapter I</b>	<b>Introduction</b>	<b>1-35</b>
<b>Chapter II</b>	<b>State, Scavengers and Policy Processes – Historical Analysis</b>	<b>36-87</b>
<b>Chapter III</b>	<b>Implementation of ‘Employment of Manual Scavenger and Construction of Dry Latrines (Prohibition) Act, 1993’ comparing Dindigul, Palani and Kodaikanal Municipalities in Dindigul District in Tamil Nadu</b>	<b>88-128</b>
<b>Chapter IV</b>	<b>The Changing Patterns of Urbanisation and Sanitation in Three Municipalities</b>	<b>129-160</b>
<b>Chapter V</b>	<b>Impact of ‘Employment of Manual Scavenger and Construction of Dry Latrines (Prohibition) Act, 1993’ in Three Municipalities</b>	<b>161-231</b>
<b>Chapter VI</b>	<b>Conclusion</b>	<b>232-246</b>

### **Bibliography**

### **Appendices**

1. Interview Schedule
2. 1993 Act – Executive Summary
3. Tamil Nadu Government GO’s on scavenging
4. University of Hyderabad IG Library – Plagiarism Report

## LIST OF MAP & TABLES

<b>Map No</b>	<b>Name of the Map</b>	<b>Page No.</b>
1.1.	Dindigul District's Revenue Divisions	27

### LIST OF TABLES

<b>Table No.</b>	<b>Name of the Table</b>	<b>Page No.</b>
3.1.	Other Main Occupations for Scavenging Communities	100
3.2.	Motivation for entering the Scavenging Profession	104
3.3.	Whether the Respondents would like their children to take up this occupation	108
3.4.	Awareness about scholarships for Children of Persons Engaged in Hazardous occupations	113
4.1.	Overview of Agencies and their Responsibilities for Sanitation Programmes	154
4.2.	Achievements of Integrated Low Cost Sanitation Scheme	158
5.1.	Awareness about the 1993 Act	172
5.2.	Various Training for Rehabilitating the Respondents	176
5.3.	Authority under which the Respondents were Working	181
5.4.	Whether Respondents were asked to Clean Human Excreta	188
5.5.	Type of Work being Allotted to the Respondents	194
5.6.	Gender Distribution of the Respondents	215
5.7.	Whether Occupational Mobility will lead to the disappearance of Untouchability	222
5.8.	Class Division between the existing Scavengers and Liberated Scavengers	225
5.9.	Community of the Respondents	229

## **Acronyms and Abbreviations**

1993 Act– Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

2013 Act – Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

ADB - Asian Development Bank

AIADMK - All India Anna Dravida Munnetra Kazhagam

CAG - Comptroller and Auditor General of India

CERD - Committee on the Elimination of Racial Discrimination

CITU - Centre of Indian Trade Union

CRSP - Central Rural Sanitation Programme

CSP - City Sanitation Plans

DAI - Dindigul Arunthathiyar Iyakkam

DMK - Dravida Munnetra Kazhagam

EPW – Economic and Political Weekly

IHHL - Individual Households Latrines

IIDS – Indian Institute of Dalit Studies

ILCSS - Integrated Low Cost Sanitation Scheme

ILO – International Labour Organisation

JNNURM - Jawaharlal Nehru National Urban Renewal Mission

MDGs – Millennium Development Goals

MSJESMS - The Ministry of Social Justice and Empowerment Survey of Manual Scavengers

NBA - Nirmal Bharat Abhiyan

NCSKA – The National Commission for Safai Karamcharis Act, 1993

NFHS - National Family Health Survey

NGP - Nirmal Gram Puraskar

NRY - Nehru Rozger Yojana

NSKFDC - National Safai Karamchari Finance Development Corporation

NSLRS – National Scheme for Liberation and Rehabilitation of Scavengers, 1992

NUSP - National Urban Sanitation Policy

PCRA - Protection of Civil Rights Act

PMIUPEP - Prime Minister's Integrated Urban Poverty Eradication Programme

PUCL – Public Union Civil Liberties

RAY - Rajiv Awas Yojana

ROEC - Reed Odourless Earth Closet

RTE - The Right to Education Act

SBA - Swachh Bharat Abhiyan

SJSRY - Swarna Jayanti Shahari Rozgar Yojana

SKA – Safai Karamchari Andolan

SQUAT - Sanitation Quality Use, Access and Trends

SRMS – Self Employment Scheme for Rehabilitation of Manual scavengers 2007

TADF - Tamil Nadu Arunthathiyar Development Forum

TAYF - Tamil Nadu Arunthathiyar Youth Federation

THADCO - Tamil Nadu Adi Dravidar Housing and Development Corporation Ltd

Thotti – A human performing manual scavenging, in past people called all sanitary workers by this name, that became professional name to scavengers.

TSC – Total Sanitation Campaign

UBSCP - Urban Basic Services Programme

UEPA - Urban Employment and Poverty Alleviation

UILCS - Urban Integrated Low Cost Sanitation

UNDP – United Nations Development Programmes

UNHRC – United Nations Human Rights Commission

VIP - Ventilated Improved Pit

# *Chapter - I*

## *Introduction*

- 1.1. Caste and Occupation
- 1.2. Manual Scavengers in India - Meaning
- 1.3. M. K. Gandhi and Manual Scavenging
- 1.4. Dr. Ambedkar and Manual Scavenging
- 1.5. Studies on Manual Scavenging
- 1.6. Employment of Manual Scavengers and Constructions of Dry Latrines (Prohibition) Act, 1993 – Introduction
  - 1.6.1. Gaps and Limitations of 1993 Act
  - 1.6.2. Enforcement of 1993 Act
  - 1.6.3. Comparison of Three Municipalities with 1993 Act
  - 1.6.4. Lacking in Implementation of 1993 Act in Three Municipalities
- 1.7. Hypothesis
- 1.8. Objectives of the study
- 1.9. Research Methodology
  - 1.9.1. Profile of the Area
  - 1.9.2. Significance of the Study
  - 1.9.3. Variables of the study
  - 1.9.4. Research Design
  - 1.9.5. Sampling Procedure
- 1.10. Chapterisation

# *Chapter II*

## *State, Scavengers and Policy Processes – Historical Analysis*

- 2.1. The Conceptualising the Social Exclusion with dilate Perspectives
  - 2.1.1. Languages of Social Exclusion
  - 2.1.2. Employment and Social Exclusion
  - 2.1.3. Social Exclusion in Indian Perspective
- 2.2. Caste in Social Stratification
- 2.3. Socio Economic Conditions of Manual Scavengers
- 2.4. Labour Unions for Manual Scavengers
- 2.5. Educational Structure for Manual Scavengers
- 2.6. Arunthathiyar in Tamil Nadu
- 2.7. Indian Government Policies on Sanitation
- 2.8. Committees on Abolition of Manual Scavenging
  - 2.8.1. Messrs Walter Perry and J. McCallum Wright's Invention for improvements in Scavenging systems and the like (1904)
  - 2.8.2. Scavengers' Living Conditions Enquiry Committee, Barve Committee (1949)
  - 2.8.3. Backward Commission Kaka Kalelkar Commission (1955)
  - 2.8.4. The Scavenging Conditions Enquiry Committee, Malkani Committee (1960)
  - 2.8.5. The National Commission on Labour – P. B. Gajendragadkur (1966)
  - 2.8.6. Committee on Customary Rights of Scavengers – 1965, Prof N. R. Malkani
  - 2.8.7. The National Commission on Labour - 1968-69 (Pandya Committee)
  - 2.8.8. Report of the Task Force for Tackling the Problems of Scavengers and Suggesting Measures to Abolish Scavenging with Particular Emphasis on their Rehabilitation (The Basu Task Force – Planning Commission) 1989
- 2.9. International Organisations' on Manual Scavenging
- 2.10. Changing Perception of Scavenging Scenario in Three Municipalities

***Chapter III***

***Implementation of ‘Employment of  
Manual Scavenger and Construction of  
Dry Latrines (Prohibition) Act 1993’  
comparing Dindigul, Palani and  
Kodaikanal Municipalities in Dindigul  
District in Tamil Nadu***

3.1. Emerging Social Policies in Third world Countries with Development Context

3.1.1. Construction of Social Policies

3.2. Tamil Nadu District Municipality Act 1920

3.3. Protection of Civil Rights Act (PCRA) – 1976

3.3.1. Origin of Protection of Civil Rights Act 1955

3.4. Social Dignity in Employment Context

3.5. Indian Context of Employment through Community Accumulation

3.6. The Significance of Rehabilitation in 1990s

3.6.1. Dr. Ambedkar Centenary year 1990

3.7. The 1993 Act Implementation for annihilation of Manual Scavenging

3.7.1. Implementing 1993 Act in Tamil Nadu

3.7.2. Protest against Manual Scavenging at overall Tamil Nadu in 2005

3.7.3. Implementing 1993 Act in Three Municipalities

3.7.4. Implementation of Scavenging Committee’s Recommendations in Tamil Nadu since  
1949

# *Chapter IV*

## *The Changing Patterns of Urbanisation/Sanitation in Three Municipalities*

### 4.1. Sanitation in Tamil Nadu

#### 4.1.1. The Current Status of Sanitation in Tamil Nadu

#### 4.1.2. Contextualisation of experiences of Manual Scavenging in Three Municipalities

#### 4.2. Public Toilets and Their Relevance

#### 4.3. Sanitation and Urbanisation in India

#### 4.4. Government Policies for Urban poor

#### 4.4.1. Swarna Jayanti Shahri Rozgar Yojana – SJSRY

#### 4.5. Government Policies for Sanitation

#### 4.5.1. Sanitation and Hygiene Advocacy and Communication Strategy Framework 2012-2017

#### 4.5.2. Low Cost Sanitation Scheme and Liberation of Scavengers

#### 4.5.2.1. M. K. Gandhi Centenary Year 1963

#### 4.5.2.2. Implementation of Scheme in Three Municipalities

#### 4.5.3. The Process of Rehabilitation for Manual Scavengers

#### 4.6. Conference on Water and Sanitation in Africa, Asia and the Pacific – 1983 and 1984

# *Chapter V*

## *Impact of Employment of Manual Scavenger and Construction of Dry Latrines (Prohibition) 1993 Act on Socio-Economic conditions of Scavengers in Three Municipalities*

- 5.1. Action Plans for Prohibition of Manual Scavenging in India
  - 5.1.1. National Safai Karamcharis Finance and Development Corporation (NSKFDC)
  - 5.1.2. National Action Plan for Total Eradication of Manual Scavenging By 2007\_ Planning Commission proposal to eradicate scavenging
    - 5.1.3. Arunthathiyar's Special Reservation Act 2009
  - 5.2. Procrastinate of the scavengers schemes led failure in India
  - 5.3. New technologies make more Manual Scavengers
  - 5.4. Supposititious for Permanent Scavengers in Three Municipalities
    - 5.5. Changing context of Abolition of Manual Scavenging
      - 5.5.1. Contractors and Privates involvement in sanitary services
      - 5.5.2. Apodictic Survey for Manual Scavengers in Three Municipalities
      - 5.5.3. Judicial involvement for abolition of manual scavenging in Tamil Nadu after 1993
      - 5.5.4. International Organisation's Paradigm shifts on Manual Scavenging
    - 5.6. Demolition of Dry Latrines buildings after 1993 Act
    - 5.7. More male than female workers in scavenging
    - 5.8. Claiming false numbers on Manual Scavengers in India
    - 5.9. Caste identity to Occupational Untouchability
    - 5.10. New Communities engaging as scavenging

# *Chapter VI*

## *Conclusion*

6.1. Conclusion

6.1.1. Policy Analysis

6.1.2. Rehabilitation Processes

6.1.3. Poor Process of abolition of Manual Scavenging

6.1.4. Scavenging is not a Livelihood option for Dalits

6.1.5. State's Interventions for Dignity

6.1.6. Education for Arunthathiyar's Children

6.1.7. Manual Scavenging drag them Non-scavengers

6.1.8. Gender Roles

6.1.9. Tamil Nadu government Action for abolition of Manual Scavenging

6.2. Suggestions

# ***BIBLIOGRAPHY***

---

# ***APPENDICES***

---

1. Interview Schedule
2. The 1993 Act – Executive Summary
3. The 2013 Act
4. Tamil Nadu Government GO's regarding scavenging
  - 4.1. Arunthathiyar's Inner Reservation Act 2009
  - 4.2. Arunthathiyar's Inner Reservation Act's Amendment 2009
  - 4.3. Tamil Nadu Government Banned Manual Scavenging
5. Photographs taken from the field
6. University of Hyderabad IG Library Plagiarism Report

“Which hand is the left hand for the manual scavenger?” – Tamil haiku

- Poet Satish Prabhu

The link between human beings and society in India has been fixed by caste hierarchy and has not disappeared from present society at large. Caste distinctions determine status through occupation and socio-economic conditions. The relation between caste and occupation is not a new phenomenon. It has existed since ages and has been prevalent since the beginning of the Hindu Varna system following Manusmriti.<sup>1</sup> The system clearly divides different castes to have their specific duties and roles to play in society based on their birth. Occupation enjoys a key position in the framework of social, political, economic and ritual relationship in the social structure of a village. A person belonging to the Brahmin community performs prayers, the Kshatriya caste administers and rules, Vaishyas are usually the business caste people and Shudras' responsibility is to provide services to the upper castes. The first three caste groups allotted choice of occupation to uniqueness - 'an individual may descend to the status of a lower group by merely sticking with its occupation.'<sup>2</sup> The system still works and prevails in our modern society (to a small extent) and it has been confirmed by many social scientists. Risley<sup>3</sup> viewed *Varna* as the result of racial dominance and subjugated conquest groups resulting in Dalit castes. Every caste group has its own hierarchy, majority placed at the top, mostly all the caste have similar habitual functions in their social life. However, the obvious illustration is 'occupational specification or division of labour version of caste.'<sup>4</sup> However, in the prevalent caste structure the resulting institution and the effect of fragmenting civil society meant that there could be no sense of a common good or public involvement. There is the implicit function of occupation with caste and hereditary norms which 'create new rules rather than to diversify pre-established rules, in particular<sup>5</sup> occupation like sweeping.' Apart from scavenging community, for example, the Arunthathiyars in Tamil Nadu other new communities like Kattunayakkan (Dindigul town) and its sub-caste Domban (Palani town) engage in it due to poverty and unemployment. In many parts of India, these two communities have come under Tribes category, but in Tamil Nadu they are delineated under Other Backward Castes. Generally

<sup>1</sup> Manusmriti is one of the oldest central texts of Hindus, which lays down a rigorous fixation of occupations in line with caste status.

<sup>2</sup> Cox, Oliver Cromwell, *Caste, Class and Race: A Study in Social Dynamics*, (New York: Monthly Review Press, 1959), p. 61.

<sup>3</sup> Risley, H. Herbert, *People of India 1851 -1911*, 2ed, (London: W. Thacker, 1915), p. 46.

<sup>4</sup> Deshpande, Satish, *Contemporary India: A Sociological View*, (New Delhi: Penguin, 2003), p. 103.

<sup>5</sup> Durkheim, Emile, *The Division of Labour in Society*, (London: Macmillan, 1984), p. 162.

as the agreement of individual will, is insufficient in ensuring socio-economic conditions, society creates religious values that legitimise the rigid stratified caste system.<sup>6</sup> This form of social organisation creates the stereotype of ‘ideal harmonious because of the ordered distribution of function and also there is no competition among groups of workers.’<sup>7</sup> The representation of community involvement in policy making ‘lacks the effective ground facts and can not offer a credible alternative to the involvement in self-empowerment of the manual scavenging<sup>8</sup> community<sup>9</sup>’ at a political and social level that can change the scenario in India.

### 1.1. Caste and Occupation

The argument of project the clear picture of Indian society is based on the occupation and it is associated with caste. But this scenario have changed in unequal level like higher castes promote the knowledge based jobs because not to ‘get involved in production-related tasks.’<sup>10</sup> Ludden<sup>11</sup> explains a highly stratified caste status determining an individual's access to economic resources in wet zone, which means high caste-Hindus controlled the land, but the cultivation has done by Dalits or landless labourers. The Hindu caste system, while embracing all minorities, embraces them each as a distinctive, cultural sub-unit. Because those minorities are not comes under the purity, and they placed lower in hierarchy as usage of ordinary ‘non-politicised sweepers’<sup>12</sup> so like they are not come under that Hindu status. The revulsion from touching excreta does not merely express the order of caste in the system as a whole. The sociological approaches to caste pollution are much more convincing to others in private attitudes to defecation, because caste has to be understood as a ‘sociological and cultural entity.’<sup>13</sup> This pollution was found untouched by the forces of solidarity and in the 1857 movement in India, ‘the

<sup>6</sup> Kohli, Atul, *The State and Poverty in India*, (New York: Cambridge University Press, 1987), p. 59.

<sup>7</sup> Cox, Oliver Cromwell, *Caste, Class and Race*, p. 62.

<sup>8</sup> Throughout the thesis terms used - manual scavengers and manual scavenging refers to sanitation work. This is the term used in the 1993 Act, and also indicates the manual and degrading nature of the work.

<sup>9</sup> Mukhopadhyay, Devarshi and Tenneti, Ramya Krishna, Using Dias’ Legal Resources approach to Combat Manual Scavenging in India: A Human Rights Analysis,’ *Harvard Human Rights Journal Online*, (2015), <http://harvardhrj.com/2015/02/using-dias-legal-resources-approach-to-combat-manual-scavenging-in-india-a-human-rights-analysis/>, (accessed: 04 May 2015).

<sup>10</sup> Ilaiah, Kancha, *Why I am not a Hindu: A Sudra Critique of Hindutva Philosophy, Culture and Political Economy*, (Calcutta: Samya, 2002), p. 9.

<sup>11</sup> Ludden, David, *Peasant History in South India*, (Princeton: Princeton University Press, 1985), p. 85.

<sup>12</sup> Searle-Chatterjee, Mary, *Attributing and Rejecting the Label ‘Hindu’ in North India*, eds., Nile Green and Mary Searle-Chatterjee, ‘Religion, Language, and Power,’ (New York: Routledge, 2008), p. 189.

<sup>13</sup> Appadurai, Arjun, *Worship and Conflict under Colonial Rule: A South Indian Case*, (New York: Cambridge University Press, 1981), p. 6.

sweeper, scavengers and such castes were kept out to not participate<sup>14</sup> in the movement. The untouchables were considered to remain outcastes continuing as much defilers by the rebels as also by the British. To touch excrement is to be ‘scuzz and the manual scavengers and the Dalit communities stand in the lowest grade of the caste hierarchy.’<sup>15</sup> The unclean jobs associated with lower castes include sweeping streets, cleaning drains and sewers, removal of human and animal waste, leather processing and raising of pigs. Some places in towns and villages do not have flush latrines therefore sweepers manually clean human excreta. Leatherwork includes handling of dead animals and removal of their skin and hence, it is also viewed unclean. Such jobs are considered not only polluting but are also low-paid.

Moreover the social reality is that the government and local administration are not acquainted with the gravity of their misery, neither do they have sufficient information and clear idea about the plight of scavengers. In the present advance in technology and even developed social research there is scope to make a qualitative study on this section of people and as a result unearth sociological truths which may enrich policy decisions about the proper upliftment of manual scavengers. Manual scavenging is humiliating among occupations and deemed ritually ‘unclean’ and polluting under the caste system. The manual removal of human excreta often with bare hands, survives as a deeply humiliating and abhorrent vocation despite having been outlawed many times by successive constitutional and legal enactments. Manual scavenging has to understand with the *verstehen*<sup>16</sup> concept because civil people understand them differently by most discriminatively. Manual scavengers experience the most inhuman form of untouchability. This occupation is considered the monopoly of Dalits, as they not only clean dry latrines to flush excreta, but also septic tanks and open sewer lines to underground drainages removing blocks through manholes. As the idea of manual scavenging has been internalised as a hereditary caste practice, it is the sole source of living option available to the dalits and they adhere to it despite the shame and sufferings attached scarcity of space is a big challenge.

<sup>14</sup> Rag, Pankaj, ‘1857: Need for Alternative Sources,’ *Social Scientist*, Vol. 26, No. 296-99, (1998), p. 142.

<sup>15</sup> Douglas, Mary, *Purity and Danger*, (New York: Routledge, 2001), p. 125.

<sup>16</sup> Bruce, Steve and Yearley, Steven, *The Sage Dictionary of Sociology*, (London: Sage, 2006), ‘This German word for ‘Empathic understanding in a deep way’ came into sociology by Max Weber, this sense is to put oneself in the place of others to see what meaning they attribute to their actions and what are their intentions,’ p. 314.

## 1.2. Manual Scavengers in India - Meaning

The scavengers have been described variously in different parts of the country. In northern India name is 'Methar' means prince or leader,<sup>17</sup> commonly another name for this caste is called 'Bhangi,' means broken. In Punjab scavengers known as *Churas*, means sweep scraps. In Uttar Pradesh caste names are 'Hela', 'Balmiki' or 'Lal Begi.' In Karnataka scavenging community name is 'Parmakarmikars.'<sup>18</sup> In Andhra Pradesh the 'Reli' community engaged as manual scavengers along with 'Madiga' and 'Adi Andhra' work as sweepers in government offices. In Tamil Nadu manual scavengers are known as 'Thotti', but there are separate caste name also 'Arunthathiyar' and 'Chakklians' are manual scavengers. The sweeper communities 'Kattunayakkan' and 'Domban' compared to *Arunthathiyar* the sweepers engaging since last 15 years only before that *Arunthathiyar* perform all kinds of scavenging work. The scavenger's caste name suggests all communities are from lowest strata and compelled to take on this profession, therefore *Arunthathiyars* are considered as 'untouchable to the higher untouchable castes.'<sup>19</sup>

Independent India wanted to put an end to manual scavenging so it passed 'Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act,' No. 46 on 5th June 1993 and emphasised prohibition of manual scavenging. Through this act 'a person engaged in or employed for manually carrying excreta and the expression "manual scavenging" was construed accordingly.'<sup>20</sup> The 1993 Act defines who carries the night-soil known as a manual scavenger but not mentioned who entering the manholes and/or septic tanks in many years. Then this Act has many loop holes to avoid penalties for using manual scavenger for such actions. Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS), 2007, by nature, was held to identify the scavengers and to rehabilitate them. They redefined 'a "scavenger" as one who is partially or wholly occupied in the obnoxious and inhuman occupation of manually removing night-soil. The dependents were members of their family or regardless of the fact whether they are partially or wholly engaged in the said occupation. Each individual

<sup>17</sup> Thaliath, Joseph, 'Notes on the Scavenger Caste of Northern Madhya Pradesh, India,' *Anthropos*, Bd. 56, (1961), p. 790.

<sup>18</sup> Thekaekara, Mari Marcel, *Endless Filth: The Saga of the Bhangis*, (Bangalore: Books for Change, 2005), p. 25.

<sup>19</sup> Moffatt, Michael, *An Untouchable Community in South India: Structure and Consensus*, (Princeton: Princeton University Press, 1979), p. 140.

<sup>20</sup> See Act, Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

scavenger and his/her children who were around 18 years of age and above, who were not employed (other than scavengers) would also be identified and rehabilitated.’<sup>21</sup>

During September 2013, 25th Act, titled ‘The Prohibition of Employment of Manual Scavengers and their Rehabilitation Act’ by the Ministry of Law and Justice was passed in the parliament as, which stated that manual scavenging meant “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 tract 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 “manually scavenging” shall be construed accordingly.”<sup>22</sup> Though these definitions are given by Ministry of Social Justice and Empowerment, a huge difference exists. To avail the benefits of SRMS, that is defined as “a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government notify in this behalf, shall not be deemed to be a manual scavenger.” And ultimately the deed for the prohibition of manual scavenging not far which it is aimed at, instead, prohibits people to call few as manual scavengers, as it forgets their identity, stigma, social status, prejudice and all other such elements that inhibit the population to run a normal social life. Socioeconomic irregularities for scavengers still persist despite several Articles in the Indian Constitution, which stipulate that the nation should tackle their educational and economic exploitation. Indian Constitution has ‘lacked a sustained interest’<sup>23</sup> in implementing such provision for downtrodden people. Though several enquiry committees have been appointed by the Government of India to conduct studies on scavengers and scavenging conditions throughout India, they did not result in abolishing scavenging instead, they suggested steps to improve their condition by providing

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<sup>21</sup> The Scheme’s manual scavenger definition has been revised and then expanded (November, 2013). The definition of manual scavengers as per the ‘Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013,’ <http://socialjustice.nic.in/pdf/srmsrevised-anne.pdf>, (accessed: 19 May 2014).

<sup>22</sup> See full text, The Prohibition of Employment of Manual scavengers and their Rehabilitation Act, 2013.

<sup>23</sup> Chaplin E., Susan, *Scavengers: Still Marginalised*, ed., Ghanshyam Shah, ‘Dalits and the State,’ (New Delhi: Concept, 2002), p. 205. Cited in, Article 46 of the Indian Constitution says, ‘The states shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social justice and all forms of exploitation.’

instruments to clean excreta from dry latrines. All committee's details have discussed in chapter - II.

### 1.2.1. Scavengers in Tamil Nadu – Prologue

In Tamil Nadu various communities have been engaging with scavenging and sweeping. Like *Adi Karnataka* community engaging with sweeping many years in Chennai and Vellore region they have 'relatives doing similar work in Karnataka.'<sup>24</sup> Tamil Nadu and Kerala have a similar name '*thotti*' to address scavengers. The same derogatory implications also serve in North India and they are called *Bhangis*. In Chennai 'Adi Andhra and Mala Madiga live in 150 slums' around the city at the Chennai Corporation and individual contractors work as sweepers. Majority of the scavenging community is Arunthathiyars and they are ranked the lowest in the caste based hierarchy. Arunthathiyars constitute about one-third of the Tamil Nadu's Dalit population and live in miserable conditions, working as conservancy workers in civic bodies' majority as manual scavengers, cobblers and agricultural labourers. Their children go to Tamil medium schools and follow Tamil customs though they also speak Telugu. These hierarchy ranks are based on the belief from birth it has been carried out as traditional social structure but without any significance scientific base believes that 'Brahmin have rank one and the sweeper is ranked at fifteen.'<sup>25</sup> In many towns 'throughout the world,'<sup>26</sup> sweepers and manual scavengers are drawn from disadvantaged groups living in segregated communities within the towns. Their occupation further tends to reinforce their 'defamation of individuals to impute'<sup>27</sup> and segregates them from society. In this research respondents mostly from Arunthathiyar community, are bound not only by traditional obligations and customary rights to practice this ubiquitous occupation but mythological sanctions also oblige them to carry night-soil physically for disposal. In Tamil Nadu, rural tea shops keep three tumblers in tea shops 'one for the caste Hindu, one for the Arunthathiyar, and one for the non Arunthathiyar Dalit.'<sup>28</sup> In urban tea shop

<sup>24</sup> Thekaekara, *Endless Filth*, 2005, p. 18.

<sup>25</sup> Chalam, K.S., '*Caste-based Reservations and Human Development in India*,' (New Delhi: Sage, 2007), p. 80.

<sup>26</sup> Feachem, Richard G., *et. al.*, 'Sanitation and Disease Health aspects of excreta and wastewater management,' *World Bank Studies in Water Supply and Sanitation-3*, (Chichester: John Wiley, 1983), p. 119.

<sup>27</sup> Galanter, Marc, 'Untouchability and Law,' *Economic and Political Weekly*, Vol. 4, No. 1/2, (1969), p. 133.

<sup>28</sup> Adhiyamaan, Ra, 'Some Dalits Are Even Less Equal,' *Tehelka*, [http://tehelka.com/story\\_main33.asp?Filename=hub010907shadowlines.asp](http://tehelka.com/story_main33.asp?Filename=hub010907shadowlines.asp), (accessed: 08 September 2010).

use-and-throw plastic glass is used to serve scavengers and the general population. Similarly, scavenging communities are treated in the social arena as the lowest of the low in overall India. The practice of ‘manual scavenging continues in most states.’<sup>29</sup> According to the 2011 census in India 2.6 million insanitary latrines and ‘7, 94,390 manual scavengers are working with day latrines.’<sup>30</sup> The House Listing and Housing Census 2011, states as in ‘Andhra Pradesh, Assam, Jammu and Kashmir, Maharashtra, Tamil Nadu, Uttar Pradesh and West Bengal account for more than 72 percent of the insanitary latrines’<sup>31</sup> respective states. In Tamil Nadu 2011 census 26, 020 manual scavengers are working in 27, 659 number of toilets. The higher castes in India has ‘unmitigated contempt and one-sided stigmatisation of untouchables without redress,’<sup>32</sup> and this stigmatisation and untouchability has given rise to a rigid occupational mobility.

Eradication the practice of untouchability and protecting Dalits from atrocities and humiliation have been the much-admired concern of most of the nationalists even before India’s Independence. Though a number of reformers from different regions of India sought to eradicate untouchability and devoted their lives to this cause, the desired change could not be achieved owing to the fact that the notion of untouchability has been deeply ingrained in the Dalit’s socio-ethnic milieu, and there is no formal effort to abolish untouchability legally. Withal, the effort of individuals such as Jyotirao Phule, Periyar, Dr. B. R. Ambedkar and Gandhi fought for minority rights while they also steered the ideological charter of the majority. Meanwhile Phule, Ambedkar and Periyar fought against Hinduism, they revealed in their own particular ways the extraordinary tyranny of nationalist ideology as it got attached to late colonial Hindu self-agency. M. K. Gandhi, on the other hand, reacted by insisting that caste had got nothing to do with Hinduism. He acknowledged that caste as a stratified structure of the groups was bad, but that the principles of *varna* and *ashrama* (stages of life) on which caste was based, and of which caste could be seen as a degraded form, were noble and well worth reviewing as ideals. According to him, it defines not just one’s rights but one’s duties and necessarily has reference to callings that are conducive to the benefit of humanity. The change occurred after colonial era and therefore *Jatis* became the unique identity often providing more

<sup>29</sup> Narula, Smita, *Broken People: Caste Violence against India’s “Untouchables”*, (Human Rights Watch, New York, 1999), p. 141.

<sup>30</sup> UN India, *Breaking Free: Rehabilitating Manual Scavengers*, <http://in.one.un.org/page/breaking-free-rehabilitating-manual-scavengers>, (accessed: 20 December 2014).

<sup>31</sup> *Ibid.*,

<sup>32</sup> Elias, Norbert, *The Established and the Outsiders*, (London: Sage, 1994), p. xx.

incisive information on social reality than varna identities.<sup>33</sup> The government exercised by these thinkers, extended beneath the view of human rights activism, which provided healing to the moral paralysis of human consciousness. After Independence, despite such powerful legal provisions and Government bodies to legally protect them, the Dalits continued to suffer from the stigma of untouchability and bear the worst forms of atrocities all over India, similarly without any differences compared to other developing countries' manual scavengers.<sup>34</sup> 'Ritual pollution is transmitted through certain kin relationship.'<sup>35</sup> This structure has been assigned because hereditarily the family members should be engaged as their customary rights of occupation.

A variety of development programmes launched for the upliftment of scavengers since independence did not *ipso facto* improve the social and economic conditions of scavengers. Although many scavengers have been liberated from the traditional occupation of carrying night-soil after conversion of latrines and subsequently rehabilitated in municipalities, conditions have not changed in a significant manner. After rehabilitation programmes changed their pattern of works, in the name of the emancipation questions were raised regarding their support options as scavengers do not have any training programmes for alternate occupation. 'Technologies like anaerobic treatment and those for recovery of resources from sewage continue to be applied on a limited scale only.'<sup>36</sup> 'The Scheduled Castes lack many of the necessary conditions for social development as a group, and it is this lack which constitutes their backwardness, moulded by historical conditions.'<sup>37</sup> Municipalities do not have money to fix the repaired machines, instead, they are misusing the fund for other purposes. The mid-term appraisal of the Fourth Five Year Plan noted that 'due to the pressing need of funds for sanitation and limited financial resources, most of the states are giving very low priority to urban sewerage,'<sup>38</sup> this situation have been carrying by authorities because this work have done

<sup>33</sup> Thapar, Romila, *Early India from the Origins to AD 1300*, (New Delhi: Penguin, 2002), p. 67.

<sup>34</sup> Thye, Y. P., Templeton, M. R., Ali, Mansoor, 'A Critical Review of Technologies for Pit Latrine Emptying in Developing Countries,' *Critical Reviews in Environmental Science and Technology*, Vol. 41, No. 20, (2011), p. 1796.

<sup>35</sup> Harper B., Edward, Ritual Pollution as an Integrator of Caste and Religion, *The Journal of Asian Studies*, Vol. 23 (1964), p. 151.

<sup>36</sup> Sivaramakrishnan, K. C., *Water and Sanitation Facilities in Urban India Issues Concerning Management and Finance*, eds, K. C. Sivaramakrishnan, Biplab Dasgupta & M. N. Buch, "Urbanisation in India: Basic Services and People Participation" (New Delhi: Concept, 1993), p. 12.

<sup>37</sup> Shinoda, Takashi, *Marginalisation in the Midst of Modernization: A Study of Sweepers in Western India*, (New Delhi: Manohar, 2005), p. 16.

<sup>38</sup> Chaplin E, Susan, *The Politics of Sanitation in India: Cities, Service and the State*, (New Delhi: Orient Blackswan, 2011b), p. 69.

by scavengers. Thus, instead of spending huge money give low wages to scavengers, they can manage it. In Tamil Nadu, average monthly pay of a scavenger was ‘Rs. 20 per household in 2006, a scavenger cleans fifty households.’<sup>39</sup> Due to insufficiency, the scavengers ask ‘Inam’ during special days like Pongal and Deepavali or at time of temple festivals. Scavengers ‘have no monopoly to defend most frivolous distinctions in society.’<sup>40</sup> In municipalities, majority of them are engaged as sweepers as, they have to clean the human wastes from streets. Though it cannot be taken for granted that occupational mobility among scavengers will bring about caste mobility, yet this will definitely create a variety in their overall attitude. ‘A scavenger can afford to buy a cow and sell milk or open a shop, but, upper caste customers are unlikely to buy any of the produce.’<sup>41</sup> ‘The intimate relationship between the social and economic structure can be easily deciphered as both structures intersect in the variety of occupational prestige.’<sup>42</sup> Thus the forces of change have not brought the desired degree of socio-economic transformation in scavengers. Alternative ‘employment opportunities largely denied them, with exclusionary mechanisms and networks coming into play.’<sup>43</sup>

Realising the limited application of several mainstream programmes to ameliorate the conditions of the scavengers, the Ministry of Social Justice entrusted with the welfare of the Manual Scavengers, has drawn up special schemes. ‘Scavengers classifications are based on ritual attribution, not on an objective sense of sanitation *per se*.’<sup>44</sup> The Public Interest Litigation filed at the Madras High Court by Change India NGO, pointed out the list of more than 150<sup>45</sup> people who had been killed during manual scavenging work in Tamil Nadu since 1993. The scavengers are bound not merely to use this ubiquitous occupation but mythological sanctions also oblige them to clean human excreta physically for disposal. Therefore, the rehabilitation policies of the government are

<sup>39</sup> Dorairaj, ‘Out in the Open,’ *Frontline*, Vol. 23, Issue 18, (2006), p.12, See, Chowdhury, Iftekhar Uddin, *Caste-based Discrimination in South Asia: A Study of Bangladesh*, IIDS, Working Paper Series, Vol. III, (2009), No. 7.

<sup>40</sup> Cox, Oliver Cromwell, *Caste, Class and Race*, p. 12.

<sup>41</sup> Antelava, Natalia, “India's Dalits still fighting Untouchability”, (2012), *BBC News India*, <http://www.bbc.co.uk/news/world-asia-india-18394914>, (accessed: 23 April 2013).

<sup>42</sup> D’ Souza, Victor S., *Development Planning and Structural Inequalities: The Response of the Underprivileged*, (New Delhi: Sage, 1990), p. 23.

<sup>43</sup> Beall, Jo, ‘Globalization and social exclusion in cities: framing the debate with lessons from Africa and Asia,’ *Environment and Urbanization*, Vol. 14, No. 1, (2002), p. 46.

<sup>44</sup> Suzuki, Maya, ‘India Government Strategy against Caste Inequality, “Liberating” Untouchables in the Context of Welfare Schemes,’ *Journal of Political Science and Sociology*, No. 12, (2010), p. 68.

<sup>45</sup> ‘150 dead, now Madras HC to monitor ban on manual scavenging,’ *The Times of India*, <http://timesofindia.indiatimes.com/city/chennai/150-dead-now-Madras-HC-to-monitor-banon-manual-scavenging/articleshow/47669421.cms>, (accessed: 17 July 2015).

implemented through plan and non-plan schemes and programmes. As the plan budgets are generally allocated for the maintenance of the system and are short-term in nature, it is the annual plan budget and the schemes that are considered as long-term and important. Some of the existing schemes have been reformed and a few others have been developed to safeguard the vulnerable groups.

### 1.3. M. K. Gandhi and Manual Scavenging

A famous quote from M. K. Gandhi<sup>46</sup>, about manual scavenger “A Bhangi does for society what a mother does for her baby. A mother washes her baby of the dirt and insures his health. Even so the Bhangi protects and safeguards the health of the entire community by maintaining sanitation for it. The Brahman's duty is to look after the sanitation of the soul, the Bhangi's that of the body of society.” Gandhi abhorred the profession of manual scavenging which Indian society forced the untouchable castes communities to perform. He organised a mass movement for removal of untouchability and for the upliftment of scheduled and backward caste communities ‘especially 1917 scavengers at Godhra town,<sup>47</sup> in Gujarat. Gandhi called to end manual scavenging a hundred years ago, and appealed to the volunteers ‘not to engage in scavenging.<sup>48</sup> It made a great impact on them and at each congress convention that was organised by the volunteers, he made them to take up the disposing of the night-soil. Gandhi termed manual scavenging as an inhuman practice and requested its abolishment forcefully, and worked with scavengers<sup>49</sup> Gandhi advised<sup>50</sup> municipalities to give the scavengers handcarts so that they do not carry night-soil on their head. All this flowed from the belief that it was their handling of physical filth that lay at the root of ritual taboos so once their bodies were cleaned, he believed that the stigma would vanish. Gandhi believed the ‘sweepers would rebirth as a Brahman, Kshatriya or Vaishya, according to present caste rank.<sup>51</sup> His view about ‘sweeper as mother and Hindu religion her baby so

<sup>46</sup> Gandhi, M. K., *The Removal of Untouchability*, (Ahmedabad: Navajivan, 1954) p. 215.

<sup>47</sup>Edelman, J David, ‘Integrated Low Cost Sanitation: Indian Experience,’ *Project Paper No. 6*, (Netherlands: Institute for Housing and Urban Development Studies, 1997), [http://www.ihs.nl/fileadmin/ASSETS/ihs/IHS\\_Publication/IHS\\_Project\\_Paper/IHS\\_PP\\_6\\_Integrated\\_Low\\_Cost\\_Sanitation\\_\\_Indian\\_Experience.pdf](http://www.ihs.nl/fileadmin/ASSETS/ihs/IHS_Publication/IHS_Project_Paper/IHS_PP_6_Integrated_Low_Cost_Sanitation__Indian_Experience.pdf), (accessed: 05 February 2013).

<sup>48</sup>Phatak, Bindeshwar, *Road to Freedom*, (New Delhi: Motilal Banarsidass, 1991), p. 39.

<sup>49</sup> Weber, Thomas, ‘*Gandhi moves: intentional communities and friendship*,’ eds., Debjani Ganguly and John Docker, ‘Rethinking Gandhi and Nonviolent Relationality,’ (London: Routledge, 2007), p. 95.

<sup>50</sup> Sarkar, Tanika, *Gandhi and Social Relations*, eds., Judith M. Brown & Anthony Parel, ‘The Cambridge Companion to Gandhi,’ (New York: Cambridge University Press, 2011), p. 181.

<sup>51</sup> Keane, David, *Caste-based Discrimination in International Human Rights Law*, (Hampshire: Ashgate, 2007), p. 47.

other have to consider their important role in this society.’<sup>52</sup> Gandhi established the Sabarmati ashram in 1917<sup>53</sup> and he asked the members to clean their own toilets. As a freedom fighter ‘Appasaheb Patwardhan worked as a scavenger in Ratnagiri jail 1933’<sup>54</sup> throughout his prison term. He established the first Gopuri (compost) latrine. Gandhi elaborated his in *Navajivan* on 13 September 1925, under the title of ‘*Our Dirty Ways*’ and advised people to defecate only at fixed places. After defecation the person should cleanse their own toilets, and remove the night-soil with safe hygiene methods and cover it up with dry earth. He also mentioned this method is followed no one would need to remove night-soil. After Gandhi’s efforts others tried as unobtrusively as possible to avoid dealing with the issue of manual scavenging. Gandhi’s view about abolition of scavenging was intricately woven with Hinduism and traditional society. Everyone must be done their own scavenging works. Gandhi provoked his followers to do from childhood have the idea impressed upon our minds that all are scavengers. Then everybody have to understood with them to commence bread-labour as a scavengers. After that each have to treat them as equality of man in the society. In Delhi slum study revealed that the heart of the matter, noted that ‘as long as the sweepers live in their present surroundings, no work can be done amongst them by any reformist organization. It is no use trying to teach them to be clean or to keep their children clean when they are forced to live in the filth from which they cannot get away.’<sup>55</sup> In 1969, the Government of India commemorating the Gandhi Centenary initiated a special programme for ‘converting dry latrines into water pour flush latrines.’<sup>56</sup> Annihilation of scavenging can lead the community of scavengers to be ‘clothed with the dignity and respect.’<sup>57</sup> The idealised Bhangi was supposed to be an exemplar of the virtues that the Harijan Sevak Sangh promoted as ‘the society was concerned with spiritual redemption rather than political and social upliftment.’<sup>58</sup> It was this idealised view of ‘the purified caste system

<sup>52</sup> Shinoda, Takashi, *Legal Institutional Development and Sweepers in Ahmedabad*, ed., Takashi Shinoda, ‘The Other Gujarat,’ (Mumbai: Popular Prakashan, 2002), p. 67. Cited in, Gandhi M. K., ‘The Removal of Untouchability,’ (Ahmedabad: Navajivan, 1954).

<sup>53</sup> Neethi rajan, *Malakkuzhikkul Madiyalama Manudam? (Tamil)*, (Chennai: Bharathi Puthakalayam, 2013), p. 7.

<sup>54</sup> Thekaekara, Mari Marcel, ‘A Continuing Social Outrage,’ *Frontline*, Vol. 14, No. 20, (1997), <http://www.frontline.in/static/html/fl1420/14200990.htm>, (accessed: 20 April 2012).

<sup>55</sup> Rameshwari Nehru, ‘Harijan Bastis in Delhi,’ *Harijan*, (1937), cited in, Prashad, Vijay, *Untouchable Freedom*, (New Delhi: Oxford University Press, 2000), p. 128.

<sup>56</sup> Srivastava, B.N., *Manual Scavenging in India: A Disgrace to the Country*, (New Delhi: Concept, 1997), p. 41.

<sup>57</sup> Gandhi, M. K., *Social Service, Work and Reform*, Volume I, (Ahmadabad: Navajivan, 1976), p. 102.

<sup>58</sup> Bayly, Susan, *Caste, Society and Politics in India*, (Cambridge: Cambridge University Press, 1999), p. 251.

which was a solution to the problem of untouchability that Dr. Ambedkar strongly rejected.<sup>59</sup>

#### 1.4. Dr. Ambedkar and Manual Scavenging

Dr. B. R. Ambedkar have believed that notion about the power and impact should happen in the name of ‘politics of dalitization’<sup>60</sup> in India to understand the modernity but none of them radically rethinks in postcolonial India. Gandhi believed that scavenging has fortunes to clean other toilets so he had idea to reborn as scavenging to bear their ‘sorrows, sufferings and the affronts’<sup>61</sup> from then he free himself and all manual scavengers from this occupation. Dr. Ambedkar and M. K. Gandhi had different approaches on abolition of untouchability and discrimination especially regarding manual scavenging. Scavenging is not a practice of traditional caste based Hindu social role. According to him slaves used to perform the role of scavengers in ancient India and ‘they were not untouchables because generally they belonged to the caste of the master or a caste lower.’<sup>62</sup> Under the ‘pretence of service’<sup>63</sup> the Harijan Sevak Sangh made many dalits into ‘mere recipients of charity.’<sup>64</sup> Their social conditions led to similar occupations. They were considered ‘fit only as slaves to work as scavengers’<sup>65</sup> or as manual workers. Ambedkar believed that untouchability came into existence around 400 AD and since then the deprived Dalits are facing discrimination. He observed that untouchability is not only a system of social discrimination against dalits but also a system of economic exploitation. Even after independence most of the Dalits are landless, agricultural labourers, depending on others for livelihoods. According to Dr. Ambedkar Indian administrators have an upper caste bias and antipathy towards untouchables which leads to ‘denial of protection and justice.’<sup>66</sup> Just look from different perspectives the scavenging communities have socially constructed monopoly of

<sup>59</sup> Coward, Harold, *Gandhi, Ambedkar and Untouchability*, ed., Harold Coward, ‘Indian Critiques of Gandhi,’ (New York: SUNY, 2003), p. 56.

<sup>60</sup> Ganguly, Debjani, *Caste, Colonialism and Counter-Modernity: Notes on a Postcolonial Hermeneutics of Caste*, (London: Routledge, 2005), p. 137.

<sup>61</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 9*, (Bombay: Govt. of Maharashtra, 1991), p. 292.

<sup>62</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 3*, (Bombay: Govt. of Maharashtra, 1987), p. 112.

<sup>63</sup> Ambedkar, B. R., Vol. 9, p. 266.

<sup>64</sup> Ambedkar, B. R., Vol. 9, p. 251.

<sup>65</sup> Thind G. Singh, Khushi Ram and Dr. Ambedkar, *Caste and World Conference Against Racism, Durban, 2001: Dr. B.R. Ambedkar's "Annihilation of Caste"*, (Surrey, B.C: Cedar, 2002), p. 77.

<sup>66</sup> Guru, Gopal, *Ambedkar's Idea of Social Justice*, eds., Ghanshyam Shah, ‘Dalits and the State,’ (New Delhi: Concept, 2002), p. 45.

occupational choice. Though now they have competition from ‘other caste groups getting involved in this profession.’<sup>67</sup> In India a human is not a scavenger because of his work ‘he is a scavenger because of his birth irrespective’<sup>68</sup> of the question whether he/she does scavenging or not.

Dr. Ambedkar fought for their identity and argued that a dalit needed to be educated for his struggle with caste Hindus. Even after many years of independence, the Government of India failed to address or abolish manual scavenging. The birth centenary celebrations of Dr. Ambedkar, uniquely for manual scavengers’ ‘emancipation legislative measures’<sup>69</sup> mostly emerged during his birth anniversary. Ambedkar feared that the untouchables, would once again be ‘subjected to the hegemony of caste Hindus and be forced to scavenge and sweep for them.’<sup>70</sup> He wrote that in order to empower dalits first of all they should be educated and united and launch a polarised educational system. This will bring about their social transformation and the section of scavengers will definitely move from caste to non-caste occupation. In 1947 Dr. Ambedkar addressed his questions regarding this inhuman practice in a letter sent<sup>71</sup> to Prime Minister Nehru to take immediate action for abolition of manual scavenging in independence India. Pledges were taken for putting an end to manual scavenging and ending open defecation. The government released millions of rupees by way of grants<sup>72</sup> and Dr. B. Pathak started his NGO ‘Sulabh International.’

### 1.5. Studies on Manual Scavenging

This section explores the literature that is relevant to understanding the development of and interpreting the results of this qualitative study. The principal aim of the literature review work is to review previous studies on the issues taken for research. This is in order to scope out the key data collection requirements for the primary research

<sup>67</sup> D’Souza, Paul, *Scavengers Towards Freedom*, eds., Ram Gopal Singh and Ravindra D. Gadkar, ‘Restoration of Human Rights and Dignity to Dalits: With Special Reference to Scavengers in India,’ (Delhi: Manak, 2004), p. 184.

<sup>68</sup> Ambedkar, B. R., Vol. 9, p. 292.

<sup>69</sup> Gadkar R.D., *Human Rights and Rehabilitation of Scavengers*, eds., Ram Gopal Singh and Ravindra D. Gadkar, ‘Restoration of Human Rights and Dignity to Dalits: With Special Reference to Scavengers in India,’ (Delhi: Manak, 2004), p. 244.

<sup>70</sup> Michael S. M., *Introduction*, ed., S. M., Michael, ‘Dalits in Modern India,’ (New Delhi: Sage, 2007), p. 34.

<sup>71</sup> Muthukrishnan, A., *Malaththil Thoynta Manudam, (Humanity deteriorated with human excreta)*, (Chennai: Uyirmmmai, 2008), p. 31.

<sup>72</sup> Sengupta, Uttam, Misra R. K., & Ittyipe, Minu, ‘Dump Struck,’ *Outlook*, (2014), <http://www.outlookindia.com/article/dump-struck/292142>, (accessed: 07 October 2014).

to be channelled and it constitutes part of the emergent research design process. The approach adopted was in line with current practice in grounded qualitative research work. It is now regarded as acceptable for researcher to familiarise himself with existing research prior to collecting their own data.

Singh and Ziyauddin,<sup>73</sup> both discussed the cause and consequences of Manual Scavenging taking the case study of Ghaziapur District, UP. They concluded that scavenging is more closely associated with pollution and therefore they are kept in the lowest position in the social hierarchy. The article primarily talked about how untouchables are exploited and excluded from society, for the dehumanising work that they are involved in for their survival. It also gave concrete solutions for the improvement in their living and working conditions and for their overall transformation.

Rawat<sup>74</sup> discussed the Chamars of North India who have long been stigmatized as untouchables. In this path breaking study, the author reveals that in fact the majority of Chamars have always been agriculturalists, and their association with the ritually impure occupation of leatherworking has largely been constructed through Hindu, colonial, and postcolonial representations of untouchability. The author undertakes a comprehensive reconsideration of the history, identity, and politics of this important Dalit group. Using Dalit vernacular literature, local-level archival sources, and interviews in Dalit neighbourhoods, he reveals a previously unrecognised Dalit movement which flourished in North India from the earliest decades of the 20th century and which recently achieved major political successes.

Srivastava,<sup>75</sup> studied and described a large number of manual scavengers mostly in rural and semi urban areas of India. An attempt was made to trace the origin of scavengers in India, their economic social status, and caste organizations, culture heritage and territorial distribution apart from focusing on the initiatives taken by Central and State Governments and prominent non-Government organization. He recommended that each civilian was responsible for the rehabilitation of scavengers by implementing the schemes that were funded by the government. Most of scavengers would be prepared to

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<sup>73</sup> ‘Manual Scavenging as Social Exclusion: A Case Study,’ *Economic and Political Weekly* (Hereafter *EPW*), Vol. 44, No. 26&27, (2009), pp. 521-23.

<sup>74</sup> Rawat S., Ramnarayan, *Reconsidering Untouchability Chamars and Dalit History in North India*, (Bloomington: Indiana University, 2011).

<sup>75</sup> Srivastava, B. N., *Manual Scavenging in India: A Disgrace to the Country*, (New Delhi: Concept Publication, 1997).

forgo their customary rights if employed in the municipalities. He used a holistic approach in understanding the scavengers of India.

Prashad<sup>76</sup> in his work on the social history of an Indian Untouchable of Dalit community speaks about issues of social justice in India. Although Dalit social reforms, party politics and politics surrounding Dalit voices are now receiving increasing attention, it is still lacking in reliable historical and social profiles of major local dalit communities and their arduous struggles. After 1857 rebellion the British government implemented the three imperatives - safety, sanitation and loyalty and later the government introduced development measures that replaced the sweepers from the manual scavenging to a mechanised one. This volume is on the Balmikis of Delhi, and Patiala and Jalandhar in Punjab and of Dehradun and Meerut in pre-divided Uttar Pradesh, who work as sanitation workers and keep the city clean. They lived in poverty and face sustained discrimination. In protest, the Balmikis fight to liberate themselves. *Untouchable Freedom* is the first comprehensive study of this community and traces their struggles from the 1860s upto the present. They have moved from agricultural labour to urban work. Many interesting initiatives emerged for the emancipation of Dalits between the 1950s and 1990s, as Prashad's discussion shows. However, their progress has been limited because Dalits lacked selfless leadership and social unity. Unfortunately, such Marxian conclusions, without a sustained overall argument, often distract the reader more than they help. The emancipation of the dalits cannot come by technology alone, but through the rearrangement and maintenance of social relations.

Prashad's<sup>77</sup> work, in colonial India about the untouchables or Dalits were restricted to participate in the political arena only. In the colonial context the emancipation of dalits did not exist, because they belonged to the lower level of the varnashrama and the prevailing caste structure in India. The Bhangi's, the low caste group was suppressed by the high caste groups. He says the problem of Hindu ideology develops the grounds of Untouchability over dalits so that their problems are did not exposes in their movements of rehabilitation.

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<sup>76</sup> Vijay Prashad, *Untouchable Freedom: A Social History of a Dalit Community*, (New Delhi: Oxford, 2001).

<sup>77</sup> Prashad, V., 'The Untouchable Question,' *EPW*, Vol. 31, No. 9, (1996), pp. 551-59.

Vivek,<sup>78</sup> studied the scavengers of Mumbai. They usually belong to caste-based occupational social backgrounds and share common low social status through their work, lack of security of employment, poor wages and health hazards. The main focus was on how they can coalesce into a profession with a common collective future in a large city. The larger sections of scavengers varied from religious, caste, language and regional background.

Suzuki's,<sup>79</sup> work examines the gaps in government welfare policies and schemes for Dalits. Manual scavenging continues to be the focus of endlessly failed and not able to annihilate it, a focal point of political, social and economics debate, and a challenge to policy makers. This study aims to explore the status of scavengers so called the untouchables from the perspective of caste system related to social exclusion and inequality, while addressing the current aspect of the marginalisation of untouchables in India by reviewing the welfare schemes in the recent decades. Especially manual scavenging and schemes for abolishing it has a number of loop holes.

Singh and Talwar,<sup>80</sup> being journalists, recorded many reviews from the print-medias. In their Hindi and English version, the authors examined case studies from manual scavengers residing in eleven states. In *Unseen*, based on over a decade of research, they unveil the horrific plight of manual scavengers while also recording their ongoing struggle for self-empowerment. The authors build a sensitive picture of scavenger colonies existing along with rows of glitzy shopping malls in metropolitan cities. One of the main questions that emerge in this study is that: does the existence of manual scavenging that too performed monopoly only by a particular caste of people, and claims their customary right. This study brought out facts about the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act which was passed by Parliament in 1993. The scavengers are not aware of this Act. To a large extent, the work underscores the lack of objectivity in the book. At several junctures in the book, the author's outrage on behalf of this admittedly ill-treated community seems to overshadow the massive research effort that they must have undertaken for a book of this

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<sup>78</sup> Vivek, P. S., 'Scavengers: Mumbai's Neglected Workers,' *EPW*, Vol. 35, No. 42, (2000), pp. 3722-24.

<sup>79</sup> 'Indian Government Strategy against Caste Inequality Indian Government Strategy against Caste Inequality,' No. 12, *Journal of Political Science and Sociology*, (2010), pp. 65-84.

<sup>80</sup> Bhasha Singh and Reenu Talwar (Tr.), *Unseen: The Truth about India's Manual Scavengers*, (New Delhi: Penguin, 2014).

scale. In parts too, the author seems to pick up her journalist's quill, momentarily losing focus on the issue at hand.

Shinnoda's,<sup>81</sup> study analysed socio-economic conditions of the sweeper caste in Gujarat who have continued their traditional occupation. The study uses the term sweeper for those who are involved with household and road cleaning, rubbish disposal and the term 'scavengers' is applied to labourers who remove human waste directly with its final disposal dumps. He studied the impact of institutional reforms and reform movements of this backward group. His methodology combines historical research and field study in Gujarat. This study mainly compared on post and after independence in India. He examined the urban hygiene conditions in Ahmedabad and the study focused on sanitation facilities and their management in the city. Additionally, he examined the employment policies of the Ahmedabad Municipal Corporation. The workers organised trade unions and have a legal and institutional structure. The major finding is occupational mobility of the sweepers in the town, and that only the temporary employees change the occupations for their low level of monthly income.

In his work Ramaswamy,<sup>82</sup> dealt with the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, nearly 21 years after the Indian Government introduced it. The Andhra Pradesh-based Safai Karamchhari Andolan, an organisation stated that 13 lakh people from Dalit communities continue to be employed as manual scavengers in the country, in private homes, community dry latrines which were managed by the municipalities and public sector undertakings including the Railways and the Army. In a historical overview, she traces the origin of the manual scavenging to the *Narada Samhita*, which mentions the disposal of human excreta as one of the 15 duties assigned to the lower castes. The people who were brought from villages to lay roads and railway tracks were later used for menial jobs. Stating that the British 'institutionalised,' if not invented, manual scavenging, author observes, 'technology is supposed to remove social prejudice; however, the technology of sanitation was structured to deepen social prejudice in India.' With first-hand information of having stayed with manual scavengers and spending several months, she gives a poignant account of their struggle and emphasises the need to abolish manual scavenging at the

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<sup>81</sup> Shinoda Takashi, *Marginalization in the Midst of Modernization Sweepers in Western India*, (New Delhi: Manohar Publishers & Distributors, 2005).

<sup>82</sup> *India Stinking: Manual Scavengers in Andhra Pradesh and Their Work*, (Puducherry: Navayana, 2009).

earliest. “The existing practices of sanitation in municipalities need to be reformed and upgraded so that no one — from any caste — has to pick up faeces manually.” Two major chapters have been devoted to explain the splendid work done by Safai Karamchari Andolan under the dynamic leadership of its founder, Bezwada Wilson, to the cause of liberating this deprived section. The text of the Act on abolition of manual scavenging and the conflicting views of Gandhi and Dr. Ambedkar on the subject are valuable additions to the book.

An extensive and investigative study of India’s lack of resolve over the past 100 years to get rid of manual scavenging and transportation of human excrement has been done by Thekaekara.<sup>83</sup> The pitiable condition of a manual scavenger is elaborated in this book by graphically describing his situation when water mixed with faeces is carried on their heads, and drips from the baskets on to clothes, faces and bodies. The Bhangis clean the municipal latrines of the larger towns in India, in some cases removing the waste-matter with their bare hands. The book tries to trace the problems faced in the eradication of the system and hopes that India’s Bhangis don’t have to wait another fifty years for dignity, justice and equality. *Endless Filth* breaks through the euphemisms of respectable India. Its real target is the caste system that prevents them from entering kitchens, collecting water from wells, touching others or finding alternative employment. This is a tale of human waste -- and wasted humanity. The public outcry required to create the political momentum for change will surely be fuelled by accounts like these.

Gupta,<sup>84</sup> examines the working and living conditions of manual scavengers in Ghaziabad. The scavengers in this region are used to the traditional methods of cleaning night-soil and dumping the household wastes in the town. This unhygienic occupation made sweepers to suffer ill health and poverty. The author discusses welfare schemes to rehabilitate the manual scavengers of Ghaziabad. Rajnarayan,<sup>85</sup> explains the sewage workers’ health conditions and their physically hazardous job. Problems emerge while working in dry latrines and sewer lines as they face chemical gases exposing them to skin problems, breathing in the dust, aerosol, leading to sickness and headaches.

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<sup>83</sup> *Endless Filth: The Saga of the Bhangis*, (Bangalore: Books for Change, 2005).

<sup>84</sup> *Scavengers and Scavenging in India: A Case Illustration from Ghaziabad*, ed., Maria S. Muller, ‘The Collection of Households Excreta: in Urban Low-income Settlements,’ WASTE/ENSIC, Gouda/Bangkok, (1998), pp. 28-36.

<sup>85</sup> ‘Occupational Health Hazards in Sewage and Sanitary Workers,’ *Indian Journal of Occupational and Environmental Medicine*, Vol. 12, No. 3, (2008), pp. 112-15.

Sachidananda<sup>86</sup> discusses the idea of the living and working conditions of the scavengers in different parts of the country and their need for liberation and rehabilitation aspects in policies. This study brings the changing scenario from the gender and human rights perspectives. The worker's condition is that they are very poor and their position in society is at a very low scale and they have to work doing the menial works. As they do not get a regular monthly salary, they earn money from low paid jobs. Head-loading is still in vogue and most of the places head-loaders are women. The status of women scavengers is comparatively higher than that of other such communities because they engage in some kind of occupation. In political parties they are excluded because of their poor political participation. To empower scavengers, the government will have to provide protective discrimination on a preferential basis among the scheduled castes. This study has brought out indebtedness as a perpetual problem among the scavengers.

Karlekar's study,<sup>87</sup> is about the untouchable caste sweeper women and the special benefits that are available to Dalits and Tribes. The sweeper women face untouchability of the most overt sort and are bitterly conscious and resentful of it. Unfortunately, the constant recording of such statements only emphasizes the fact that they have not penetrated the analysis or prescriptions of the book. The study fails to confront caste, and in particular untouchability, as the basic feature of stratification in India. The author is concerned about her rapport with the sweeper women, but this is only because sweepers are poor. This book analysed primarily that class and gender stratification is also thin and confused, though present. Making too much of the persistent effort to wish untouchability out of modern Indian stratification. Nonetheless, the combined impact on policy prescriptions is alarming. This study is hardly well developed or is enough to be seen as an effective means of modernising the workforce while sustaining the hierarchy of caste and class that so bedevils India.

Chatterjee,<sup>88</sup> revealed the importance of role of marriage and relationships between the sweepers in Banaras. The sweepers have some certain principles for intermarriage among them, conditions of economy and employment. The marriages were conducted within the settlement of urban sweepers and therefore their kinship became

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<sup>86</sup> Sachidananda, *People at the Bottom: A Portrait of the Scavengers*, (New Delhi: Concept Publishing, 2001).

<sup>87</sup> *Poverty and Women's Work: A Study of Sweeper Women in Delhi*, (New Delhi: Vikas, 1982).

<sup>88</sup> 'Conjugal Roles and Social Networks in an Indian Urban Sweeper,' *Journal of Marriage and the Family*, Vol. 39, No. 1, (1977), pp. 193-202.

stronger. Through this kinship, the sweepers' communities developed dense networks with high cross-linkage as well as joint conjugal roles.

Shyamlal,<sup>89</sup> made a sociological survey of the Bhangis in Jodhpur. Particularly important is his description of the history of the Bhangis and their social reform movement. The reform movement consisted, besides the expansion of education, of forbidding the eating of beef and the drinking of alcohol and improving hygiene. The Harijan Sevak Sangh also made it a platform from 1923, to abolish discrimination based on untouchability towards the Bhangis. In addition, a reform association, the *Maruar Mehtar Sudhar Sagha*, along with various other organisations began in 1945, to not only focus on internal reform, improving employment and labour conditions, but also function as a pressure group on the political stage.

Rama,<sup>90</sup> studied the policies of rehabilitation for scavengers and revealed that the rehabilitated scavengers are freed from the traditional work of disposing night-soil as head load and it is now the responsibility of the Ministry of Social Justices Empowerment. This is the soft core work of the entire scheme of liberation and rehabilitation. To meet this objective, the scheme evolved three times bound programme in identification of scavengers and their dependents at the national level in different state and union territories and up to the level of village and a survey of aptitudes of scavengers towards alternatives jobs or trade or other professions was also discussed.

Tripathi,<sup>91</sup> in a descriptive matter discusses the *Safai Karami* scheme in Uttar Pradesh. A nationwide awareness campaign was launched by a community organisation of former conservancy workers and manual scavengers the *Safai Karamchhari Andolan* which had a significant impact and thereafter the number of manual scavengers and dry latrines reduced rapidly. The Government of Uttar Pradesh (UP) created a post of *safai karami* at the panchayat level to ensure sanitation in rural areas. This article looks at some dimensions of this initiative and how it has refracted within the web of caste relations and formal sector employment, by examining data collected from three districts of the state – Meerut, Sitapur, and Azamgarh. The field experiences reveal that the work of sanitation and sewerage is still being performed by persons from the same caste group

<sup>89</sup> *The Bhangis in Transition*, (New Delhi: Inter-India, 1984).

<sup>90</sup> 'Rehabilitation of Scavengers', *EPW*, Vol. 34, No. 37, (1999), pp. 2635-36.

<sup>91</sup> 'Safai Karmi Scheme of Uttar Pradesh Caste Dominance Continues', *EPW*, Vol. XLVII, No. 37, (2012), pp. 26-29.

in most places. The upper and middle caste who have managed to get employment as government *safai karamis* appoint the local Bhangis as proxies for doing their work. In return the actual cleaners are given a meagre amount of money. If they refuse to work on these terms it results in loss of income (which is already low) and the possibility of violence. He explains that this scheme has led to further exploitation of lower castes by the dominant castes. The dominant social groups have taken these jobs because of the various benefits associated with government employees.

Chaplin,<sup>92</sup> in her work *Politics of Sanitation in India* examines how the environmental problems confronting Indian cities have arisen and subsequently forced millions of people to live in illegal settlements that lack adequate sanitation and other basic urban services. This has occurred because of two factors: She has been working on politics behind abolishing manual scavenging in India. One chapter described the politics of implementing and rehabilitating the manual scavengers. The first is the legacy of the colonial city characterised by inequitable access to sanitation services, a failure to manage urban growth and the proliferation of slums, and the inadequate funding of urban governments. The second is the nature of the post-colonial state, which, instead of being an instrument for socio-economic change, has been dominated by coalitions of interests accommodated by the use of public funds to provide private goods.

Chaplin,<sup>93</sup> explained the low sanitation and unhygienic facilities in Indian cities in the 19<sup>th</sup> century by which made industries and households to dump their wastes in the open which in turn gave rise to epidemics.

Selvaraj,<sup>94</sup> in his Tamil novel describes Dindigul town and its tannery worker's social conditions since post-independence. He describes the working conditions of women labourers, men labourers and their habits of alcoholism and gambling. Therefore, the other family members have to adjust to the lack of money and depend on the women labourers salary or get debit from moneylenders. As this caste is mostly the unorganized sector, the dalit's miserable economic conditions of tannery workers is neglected. As tannery labourers became aware about the new unions for unorganised sector like they started a labour union in Dindigul town for all unorganised tannery workers. One of the

<sup>92</sup> Susan E Chaplin, *The Politics of Sanitation in Indian Cities: Services and the State*, (New Delhi: Orient BlackSwan, 2011).

<sup>93</sup> 'Cities, Sewers and Poverty: India's Politics of Sanitation', *Environment and Urbanisation*, Vol.11, No.1, (1999), pp. 145-58.

<sup>94</sup> *Thol* (Leather), (Chennai: New Century Book House, 2010).

main activist's was a young Brahmin who first headed the union and he was a law graduate.

After independence the union members mobilised other industry labourers to start unions in their industries. Government and Policy wants labour union had to banned in town. But the court order says, the owners can do usual activities without any interruption of union members like protests and other interventions. But government announced those unions has to banned officially, the members take into confinement remanded some other important union leaders escaped from police and they also filed affidavit in civil court with help of lawyers. Other union members filed case against tannery industry's owners to withdraw case against labour unions in apex court. Finally court's ordered to function again the labour union as per government norms. This novel describes the emergence of tannery labours union in Dindigul town.

These reviews provide useful information on different aspects of the lives of scavengers but lack comprehensive approaches in analysing the issues. Most of the papers studied only the caste occupational discriminations and untouchability. These studies focused mostly on the details of the north Indian manual scavengers who were engaged in their traditional occupations. The workers in this occupation belonged to the same castes, both in north India and in south India. The studies about scavengers of southern India are limited; they are also migrated populations from the northern part of India towards the southern regions. These castes follow their traditional occupations in the new geography. Their survival strategies and the socio-economic conditions are not given adequate importance while studying the southern regions of India. Many of the studies alluded to welfare and rehabilitative measures, but still the cleaning of night-soil by humans prevail and welfare measures are not adequate enough to rehabilitate the manual scavengers in India. The eradication of manual scavenging by the acts and laws are not in force as the government has to invest in extra efforts for eradication of untouchability emanated from cleaning the night-soil by human beings. Studies have until now analysed the poverty of the scavengers and the reason for it as oppression by the high castes and various other research studies have focused on the working conditions and ritual purity aspect of Indian society.

## 1.6. Employment of Manual Scavengers and Constructions of Dry Latrines (Prohibition) Act, 1993 - Introduction

Indian Legislation to ban the construction of new dry latrines was passed by the Lok Sabha promulgated on May 13, 1993. The Minister for Urban Development, Sheila Kaul, introduced the ‘Employment of Manual Scavengers and Constructions of Dry Latrines (Protection) Act’ announcing that,

*‘I am indeed grateful for the keen interest shown by all sections of the House in discussion on this very important Bill which will be historic in the sense that we are banning an occupation in this country which we recognise as being dehumanising as well as providing conditions which would eliminate this practice...’<sup>95</sup>*

According to this Act, using or maintaining dry toilets is illegal and liable for criminal punishment, along with a penalty of Rs 2000.<sup>96</sup> Prior to 1993 Act, several attempts were made to put an end to this practice. The Government of India operationalised rehabilitation schemes like National Scheme for Liberation and rehabilitation of Scavengers since 1992, National Safai Karamcharis Finance Development Corporation 1997 and Self Employment Scheme for Rehabilitation of Manual Scavengers since 2007 along with deciding time lines for putting an end to this practice.

The caste decides a place in the social hierarchy, the high caste to subdue the untouchables in lowest rank of the social order. ‘Adopted a standard classification of caste according to the occupation assigned to each tradition,’<sup>97</sup> each caste group believes own customs and norms to involve in particular occupation is their customary rights. ‘Scavenging is the occupation of untouchable among them as untouchable.’<sup>98</sup> Lakhs of scavengers are engaging, most of them are women, in ‘Karlekar study Balmiki women seeking jobs did not seem to be decreasing their husbands would resist the attempts of wives to move out of the occupation,’<sup>99</sup> and they are forced to continue in this occupation. ‘Thousands of Dalits have been evicted from their habitat in the name of

<sup>95</sup> Cited in, Chaplin E, Susan, (2011b), p. 176, *See*, Lok Sabha Debates 1993, Sixth Session, 10<sup>th</sup> Lok Sabha, Government of India, New Delhi, p. 288-320 and 312.

<sup>96</sup> *See*, Full text of 1993 Act.

<sup>97</sup> Webster C. B., John, 1999, *Who is Dalit?*, ed., Michael S. M., ‘Dalits in Modern India-Vision and Values,’ (New Delhi: Sage, 1999), p. 69.

<sup>98</sup> Ramasamy, Gita, *India Stinking: Manual Scavengers in Andhra Pradesh and Their Work*, (Pondicherry: Navayana, 2005), p. 3.

<sup>99</sup> Karlekar, Malavika, *Sweepers*, eds., Joyce Lebra, J. Paulson and J. Everett, ‘Women and Work in India: Continuity and Change,’ (New Delhi: Promilla & Co, 1984), p. 87.

development, thousands of Dalits still work as scavengers, causal and menial workers in our cities, towns and villages.<sup>100</sup> Those involve scavenging not only suffer from stability of occupation and cleaning human faeces but also go through the discrimination, untouchability and social exclusion. ‘The Act, 1993 is not only a penal but also a social legislation.’<sup>101</sup>

### **1.6.1. Gaps and Limitations of Employment of Manual Scavengers and Construction of Dry latrines (Prohibition) Act, 1993**

The Act passed in 1993, for the eradication of Manual Scavenging by the government had certain gaps and limitations. The attitude of ‘law enforcement and discrimination along with slack in this law’<sup>102</sup> did not eliminate this practice totally and this has been the reason for continuing manual scavenging. This Act to eradicate a pernicious practice that only dalits were subjected to, aims at restoring the dignity of the individual as enshrined in the Preamble to the Constitution. Even after the Act to protect the Arunthathiyars,<sup>103</sup> scavenging is practice continued for a particular community in Tamil Nadu. As ‘scavenging in the specialised occupation of a particular caste category,’ hereditary occupation is traditionally attributed to a homogenised caste. Several protests, consultations, workshops have been carried out by human rights activities and defenders for the proper implementation of the Act. In Dindigul district administration was denied the status of manual scavengers in three municipalities. However, it is still in practice and there are evidences to prove the same. The Act has been enforced and the penal provisions can be invoked by legal measures which could be taken against authorities continuing to employ manual scavengers, thereby assisting the rehabilitation process.

### **1.6.2. Enforcement of 1993 Act in India**

The Act was first implemented in the State of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and all the Union Territories. It was expected that the other states would adopt it by passing an appropriate resolution in the legislature

<sup>100</sup> Pinto, Ambrose S.J., *Social Integration in Composite Culture*, eds., Jawaid, Jahangir & Shankar Bose, ‘Minorities of India: Problems and Prospects,’ (New Delhi: Manak, 2007), p. 305.

<sup>101</sup> Chaudhary, Sanjay Kumar, ‘Dignity Defiled: Law and Policies for Manual Scavengers,’ (2011), *Countercurrents.org*, <http://www.countercurrents.org/chaudhary190811.htm>, (accessed: 21 April 2012).

<sup>102</sup> Patel, Amrit, ‘Manual Scavenging’, *Yojana*, Vol. 58, (2014), p. 35.

<sup>103</sup> After Arunthathiyar’s status arguments the Chakkiliyars have changed their name as Arunthathiyar in Tamil Nadu, See, Singh K. S., *India’s Communities of India*, National Series, Vol. 1, (New Delhi: Oxford, 1998), p. 293.

under Article 252 of the Constitution. The Government of Goa made a rule for this Act and called it the ‘Goa Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition Rules) 1999.’<sup>104</sup> Other states followed, adopted and implemented the rules and schemes of the Act. Tamil Nadu asserted in its affidavit on August 5<sup>th</sup>, 2004, that “manual scavenging has been completely eradicated in the State.” On the contrary, through surveys conducted between July and November 2004, it was found that in twelve districts and three town panchayats/municipalities/corporations, the practice was very much prevalent and enclosed evidence with photographs was attached. The Government of Tamil Nadu implemented this Act in 2005. The Act passed in 1993, gave meaning and legislative recognition to the perpetuation of manual scavenging and the continued existence of dry latrines. It was recognized as a ‘dehumanising’ and ‘obnoxious practice,’ which is a continuing stigma on the social fabric. Section 4 of the Act under the exemption category proclaimed that the ‘government can announce exempted places in the districts and those places will not be covered under this Act.’<sup>105</sup> The Act was enacted under the Public Health Department, through housing and urban development Programme as Section 4 of the Act became the safety tool for the bureaucrats to extend their hegemony on the community it was removed by the Tamil Nadu Government. The Act has been enacted under the Public Health Department, through housing and urban development Programme. The Act is kept under the state list. For any changes to be made under the law, it requires executive authorities at the state level and district level to forward their recommendations and status report in each district. In the *Frontline*, V. Venkatesan observed, this Act

*...perhaps a piece of legislation aimed by the then Congress government at the Centre to stem the erosion of the party's Dalit vote bank. In appearance, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, had everything to put the government's effort in a favourable light. It promised the eradication of a pernicious practice that only Dalits were subject to and thereby the restoration of dignity to the individual as enshrined in the Preamble to the Constitution.*<sup>106</sup>

<sup>104</sup> Official Gazette, Government of Goa, Series I, No. 22, 26 August 1999.

<sup>105</sup> Letter No. 37007/MW/2011-40, Dated, 10 .09.2011.

<sup>106</sup> *A Case for Human Dignity*, Vol. 22, (2005), <http://www.frontline.in/navigation/?type=static&page=flonnet&rdurl=fl2212/stories/20050617004311400.htm>, (accessed: 24 April 2012).

Human Rights Watch conducts systematic investigations of human rights abuses in India. After the study Human Rights Watch have recommended to Government of India about 1993 Act,

*Ensure appropriate implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, including prosecution of officials responsible for the perpetuation of the practice and non-rehabilitation of affected scavenger communities, the majority of which are Dalits. The government should ensure that states and districts constitute and oversee vigilance and monitoring committees with adequate representation of NGOs, women, and members of the scavenger communities. State governments should also train district officials charged with enforcing the act.*<sup>107</sup>

As mentioned, this law declared, the employment of scavengers or the construction of dry latrines as an offence.<sup>108</sup> The ‘statute was similar to that of so many laws that were passed by the Indian legislature, which favoured or protected the very poor and marginalized.’<sup>109</sup> Though the government provided new schemes and acts to protect depressed class people, the enforcement was not efficient. The new Act, ‘Prohibition of Employment as Manual Scavengers and their Rehabilitation - 2013,’ stated that, violation of this provision would attract imprisonment up to one year and a fine of ‘Rs 50,000 for the first offence and subsequent violations will attract imprisonment of up to two years and a fine of one lakh.’<sup>110</sup> The offences will be cognizable and non-bailable and tried by an Executive Magistrate. This Act has been mainly responsible for rehabilitating scavengers in the service of local bodies. The training programmes for manual scavenging can be ‘made obsolete with sustainable, as well as, socially viable technical solutions.’<sup>111</sup> This context all State Governments have to conduct survey in order to identify scavengers and emancipate from this traditional occupation.

Generally, scavengers work in Government and private and do daily other chores in other houses. In Bangladesh, female sweepers have been ‘raped and sexual

<sup>107</sup> Narula, Smita, *Broken People*, p. 14.

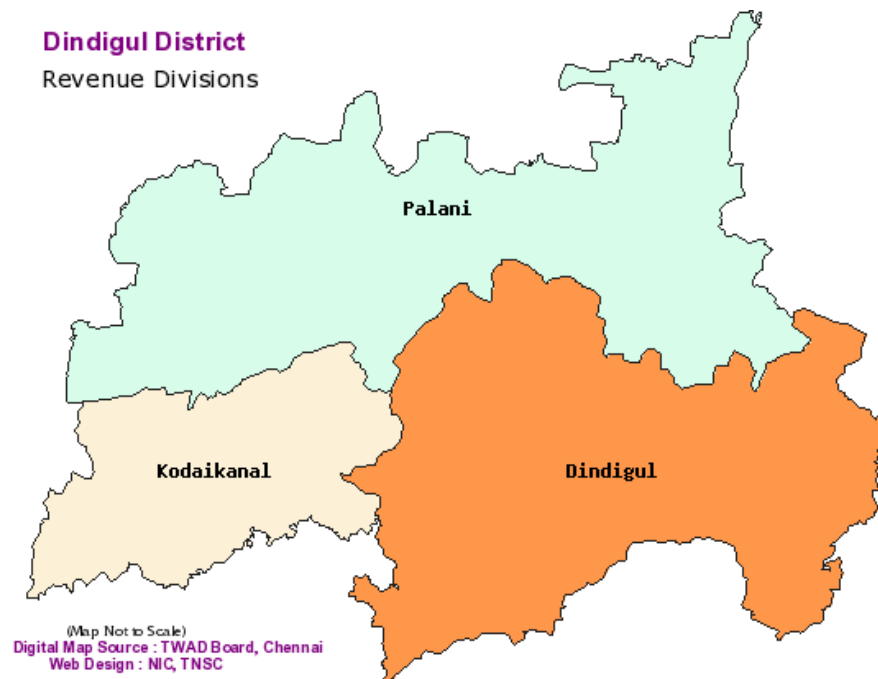
<sup>108</sup> See, Full Text of the 1993 Act, No.46/1993, 5<sup>th</sup> June 1993.

<sup>109</sup> Mander, Harsh, *Unheard Voices: Stories of Forgotten Lives*, (New Delhi: Penguin, 2001), p. 38.  
25 See, Full text of 2012 Act.

<sup>111</sup> Kropac, Michael, *Dalit Empowerment and Vocational Education — An Impact Study*, IIDS Working Paper Series, Vol. II, (2007), No. 3.

harassed<sup>112</sup>, in the night. The corporations, municipalities and police stations do not take actions against the culprits despite repeated complaints, rather, they are being oppressed by the authorities. Bangladesh sweepers are from Telugu and Kanpuri-speaking community and they do not have ‘educational or health care service centres’<sup>113</sup> or maternity leave for pregnant sweepers.

**Map 1.1: Dindigul District’s Revenue Divisions**



Source: <http://tnmaps.tn.nic.in/district.php>, Date: 06.07.2014

### 1.6.3. Lacking in Implementation of 1993 Act: Case Study in Three Municipalities

Though the government has launched several welfare and rehabilitation strategies and programmes for the manual scavengers, the stark fact remains that, scavengers and sweepers are marginalised and live under acute socio-economic condition. In municipalities, regarding the majority of scavenger’s occupational mobility, ‘the municipal laws... are not stringent enough to eradicate this practice.’<sup>114</sup> Thus the forces of change have not brought about the desired degree of social and economic transformation of scavengers. The Dalits face exclusion and discrimination from participation in certain categories of jobs, e.g., the ‘sweepers being excluded from

<sup>112</sup> Masud, Rahman Muzibur, ‘The Life and Days of (Dalit) Sweepers in Bangladesh’, *Daily Jugantor*, (Dalit Network Netherlands), <http://www.dalits.nl/060424.html>, (accessed: 25 April 2012).

<sup>113</sup> *Ibid.*,

<sup>114</sup> Ramanathan, Usha, ‘A Constitution amid dire Straits’, *Seminar*, No. 615, (2010), [http://www.india-seminar.com/2010/615/615\\_usha\\_ramanathan.htm](http://www.india-seminar.com/2010/615/615_usha_ramanathan.htm), (accessed: 24 May 2012).

household jobs such as cooking<sup>115</sup> due to the notions of purity and pollution of occupations and their engagements in so-called unclean occupations. ‘The nature of indigenous concepts of “purity” and “pollution” and the place of these concepts in the social order’<sup>116</sup> have been pursued with renewed interest.

A fundamental point of the study is the nature of policy interventions in relation to the liberation of scavengers in three major municipalities. The 1993 Act did not have the mode of abolition of scavenging. To what extent was the abolition of scavenging affected? The parameter of stigma has not been annihilated in last 20 years. What happened in those twenty years? Many studies found that not a single person was prosecuted under this Act, but a recent study records that in ‘Haryana 22 people were sent to jail’<sup>117</sup> for employing manual scavengers. This is the first sustained movement to end manual scavenging in India. Admittedly, the law had many lacunae, but surely that cannot be the reason none were being prosecuted under the law. Whether the Act was sensitive to understanding the complex nature of employment of scavengers after abolition? Why no rehabilitation was provided to scavengers? There is no doubt that society needs a strong deterrent against a practice that forces people towards extreme indignity. A strong pro-people law will help in changing the ground reality. However the existing definition of manual scavenging as per the Act, 1993 does not cover manual cleaning of septic tanks and sewers cleaning.<sup>118</sup> It is essential that such cleaning operations be included in the definition of manual scavenging since they involve similar issues of dignity as well as health related hazards. Therefore, the definition of manual scavenging was modified by Ministry of Social Justice and Empowerment, ‘a person engaged or employed, whether by an individual or an urban local body or any other public or private agency, for manual cleaning, carrying or disposing untreated human excreta, including a latrine, a tank, in a drain or a sewer line.’

The well-known fact exists that the rehabilitation process for manual scavenging is not only sporadic but also lacking in the implementation level. The lack of implemented rehabilitation policies for scavengers give us a number of examples, like the Self-Employment Scheme of Liberation and Rehabilitation of Scavengers - 2007, under

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<sup>115</sup> Thorat S., Negi P., and Aryama, ‘Reservations in the Private Sector - Issues, Concerns and Prospects’, *IIDS, Working Paper Series*, Vol. I, (2006), No.1.

<sup>116</sup> Bean, S. Susan, ‘Towards a Semiotics of “Purity” and “Pollution” in India’, *American Ethnologist*, Vol. 8, No. 3, (1981), p. 575.

<sup>117</sup> Mander, Harsh, ‘Resource Handbook for Ending Manual Scavenging,’ (New Delhi: ILO, 2014), p. 26.

<sup>118</sup> See, 1993 Act and 2013 Act has mentioned these works are coming under as manual scavenging.

the Ministry of Social Justice and Empowerment, with the objective of rehabilitating the remaining manual scavengers and their dependents in alternative occupations by March, 2009.<sup>119</sup> The Scheme was extended up to March 2010, but faced the problem of fund utilisation. In 2003, various state governments reported to the Supreme Court — in response to a petition filed by the Safai Karmachari Andolan (SKA) — that there were no manual scavengers and no dry latrines in their respective states. This was a blatant lie and they stuck to the lie until 2010, when SKA presented in court authentic evidences to prove that this practice continues in the country. ‘There have been many deadlines for eradicating this practice, one such final deadline was March 31, 2010. Deadlines have come and gone.’<sup>120</sup> The Supreme Court of India urged Central Government to emancipate the scavengers; ‘they are marginalised and Parliament needs to take adequate steps.’<sup>121</sup> The 1993 Act implemented to eradicate the manual scavenging but it have eradicated the scavenger’s occupation and livelihood options under the name of development. The Act was enacted to enable the Arunthathiyars to live with dignity and live with good health. But in reality there is poor execution of the act and there is no social monitoring system to reckon the impact of the act. So gradually they lost their livelihoods again they could engage as scavengers or sweepers in neither municipalities or in private. According to the Safai Karmachari Andolan report which culled out data from the 2011 census in Tamil Nadu, 26,020 manual scavengers were employed for 27,659 toilets. This comparison study would focus on Dindigul, Palani and Kodaikanal municipalities with concern towards occupational stability in policy interventions of schemes and rehabilitation programmes for scavengers (Arunthathiyars).

The urbanisation and sanitation process included the household septic tanks and underground drainages for purifying the towns and cities accordingly, the Ministry of Urban Development formulated a scheme ‘Total Sanitation Campaign’ for facilitating the state government and Urban Local Bodies in ensuring cleaning of sewers and septic tanks and any latrines mechanically. The scheme facilitated funding for the procurement of suction machines for cleaning septic tanks and suction-cum-jetting machines for cleaning sewers in all cities and towns in the country. The 5161 cities and towns as per 2001

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<sup>119</sup> National Safai Karmachari Finance Development Corporation, <http://nskfdc.nic.in/content/revised-srms/self-employment-scheme-rehabilitation-manual-scavengers-srms>, (accessed: 03 July 2015).

<sup>120</sup> Sridevan, Prabha, ‘Burying Democracy in human waste’, *The Hindu*, <http://www.thehindu.com/opinion/lead/burying-democracy-in-human-waste/article4284089.ece>, (accessed: 09 January 2013).

<sup>121</sup> Vengatesan, J, ‘SC upset at delay in passing manual scavenging Bill’, *The Hindu*, <http://www.thehindu.com/news/national/sc-upset-at-delay-in-passing-manual-scavenging-bill/article4287258.ece>, (accessed: 09 January 2013).

census would qualify for aid under the proposed scheme. Provision of underground and drainage in cities and town is an enormous task and 100% coverage in terms of area and population may not be possible, given the resources required. A separate scheme for achieving the goals of National Urban Sanitation Policy shall be formulated in the 12<sup>th</sup> Five Year Plan.

### **1.7. Research Questions**

The Act ‘Prohibition of Employment as Manual Scavengers and their Rehabilitation Act - 2013’ should emancipate the manual scavengers from their conditions. How the parameters of occupational mobility have occurred after the 1993 Act in the three municipalities is examined here. The difference between government and public perception in the name of annihilating stigma from scavenging to scavengers is studied in detail. The social stigma prevents them from mobility towards any other occupation. For the sake of sanitation, has the state abolished scavenging for the purpose of maintaining good sanitation, or liberated scavengers from scavenging? Mainly, after the 1993 Act, how many scavengers have been rehabilitated from the scavenging in the three municipalities of south India?

### **1.8. Objectives of the study**

- To study historically Socio-Economic problems of manual scavengers
- To understand the stigma that is attributed to the manual scavengers.
- To examine the various policy initiatives towards the abolition of manual scavenging.
- To study gaps and limitations of Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
- To examine whether occupational mobility among scavengers occurred after the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
- To understand Socio-Economic-Cultural conditions of scavengers in three municipalities through comparative perspective.
- To evaluate of sanitation conditions in the three municipalities.

## 1.9. Research Methodology

This study points out the social deficit in emancipation of reform policy, with reference to three Municipalities in a comparative study. This work traces out the significant statutes, judicial pronouncements and reports governing the issue and establishes the gap between theory and practice.

### 1.9.1. Significance of the Study

The government launched several rehabilitation programmes for scavenger's empowerment but the stark fact remains that the scavengers are marginalised and live under acute socio-economic conditions. The lack of sense to equality especially stigma amongst general people and their own perceptions of manual scavenging is a complicated matter to worst. 'The municipal laws are not stringent enough to eradicate this practice.'<sup>122</sup> Dalits face exclusion from participation in certain categories of jobs, e.g., the 'sweepers being excluded from household jobs such as cooking'<sup>123</sup> due to the notions of purity and pollution. 'The nature of indigenous concepts of 'purity' and 'pollution' and the place of these concepts in the social order'<sup>124</sup> have been pursued with renewed interest.

According to Safai Karmachri Andolan culled out data from the 2011 census in Tamil Nadu 26,020 manual scavengers for 27,659 toilets. This comparison study would focus on Dindigul, Palani and Kodaikanal municipalities with concern of occupational stability in policy interventions of schemes and rehabilitation programmes for scavengers (Arunthathiyars). The urbanisation and sanitation process includes the household septic tanks and underground drainages for purifying the towns and cities. Suppose if blocks occurred in sewers human require for unblocking it. Without any safety measures scavengers have been losing their lives in the name of purifying. Accordingly, the Ministry of Urban Development formulated a scheme 'Total Sanitation Campaign' for facilitating the state government and Urban Local Bodies in ensuring cleaning of sewers and septic tanks and any latrines mechanically. The scheme will facilitate funding for the procurement of suction machines for cleaning septic tanks and suction cum jetting machines for cleaning sewers in all cities and towns in the Country. The 5161 cities and

<sup>122</sup> Ramanathan, Usha, 'A Constitution amid dire Straits', *Seminar*, No. 615, (2010), [http://www.india-seminar.com/2010/615/615\\_usha\\_ramanathan.htm](http://www.india-seminar.com/2010/615/615_usha_ramanathan.htm), (accessed: 24 May 2012).

<sup>123</sup> Thorat S, Negi P, and Aryama, *Reservations in the Private Sector*.

<sup>124</sup> Bean S, Susan, 'Towards a Semiotics of "Purity" and "Pollution" in India', *American Ethnologist*, Vol. 8, No. 3, (1981), p. 575.

towns as per 2001 census will qualify for aid under the proposed scheme. Total Sanitation Campaign's projects have increase every year but same 'district in West Bengal and Tamil Nadu'<sup>125</sup> the improvement have not taken well. A separate scheme for achieving the goals of National Urban Sanitation Policy shall be formulated in the 12<sup>th</sup> Five Year Plan.

### 1.9.2. Comparison of Three Municipalities – Profile of the Study Area

This study is concerned with the scavengers in Dindigul district of Tamil Nadu with reference to policy interventions with special interest in their rehabilitation parameters. Dindigul district has three municipalities Dindigul, Palani, Kodaikanal respectively. In Dindigul Municipality approximately 275 scavengers are working and in its town both a traditional way of cleaning toilets by human and modern way of cleaning by the machines are practised. Without help of human those machines cannot utilise for proper cleaning. The Palani municipality has an ancient Murugan temple in the town and particularly in February and March on auspicious days like *Thai-poosam*, *Panguni Utthiram* and *Kandha Shasti*<sup>126</sup> devotees throng in large number from various parts of South India to this shrine by '*paadha-yatra*' (travelling by foot). During these days, scavengers have to cleanse the waste of the devotees, because they do not have adequate facilities for defecation. Therefore special arrangements are necessary for public health to be made by the Municipal Council, for the safety or convenience whether permanent or temporary<sup>127</sup> in and around the festival place. The authorities have to arrange good number of scavengers from around village panchayats to remove the excreta. Because most of the devotees do their rituals in the early morning of the auspicious days, so the places should be clean from the stools and other. After the bath devotees should not inhale the odour so the scavengers should clean the area in the early morning. 'Caste society did not ever mind that public places (roads, railways, or wasteland) were soiled by excreta, but insisted that the inside of the house should be free of excretions,'<sup>128</sup> and for this purpose, 140 scavengers are working around Palani. Throughout India and in other temple towns similar situation is faced during festivals. In Maharashtra, the Bombay High Court expressed the concern of over pollution of Chandrabhaga River in temple

<sup>125</sup> Alok, Kumar, *Squatting with Dignity: Lessons from India*, (New Delhi: Sage, 2010), p. 14.

<sup>126</sup> The festivals are in celebration of lord 'Murugan' (Myth - the younger brother of lord Ganesha).

<sup>127</sup> *The Tamil Nadu District Municipality Act, 1920*, <http://cma.tn.gov.in/cma/en-in/Downloads/The Tamil Nadu District Municipalities Act, 1920.pdf>, (accessed: 01 April 2013).

<sup>128</sup> Ramasamy, Gita, *India Stinking*, p.15.

town of Pandharpur. The court on hearing announced that on ‘public interest litigation wants eradication of manual scavenging in Pandharpur.’<sup>129</sup> Kodaikanal the famous tourist place as well as a hill station in Tamil Nadu gives 30% of its income to the state tourism. Apart from tourism, there are a number of foreigners who visit this district and various international institutions and schools are actively working. Therefore, in Kodaikanal municipality modern machine should be implemented to maintain proper sanitation and hygiene to avoid criticism of the international agencies who are major stake holders in the state. Generally, scavengers do other chores in higher authority’s houses. Here ‘female workers facing sexual abuse from them’<sup>130</sup> workers are does not disclose it, with the fear of losing their job rather assaults by authorities. Sexual abuses are often in the less occupational mobility caste.

### **1.9.3. Tools of Data Collection**

The study is multi-disciplinary, spanning social policy and sociology. Correspondingly, the methodology for the study has combined elements of each discipline. Sociological case study and life history methodologies are used to build up case studies to capture the experience of each deprived group. The elements of sociology and social policy derived more from a critical study of the literature.

More specifically, this study draws upon the qualitative research methods and techniques for primary data collection. Such methods include the following

- Personal interviews
- Informal focused group discussions
- Participation observation
- Content analysis especially all scavengers’ reports.

### **1.9.4. Research Design**

An attempt has been made here to explore the livelihoods of scavengers (*Arunthathiyars, Domban, Kattunayakkan and Murasar*). Therefore, as exploratory research design has been prepared for conducting the study which include multidimensional objectives. This type of design is best suited for the present study as

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<sup>129</sup> Bombay HC wants to know which law justifies rituals on riverbank, *DNA*, <http://www.dnaindia.com/mumbai/report-bombay-hc-wants-to-know-which-law-justifiesrituals-on-riverbank-2064166>, (accessed: 03 March 2015).

<sup>130</sup> Mark, *Arunthathiyar Vaalum Varalaru – Ena Varaiviyal*, (Chennai: Tamillini, 2011), p. 288.

many new ideas and issues have emerged while doing this research. The kind of heterogeneity that existed among the community, required an exploratory design.

### **1.9.5. Sampling Procedure**

The study is a case study of a selected marginalised group - the Arunthathiyars. This study is to build an understanding of the issues of poverty, marginalisation, exclusion, deprivation and injustice, primarily from the source material of the experiences and perceptions of the people living through these conditions. Municipalities have more than hundred workers so approximately 100 respondents from each were interviewed. Hence the sampling procedure adopt is purposive sampling.

### **1.10. Chapterisation**

This study is presented with six chapters, first chapter introduction in nature of ground problems of three municipalities the policy analysis to empowerment of manual scavengers. It introduces the central question of reasons of 1993 Act failure of rehabilitation perceptions and the research methodologies of the study. The second chapter '*State, Scavengers and Policy Processes – Historical Analysis*' presents the conceptual framework within that research work was carried-out and analysed the pre-market and post market reforms with the strategies of state policies are forming the context of rehabilitation.

Third chapter '*Implementation of 'Employment of Manual Scavenger and Construction of Dry Latrines (Prohibition) Act 1993' A comparative study of three Municipalities,*' explores the comparison parameters of three municipalities. Also examines the enforcement of 1993 Act that made any impact of scavenger's livelihood options for occupational mobility. With that examines the issues of rehabilitation especially after 1993 Act implemented in three municipalities. Then chapter four examines the changing patterns of urbanisation and sanitation in three Municipalities. Focuses the everyday working pattern have been changes since 1993 Act implemented.

The fifth chapter brought the impact of 1993 Act's socio economic conditions on manual scavengers in three Municipalities. It explores the various dimensions of their cohesiveness with different communities dwelling in scavenger's settlements. And this Act's impact of the parameter of the target have erases the stigma for rehabilitated scavengers. Finally, concluding chapter emphasis the main findings of the study and

largely major suggestions open by the study like scavengers involved in sanitation is very disproportionate with civil population.

The ground problem of implementation the Employment of Manual scavengers and construction of Dry Latrines (Prohibition) 1993 Act, understands in three municipalities. Due to policy analysis the Acts and Schemes for manual scavenger's empowerment have been studied in the last millennium's rehabilitation measures. Even though Indian society still carrying the degraded occupations that meant to allots monopoly communities, so the stratified caste arranges the occupations to Dalits. Because of this occupation the scavengers have been called different names to overall India, even each region has different names on them to clearly identify them in large society. Like that Tamil Nadu scavengers has unique identification name that still resembles their customary rights since dry latrine's cleaners. The studies on scavengers have been saying that overall nationwide survey is necessary to identify their population, so that government can focus their rehabilitations seriously. Because most of the states claiming no manual scavenging in certain states, those scavengers are not get any benefits from their empowerment policies. In spite of so many policies in rehabilitation those schemes failed to gain the momentum of empower them from manual scavenging, it indirectly ask workers to engage scavenging in different ways in which not comes under the legal punishment. Those lacks could lead the manual scavenging without any identification. So each time the government have to consulate with scavenger's organisation because they can enrich the social policies with all measures to rehabilitation without any hurdles. If policy makers have not been take care of including scavenger's representatives would have reduce the current or new manual scavengers. Without their involvement the policy makers so far weren't provide the full rehabilitation packages for manual scavengers. The following chapter has discussed the insights of policy implication of manual scavengers and explored the issues on social exclusion perspective.

Ever since independence, the Government of India has initiated several welfare policies to improve the socio-economic and livelihood conditions of scavengers, who were largely forced to be engaged in menial occupations like scavenging, sweeping and tannery. These types of occupations placed them as the most backward community in terms of educational and socio-economic status. The ‘unclean’ nature of work performed by them largely contributed to their being labelled as untouchables and their being forced to reside in habitations far away from the dwellings of the so-called upper castes. The Chinese monk, Hsuan Tsang, who visited India in the early years of the seventh century, later mentioned that ‘certain groups lived outside of the mainstream society, and ‘scavengers have their dwellings away from the city limits.’<sup>131</sup> It is rather unfortunate that such a type of stigma is still being attached to persons engaged in the scavenging occupation. Even more amazing is the fact that persons belonging to communities like the members of the Arunthathiyar community in Tamil Nadu, who are engaged in leather processing, consider the other consider the others Arunthathiyars, who are engaged as scavengers as impure and lowly. Thus, persons belonging to the same community are prone to look down on their brethren merely on the basis of the work done by the latter. ‘Unclean occupations are associated in some way with death of with human bodily waste-events and objects surrounded by deep-seated beliefs about ritual pollution.’<sup>132</sup>

The pattern of employment of untouchable rural migrants in the towns marked a change from their past economics and social relations of work in the countryside. In the towns, the untouchables ceased to be servile labourers of the higher castes. The nature of the urban occupations of untouchables came to undermine the direct caste-subordination at work. Though wage employment is not free from economic conflict and exploitation, yet it could give rise to a sense of liberation among the dominated caste groups, for whom caste subordination have been the prominent social experience in rural areas. Still occupational divisions along caste lines, prevalent in the rural situation, are thus being replicated in the urban areas, notwithstanding the relaxation of direct caste-domination in employment relations. This can generate or accentuate a sense of ritual discrimination among untouchables, especially when juxtaposed against a new experience of independence at work. Occupational distinctions are coupled with spatial segregation of

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<sup>131</sup> Omvedt, Gail, *Buddhism in India: Challenging Brahmanism and Caste*, (New Delhi: Sage, 2003), p. 151.

<sup>132</sup> Shah, Ghanshyam, *et.al, Untouchability in Rural India*, (New Delhi: Sage, 2006), p. 106.

the untouchables who have live on the village periphery. In the towns too, many of them have no access to the residential areas of higher castes. Settlements of untouchables are concentrated in secluded pockets on urban outskirts, in un-reclaimed, insanitary areas, almost invariably devoid of water supply and conservancy and civil services. In the rare cases, when untouchables live in urban slum complexes along with people of other castes, their houses generally form separate blocks.<sup>133</sup> Caste distribution in urban neighbourhoods thus also provided an ample expression of caste distinctions.

In the late nineteenth and early twentieth centuries, therefore, the untouchable migrants to the towns were exposed to two contrary trends. On the one hand, caste-domination ceased, to a large extent, to be a feature of occupational relations. It would be reasonable to surmise that this was also likely to have created expectations, and educational opportunities. On the other hand, continued caste-distinctions in employment or educational opportunities and settlement patterns, as well as their general poverty,<sup>134</sup> thwarted economic or social improvement among the untouchables. Moreover, the way in which the higher castes view the untouchables have clearly not changed. Low-caste status has assumed a specific relevance in the towns for the close correspondence between caste divisions and the occupational structure and spatial distribution of population. Sanitation is very important in each society, but ‘occupations such as scavenging, which no other group is willing to perform, grant Dalits monopoly occupations.’<sup>135</sup> Such divisions, of course, existed in the countryside, but in the towns caste distinctions have more direct implications for the access of untouchables to work and housing. Ritual distinctions here came into play as a form of social and occupational exclusions. Moreover, the awareness of the untouchables about such ritual distinctions in occupational opportunities is heightened by the slackening of caste subordination at work. However, escape to the anonymity of cities does not always guarantee liberation from the stigma of unclean occupations. Many Dalits, particularly the younger generation, migrate to towns to escape from unclean occupations, but even there, they find work mainly as road sweepers and drain cleaners.

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<sup>133</sup> *Madras Municipal Board Annual Report, 1937-38.*

<sup>134</sup> *Equality at work: The continuing challenge*, Report I (B) - International Labour Conference, (ILO, Geneva: 2011), [http://www.ilo.org/wcmsp5/groups/public/---ed\\_norm/---relconf/documents/meetingdocument/wcms\\_154779.pdf](http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---relconf/documents/meetingdocument/wcms_154779.pdf), (accessed: 11 May 2012).

<sup>135</sup> Shah, Ghanshyam, *et. al.*, *Untouchability in Rural India*, p. 112.

## 2.1. The Conceptualising the Social Exclusion with dilate Perspectives

As an analytical concept, the term “social exclusion” was originally coined by the Frenchman, René Lenoir, in his book *‘Les Exclus Un Francais Sur dix (1974)*. It refers to people who had been let down by the existing state and social networks’,<sup>136</sup> like the mentally and physically handicapped, abused children, single parents, substance users, and other groups unprotected by the social system. René Lenoir urged the welfare society to look for those left out of the system without any help from the social system. As the use of the term became widespread in the 1980s, the European policy makers widely adopted this concept to develop their society. It came to refer to a whole range of socially disadvantage groups and became central to French debates about the ‘new poverty’<sup>137</sup> associated with rapid economic transformations. Over the last three decades, the language of social exclusion is increasingly used not only in Europe, but also in other parts of globe, giving a comprehensive expression to the multi-dimensionality of marginalisation mainly through the work of the International Institute of Labour Studies at the International Labour Organisation (ILO). Since the early 1980s, the concept of social exclusion is being used in ‘national and international development debates’<sup>138</sup> as an important contemporary form of poverty analysis. In the most significant effort, Hilary Silver delineated ‘three different paradigms, each based on a different notion of integration: Solidarities, Specialisation, and Monopoly.’<sup>139</sup> She presented her ideas on patterns and causes of social exclusion and the design of policies to promote integration’ in the International Institute for Labour Studies Project.

- *Solidarity*: The relationship between the human and society and human and human is called as ‘social solidarity’.<sup>140</sup> The severance of this solidarity is known as

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<sup>136</sup> Gordon, David, *History and Development of Social Exclusion and Policy*, eds., Dominic Abrams, Julie Christian & David Gordon, ‘Multidisciplinary Handbook of Social Exclusion Research’, (West Sussex: John Wiley, 2007), p. 193.

<sup>137</sup> Estivill, Jordi, *Concepts and Strategies for Combating Social Exclusion: An Overview*, (STEP: Portugal, & International Labour Office, 2003) also see, The World Bank, *Poverty and Social Exclusion in India*, (Washington DC, 2011), p. 92.

<sup>138</sup> Silver, Hilary, ‘Understanding Social Inclusion and its Meaning for Australia’, *Australian Journal of Social Issues*, Vol. 45, No.2, (winter 2010), p. 186.

<sup>139</sup> \_\_\_\_\_, *The Process of social exclusion: the dynamics of as evolving concept*, CPRC Working Paper 95, (Brown University, 2007).

<sup>140</sup> \_\_\_\_\_, *Reconceptualizing Social Disadvantage: Three Paradigms of Social Exclusion*, eds., Rodgers Gerry, Charles Gore & Jose B Figueiredo, ‘Social Exclusion: Rhetoric Reality Responses’, (Genève: International Institute of Labour Studies, 1995), p. 66.

social exclusion. Some individuals or ethnic groups may be excluded from the process of integration with the mainstream of the society. The parameter of discrimination not reveal us much about ‘the processes by which race and ethnicity come to matter’.<sup>141</sup>

- *Specialisation*: Exclusion that emerges from the unequal distribution of social spheres, un-promulgated rights and market reform failures, can be seen as ‘disaffiliation’ and ‘disqualification.’ Exclusion, referred in the case, as application of unenforced rules and hurdles to free movement among different stages of life. Exclusion is a form of discrimination in the extent that community has boundaries that impede individual be shunned to participate freedom in social exchanges.

- *Monopoly*: The last major paradigm is that of monopoly. Mentioned early that exclusion birth because of dominant social groups monopolise the use of public resources. It oblige society to carry the interest of fiefdom those who are part of the group, so the exclusion demystify the perspective of hierarchical power relations can be seen as a consequence of group monopoly. The excluded are, therefore, simultaneously ostracised and the dominated ones. ‘Social Exclusion can be combated through individual citizenship and the extension of equal membership and allowing full participation in the community to outsiders’.<sup>142</sup>

### 2.1.1. Languages of Social Exclusion

The discussions so far about the process of exclusion have proven a point that the concept is broad and each definition brings a nuance to its understanding. This framework provides a comprehensive conceptual mechanism to analyse society. In 2001, Ruhi Saith listed out five main features to characterise 'social exclusion'.<sup>143</sup> These were: Multidimensional, Relational, Relative, Dynamic and Emphasis on Process. These describe the social exclusion parallel concepts and applications for developing countries. Exclusion entails a risk for each individual. In terms of Durkheimian<sup>144</sup> rhetoric, exclusion threatens society as a whole with the loss of collective values and the destruction of the social fabric.

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<sup>141</sup> Pager, D., Western, B. and Bonikowski, B., ‘Discrimination in a Low-Wage Labor Market: A Field Experiment’, *American Sociological Review*, Vol. 74, (2009), p. 789.

<sup>142</sup> Silver, Hilary, *Reconceptualizing Social Disadvantage*, (1995), p. 68.

<sup>143</sup> Saith, Ruhi, *Social Exclusion the Concept and Application to Developing Countries*, QEHWPS 72, (University of Oxford, 2001).

<sup>144</sup> Silver, Hilary, ‘Social exclusion and social solidarity: Three paradigms’, *International Labour Review*, Vol. 113, No. 5-6, (1994), p. 534.

### **2.1.1. a. Multidimensional**

‘Social exclusion’ is clearly broader than poverty because of the dissatisfaction with the approach to poverty in industrialised, as well as developing, countries. Thus, emphasis began to shift from ‘income’ poverty to broader multidimensional (including social, political and cultural dimensions, in addition to the monetary dimension) approaches to poverty. The concept of social exclusion encompasses a variety of dimensions for understanding the various notions about discrimination, deprivation and poverty. It inter-relates the material and non-material aspects of deprivation, which include the basic items like food, clothes, etc. Different sorts of groups and institutions can exclude people often at the same time. When combined, they create acute forms or exclusion. ‘The multidimensional aspect of ‘social exclusion’ is not just about looking at a number of dimensions individually, but also at the relations between these’.<sup>145</sup>

### **2.1.1.b. Relational**

The ‘social exclusion’ concept is argued to have shifted the focus in industrialised countries to social relationships. ‘The vulnerability of an individual, or household, to ‘social exclusion’ is seen to depend not just on their own resources, but also on the local community resources’<sup>146</sup> that they can draw. These resources include: ties with family members, local traditions of mutual aid, self-help organisations and the state. Social exclusion implies a focus on the relations and processes that cause deprivation. Nowadays, developing countries had turned their focus of poverty to providing goods to their people. The concept takes us beyond mere descriptions of economic deprivation and focuses attention on social relations, the processes and institutions that underlie deprivation.

### **2.1.1.c. Relative**

The analytical focus of poverty in traditional poverty assessments, using absolute lines, has been at the individual, or household, level. ‘Social exclusion’ involves the ‘exclusion’ of people from a particular society. The judgement about a person’s circumstances may not be enough to exclude him or her from the social system. ‘One

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<sup>145</sup> Room, G. J., ‘Social Exclusion, Solidarity and the Challenge of Globalization’, *International Journal of Social Welfare*, Vol. 8, (1999), p. 167,

<sup>146</sup> de Haan, Arjan 1998. “*Social Exclusion in Policy and Research: Operationalizing the Concept*” ,Figueiredo and de Haan, eds., ‘Social Exclusion: an ILO Perspective’, Genève: ILO, pp.11-24, Cited in, Saith, Ruhi, *Social Exclusion the Concept and Application to Developing Countries*, QEHWPS 72, (University of Oxford, 2001).

cannot look at them in isolation, but has to look at their circumstances in the context of the rest of the society in which they live.<sup>147</sup> There are variations in the levels of poverty, the problems and different institutions in developed and developing countries and the trajectories in progress. ‘Social exclusion’ thus incorporates a relative element.

#### **2.1.1.d. Dynamic**

Earlier, both in industrialised countries and in developing countries, most poverty studies were static, relating to ‘outcomes.’ In parallel with a move to the multi-dimensional nature of poverty however, the importance of the time dimension increasingly became obvious. The concerns of ‘social exclusion’ have been with long-term consequences of a phenomenon, which then leads to multiple disadvantages and exclusion from society over a period of time. ‘Assessment of the extent of social exclusion has, therefore, to go beyond the current status.’<sup>148</sup> For example, people are considered ‘excluded’, not just because they do not have a current job or income, but also because they have very few prospects for the future. The low status employment is also excluded, because they are powerless to change their own lives.

#### **2.1.1.e. Emphasis on process**

Lastly, there are a number of analyses of studies to poverty exploring the causes, particularly in developing countries. The welfare state policies have concentrated on emancipation of the needy, rather than on rectifying the processes that have resulted in the poverty. The ‘social exclusion’ approach originated in relation to concerns regarding the welfare state. The approach, therefore, from the beginning was concerned with institutions and their role in the processes leading to poverty, causing a shift in emphasis from outcomes to processes. It looks at the ‘causal analysis of the various paths into and out of poverty, going beyond the unhelpful clubbing diverse categories of people as “the poor.”’<sup>149</sup> Social Exclusion is increasingly being used in policy debates, and particularly so in those about the social consequences of economic change and globalisation. It is a powerful notion, because it contains a moral force and identifies and associates

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<sup>147</sup> Atkinson A. B., *Social Exclusion, Poverty and Unemployment*, eds, Atkinson and John Hills, ‘Exclusion, Employment and Opportunity’, CASE Paper Case/4, (London School of Economics, 1998), p. 13.

<sup>148</sup> Atkinson A. B., *Social Exclusion, Poverty and Unemployment*, p. 10.

<sup>149</sup> Gore, Charles, and Figueiredo, Jose, B, eds. *Social Exclusion and the Anti-poverty Policy: A Debate*, Research Series 110, ILO, (Genève: ILS, 1997).

particularly disadvantaged population groups with particular institutions and shows that lack of income or wealth is not the only reason for marginalising people.

### 2.1.2. Employment and Social Exclusion

The link between employment and social inclusion is a complex one. At the same time, it does not follow that employment implies social inclusion. People may remain excluded, even though at work. Employments are emphasising manual skills and mere qualifications are less likely to activate concerns of this kind. In this scenario, ‘discrimination obtains not at the worker level, but at the job level.’<sup>150</sup> In situations like this, the worker would fall outside the scope of the social integration and be unable to gain the benefit of social status. A person’s ‘social identity’ and ‘social status’<sup>151</sup> enabled one to anticipate his or her social category and use both terms as well as structural preconditions of stigma, like ‘occupation’. This stigma is transmitted through lineages and ‘contaminate’ all members of a family. Many Dalits are still working in stigmatised occupations that handle ‘impure’ material such as human faeces and hides of dead animals. The inhuman occupations like scavenging, sweeping, tanning and cleaning jobs remain distinctively Dalit occupations in the so-called ‘developing India’. The socio-economic conditions of many Dalits is pathetic, though they constituted nearly 16.2<sup>152</sup> per cent of the Indian population. Caste-based social exclusion is rooted in Hindu religiously sanctioned structures of exclusion and marginalisation and discrimination still remain intact. Institutionalised ideas of purity and impurity have been lurking in the hearts, minds and actions of many upper caste persons and all the below lower caste for centuries. The fundamental features of the caste system, namely, fixed social, cultural and economic rights for each caste by birth, with restrictions on change, have created manifold forms of exclusion, discrimination and marginalisation. Another feature in the hierarchical and graded social order is that the Brahmins are not only placed at the top, but are considered to be “super social beings” worthy of all special entitlements, rights and privileges. At the bottom of the social pyramid, the disabilities that the Dalits suffer are so severe that they are generally mentally, physically and socially isolated and excluded from the rest of society. Isolation and exclusion of the untouchables is a peculiarity of the Hindu social order.

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<sup>150</sup> Pager, D., Western, B. and Bonikowski, B., *Discrimination in a Low-Wage Labor Market*, p. 779.

<sup>151</sup> Goffman, Erving, *Stigma: Notes on the Management of Spoiled Identity*, (London: Penguin, 1990), p. 12.

<sup>152</sup> Census of India-2011, Government of India.

The manual scavengers have been forced to be in the industry of waste disposal in Indian society. Many people choose to defecate in the open places or use dry latrines. Hence, there is the need for manual scavengers to remove the waste. Due to sanitation concerns, the human waste should be removed at the earliest possible, lest it cause communicable diseases. Even today, in many places, such excreta is being physically removed by human beings only. So the government has to look to ‘design sustainable sanitation technology that would eliminate the need for manual scavengers’.<sup>153</sup> It is also imperative to chalk out alternative employment strategies to improve the living and working conditions of manual scavengers. It must be understood that employment is not just about income. It is also about social relations in the Indian context. Another way to look at the issue is to define the term social exclusion in relation to the employment status also. Social exclusion, on the ground of caste, is ‘most potent form of the exclusionary dimension of core importance in India’.<sup>154</sup> So the caste has penetrated each aspect of society. ‘The Indian social fabric is still the best guide to the changes in the various social strata in Indian society.’<sup>155</sup>

The sociological view of stratification and employment opportunity is paralleled by the extensive ‘cognitive processes of prejudice and stereotyping that underlie both group preferences and social exclusion.’<sup>156</sup> Employment does not ensure social inclusion whether or not it does depends on the socially quality of the work offered the ‘marginal’ jobs may be no solution improve their ‘quality of life’.<sup>157</sup> Manual scavengers still constitute an important category of the socially excluded, since employment is a vital constituent of an individual’s dignity and self-respect in society. Dignity of a caste is to be measured as much by the utility as by the difficulty of the occupations which it pursues.<sup>158</sup> Children of a large number of manual scavenger have been denied access to basic services like education, health and socially participation activities and resources associated with citizenship. The consequence due to the prevalent social system present

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<sup>153</sup> Arpels, Marisa, *et. al.*, *Moving Forward: Ending Manual Scavenging in Paliyad*, Program on Human Rights & Justice, (Massachusetts Institute of Technology, 2008).

<sup>154</sup> Nayak, Pulin, *Economic development and social exclusion in India (Chapter 2)*, eds., Arjan de Haan & Pulin Najak, ‘Social exclusion and South Asia’, Discussion Paper – 77, ILO, (Geneva: IILS, 1995).

<sup>155</sup> Ambedkar, *Dr. Babasaheb Ambedkar Writings and Speeches, Vol. 5, Essays on Untouchables and Untouchability*, Govt. of Maharashtra, (Bombay: Education Department, 1989).p. 6-7.

<sup>156</sup> Thorat, Sukhadeo, Attewell, Paul and Rizvi, Firdaus Fatima, *Urban Labour Market Discrimination*, WPS, Vol. III, No. 01, (New Delhi: IIDS, 2009).

<sup>157</sup> Sen, Amartya, *Inequality Reexamined*, (New York: Russell Sage Foundation, 1992), p. 24.

<sup>158</sup> Bouglé, Célestin, *Essays on the Caste System*, (London: Cambridge University Press, 1971), p. 32.

serious educational deficiencies, reduced social skills, low self-esteem and an inability to visualise an alternative life project. The conditions of social exclusion from an early age lead to social rejection and discrimination and make them vulnerable in their social life. Here, a welfare-based approach is required for improving the working and living conditions of the scavengers and addressing their social needs and solutions.

### 2.1.3. Social Exclusion in the Indian Perspective

Most empirical studies analysing ‘social exclusion in European countries take the employment’<sup>159</sup> status as the starting point. Creating alternative jobs for scavengers can contribute to ending the social exclusion. However, the success of such an initiative would depend on the nature of these new jobs. For instance, an empirical study brought out that Mumbai millworkers had experienced humiliation continuously at the workplace. This issue goaded the workers to file a petition against the mill owners. During the hearing before the Monitoring Committee, a worker complained that he was asked to sweep the floors’.<sup>160</sup> A sociological study used a term *outsiders*<sup>161</sup> to define those people who are judged by others to be deviant and thus to stand outside the circle of ‘normal’ members of the society. This term is perfectly reflecting the Indian social structure. Even though they got alternative occupations, the caste stigma continued to haunt them even there. For instance, in Ahmadabad a Valmiki<sup>162</sup> manual scavenger took an alternative occupation as an auto-rickshaw driver since he perceived that such a step would free him from his traditional caste occupation.’<sup>163</sup> Caste-Hindus beat him up so badly that he had to be hospitalised. Before that, they did not even allow him to park his vehicle at the auto stand. This points to the still widely prevailing notion that socially rejected people should not access educational and employment opportunities like others. The unemployment is not simply a stage before one secures employment. Instead, the transition towards employment is along and complex process during which people can come across adverse situations that could leave them outside the primary market, which, in turn, could adversely impact their present and future life. The state of unemployment

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<sup>159</sup> Saith, Ruhi, *Social Exclusion the Concept and Application to Developing Countries*, QEHWPS 72, (University of Oxford, 2001).

<sup>160</sup> Mhaskar, Sumeet, *Claiming Entitlements in ‘Neo-Liberal’ India*, QEHWP 200, (University of Oxford, 2013).

<sup>161</sup> Becker S., Howard, *Outsiders*, (New York: Free press, 1963), p. 15.

<sup>162</sup> Valmiki community — historically restricted to cleaning, sweeping and scavenging jobs.

<sup>163</sup> Gaikwad, Raki, ‘Dalit’s attempt to ply auto invites wrath of caste Hindus’, *The Hindu*, <http://www.thehindu.com/news/national/other-states/dalits-attempt-to-ply-auto-invites-wrath-of-caste-hindus/article6517150.ece>, (accessed: 25 October 2014).

may permanently deteriorate the employability of this section of the population and condemn them to a future of badly paid and low quality jobs. The International Labour Organisation came up with a study on persons who worked in hazardous occupations, or were in unemployment conditions. The study explored their ‘situation of stigmatisation and social exclusion and found that such persons would find it rather difficult to get alternative occupations.’<sup>164</sup>

Martha Sen’s study reveals that many social exclusion formats have emerged, most of these related to the Indian context. Three defining ‘characteristics of social exclusion’<sup>165</sup> are particularly relevant. First, social exclusion involves denial of equal opportunities in multiple spheres. Second, social exclusion is embedded in the channels and processes of social inter-relations through which individuals or groups are wholly, or partially, excluded from full participation in the society in which they live. Thirdly, the denial of equal opportunities, or access, results in lack of freedom, and human poverty and general deprivation of excluded social groups.

Amartya Sen draws attention to various meanings and dimensions of the concept of social exclusion. A distinction is drawn between the situation where some people are being kept out (or at least left out), and where some people are being included (may even be forcibly included) – at greatly unfavourable terms; and describing these two situations as “unfavourable exclusion” and “unfavourable inclusion.” “Unfavourable inclusion”, with unequal treatment, may have the same adverse effects as “unfavourable exclusion.” Sen also differentiates between “active and passive exclusion.” He defines “active exclusion” as the deliberate exclusion of people from opportunities through government policies or other means. “Passive exclusion” works through the social process in which there are no deliberate attempts to exclude, but nevertheless, may result in exclusion of people from a set of circumstances.

Sen further distinguishes “constitutive relevance of exclusion” from that of “instrumental importance.” In the former, exclusion and deprivation have an intrinsic importance of their own. For instance, being unable to relate to others and take part in community life can directly impoverish an individual, in addition to the further

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<sup>164</sup> Flores, G., and Sagot, M., *Guidelines to Promote Decent Work for Young Ex-child Labourers in Marginalised Urban Zones*, ILO, (San José: ILO, 2006).

<sup>165</sup> Sen, Amartya, *Social Exclusion: Concept, Application, and Scrutiny*, Social Development Paper No 1, (Bangkok: Asian Development Bank, 2000).

deprivation that it may generate. This is different from social exclusion of “instrumental importance”, in which the exclusion in itself is not impoverishing, but can lead to impoverishment of human lives. But at the very bottom, in the space usually occupied by the most recent arrivals and other excluded social groups, ‘living conditions have remained below’<sup>166</sup> what could be considered the threshold of acceptability. Social exclusion from an Indian perspective tells that deprivation and discrimination on the basis of caste and poverty factors can adversely impact the employability of the excluded individuals. The traditional Indian system of social ordering and control is the most elaborate form of social stratification ever known. It has dominated the Indian sub-continent for about three millennia, and is also the most exhaustive and obnoxious of all exclusionary systems.

## **2.2. Caste in Social Stratification**

In every society, ancient or modern, democratic or otherwise, the positions which individuals come to occupy vary in terms of power, privilege and status. This has its definite impact on the dialectical interaction among individuals, their social prestige, influence and importance. In Sorokin’s phraseology, its essence consists of unequal distribution of rights and privileges, duties and responsibilities, social values, social power and influence. In fact, such differentials act as motive forces behind mobility. The fundamental basis of this phenomenon inevitably lies in the manner in which societies are lacerated into layers and their hierarchical ordering. Thus, primarily, social stratification, in which various strata are composed and the manner and degree of movements among them, is important in contextualising the social mobility that the individual or group experiences.

One confronts different philosophical conceptions regarding the above problematic. For example, one usually comes across much of a juxtaposing of the dimensional construct of Marx and Engel with the multi-dimensional construct of Weber, Ranchman and Sorokin. The former rests on the pedigree of class, i.e., place of individuals in the system of production and property relations. While the latter, in addition to ‘class conception, includes status groups and parties’<sup>167</sup> or ‘power, in lieu of

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<sup>166</sup> Freire, Mila, *Introduction*, eds., Mila Freire and Richard Stren, ‘The Challenge of Urban Government’, (Washington DC: The World Bank Institute, 2001), p. xviii.

<sup>167</sup> Weber, Max, *Economy and Society*, (New York: Bed Minister, 1968), p. 285.

parties,<sup>168</sup> and ‘economic, political and occupational conception in stratification’.<sup>169</sup> Hence, such a multidimensional construct provides a social and political dimension to class, which otherwise is an economic construct. However, this does not undermine the centrality of economic factor, but such a multidimensional construct highlight the salience of social and political factors in contextualising the study and analysis of social mobility, more particularly in respect of the Dalit community.

Social stratification occurs not only in terms of assets or property. It may occur on the basis of caste, gender or religion. Based on their position within the stratification scheme, individuals and groups enjoy differential access to rewards. The institution of caste made a ‘social formation that had been seen as part of its ancient constitution’.<sup>170</sup> The four-fold caste (Varna) system, or more precisely the caste system, associated with the ancient Indian culture, forms a ubiquitously deprecating stratification scheme.<sup>171</sup> Even caste in the ‘pre-colonial period, certainly possessed categories of social distinction’<sup>172</sup> which was reflected in uneven distribution of economic power. In the Varna system, each caste community in a local region was conscious of its relative standing in the ‘scale of purity’. There Douglas<sup>173</sup> argued that the position of caste purity structured upwards in the system. For instance, persons born in higher castes were more pure than those below them in the caste hierarchy. In fact, the ‘untouchables’ were regarded as ‘polluting’. Hence, the study of policy interventions will deal with stigma and caste may be considered as a class of community which disowns caste connection with any other class and there cannot be inter-marriage or eating or drinking with persons belonging to other communities. Hence, the exclusionary principle, through which caste operates, tends to constrain the intra-group movement. Therefore, it is a closed system that tends to restrict inter and intra-stratum traffic. The term manual scavenger was popularised by India’s British rulers who introduced toilets, but did not do much to

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<sup>168</sup> Runciman, W.G., *Relative Deprivation and Social Justice*, (London: Routledge and Kegan Paul, 1966), p. 88.

<sup>169</sup> Sorokin, Pitrim A., *Social and Cultural Mobility*, (Illinois: The Free Press, 1959), p. 98.

<sup>170</sup> Drinks, B. Nicholas, *The scandal of empire: India and the creation of imperial Britain*, (Massachusetts: Harvard University, 2006), p. 27.

<sup>171</sup> Pal, R. M., ‘The Caste System and Human Rights Violation’, *PUCL Bulletin*, Vol. II, No. 10, (1992).

<sup>172</sup> Bayly, C. A., *Indian Society and the Making of the British Empire*, (Cambridge: Cambridge University Press, 1988), p. 12.

<sup>173</sup> Douglas, Mary, *Purity and Danger*, p. 124.

‘eradicate the practice of manual scavenging.’<sup>174</sup> The colonial suppression strengthened the cultural hegemony, marginalised the communities and further contributed to elevate the modern caste dominated social system but this was not reflected in the ‘pre-colonial situation, but instead was a colonial product.’<sup>175</sup> This scavenging has none of the usefulness of its usual meaning. There is no salvaging of waste, no making good of the discarded matter. The proponents of structural functional model consider since caste as an ideal type of stratification system, it could exist forever, either alone or in coexistence with other forms of stratification. Dirks argued that caste has always been a political - it had been shaped in fundamental ways by political struggles and processes.<sup>176</sup> Omvedt discerned that the Indian caste feudalism was consolidated through an alliance of Brahmanism and State power.<sup>177</sup> The Colonial rulers used this caste structure, transformed it and, to a large extent, strengthened it for their own benefit. In other words, secular power is the final arbiter of caste. Hence, caste may be defined as the cultural construction of power.

Unlike Adivasis, Dalits have always been an integral part of the dominant culture, society and economy, but placed firmly at the bottom, below the ritually sanctioned ‘line’ of pollution. The Hindu theology the notion of Karma (duty) and the Dharma (moral code) has further reinforced the hierarchical caste system. Since deprivation of Dalits is closely linked with the process of caste and ethnicity based exclusion, it is imperative to discuss such deprivation to understand the concept of social mobility, in general, and the trajectories of social mobility of various castes among Dalits, in particular, which is seen as causative factors for the deprivation of these groups. Bailey found caste as an exclusive, exhaustive and ranked group system, which is closed and its relation is organised by summons of roles and does not compete without any necessary connection with Hinduism. On the other hand, Dumont argued that caste is a stable and powerful social system presenting a value system necessarily connected with Hinduism.<sup>178</sup>

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<sup>174</sup> George, Rose, *The Big Necessity: The Unmentionable World of Human Waste and why it Matters*, (New York: Metropolitan Books, 2008), p. 45.

<sup>175</sup> Talbot, Chynthia, *Pre-colonial India in Practice: Society, Region, and Identity in Medieval Andhra*, (New York: Oxford University Press, 2001), p. 48.

<sup>176</sup> Dirks, N. B., *Castes of Mind: Colonialism and Making of Modern India*, (Delhi: Permanent Black, 2002), p.13.

<sup>177</sup> Omvedt, Gail, *Dalits and Democratic Revolution: Dr. Ambedkar and the Dalit Movement in Colonial India*, (New Delhi: Sage, 1994), p. 42.

<sup>178</sup> Dumont, Louis, *Homo Hierarchicus: the Caste System and its Implications*, (New Delhi: Oxford, 1998), p. 21.

The caste structure in south India differs from that of North India, with regard to the caste occupational system. The ideas about the power of certain castes to convey ‘pollution by touch are not so highly developed in Northern India, as compared to South India’.<sup>179</sup> Discrimination is still being widely practised in Indian society. Caste continues to be perhaps the most important basis of social discrimination, but it is also practiced on the basis of religion, language and caste. Foucault<sup>180</sup> generally, says about religion, it would like be same line from the other side also if modify its structure means it will isomorphic the old form of construction quickly from the axiom. Collecting of waste, cleaning of sewers and street sweeping are considered degraded occupations. Most of the scavengers engaged both in rural, as well as urban, areas, are working without any modern equipment. But the availability of modern technologies also does not help them to fully escape the condition of cleaning of dry latrines, underground drainages and sewers of cities in India. These kind of humiliating occupations are obviously undertaken by the lower caste groups and that itself leads to their being ostracised.

As are Dalits or ‘untouchables’, they have to face the discriminations out of their occupation and caste in their work and living spaces. Particularly the manual scavengers and sweepers are generally kept away from the mainstream society. In the traditional Indian society, a particular section is ordained to do scavenging work. It has been a hereditary occupation and everybody born in the sub-caste of scavengers (Arunthathiyars), male or female, is destined to take up this human profession. In the traditional social order, the sub-castes are required to perform their job with their hands and carry the buckets containing night-soil on their heads though lanes and streets. Due to the lack of modern equipment and shortage of medicines, manual scavengers are forced to clean the manholes at great risk to their lives and health. Not only the government municipal employers, even many ‘private scavengers do not get any tools or equipment such as scrapers, metal pans, baskets, wheel barrows, hand gloves and gumboots.’<sup>181</sup>

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<sup>179</sup> Ghurye G. S., *Features of the Caste System*, ed., Dipankar Gupta, ‘Social Stratification’, (New Delhi: Oxford, 1992), p. 39.

<sup>180</sup> Foucault, M., *Religion and Culture*, Selected & Edited by J. R. Carrette, (New York: Routledge, 1999), p. 68.

<sup>181</sup> Gupta, K. N., *Scavengers and Scavenging in India*, p. 32.

### 2.3. Socio Economic Conditions of Manual Scavengers

Improvements in the socio-economic conditions of scavengers began during the independence struggle. The freedom struggle also gave some empowerment to Dalits to move away from their traditional occupations. The leaders fought for their social development. Mahatma Gandhi, as part of his campaign to eliminate untouchability, attempted to change public attitudes so as to enable scavengers to be integrated into the Indian society.<sup>182</sup> After independence, the Government of India developed schemes to improve the lot of manual scavengers. But these efforts failed because these were under-resourced and often encountered the indifference and apathy of local authorities. It was not until 1982 that state governments resolved to implement low-cost sanitation schemes. However, these had a limited impact because these were implemented in only a few small and medium-sized towns. In 1992, following the recommendations of the Planning Commission Task Force for tackling the problems of Scavengers, the Government of India implemented the National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents. This was followed in 1993 by the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act. This Act fixed the year 2007 as the deadline for the total eradication of Manual Scavenging. This deadline was subsequently changed to 2010. The Government had conducted a survey to identify manual scavengers throughout India. In 2007, a scheme, called Self Employment scheme for and Rehabilitation of Manual Scavengers was launched. All these bring out that debates have started at the national level to abolish this practice. The Indian Parliament passed the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act in 2013.

In the absence of authentic history about the origin, functions and features of scavengers, as a as a sub-caste of untouchables, there are different interpretations and point of views about it. Due to the lack of authentic sources, the fundamentalists posit that the Muslim rulers created this occupation. So now, the blame is put on the Muslim religion for inventing the privies toilets, so that their women would not have to go out for defecation. In most of ‘civilisations, the disposing of waste was not a problem up to the industrial revolution’.<sup>183</sup> One example, the form of scavenging exists to ‘clean the closed

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<sup>182</sup> Chaplin E, Susan, *Scavengers Still Marginalised*, p. 206.

<sup>183</sup> Medina, Martin, ‘Scrap and Trade: Scavenging Myths’, *Our World - United Nations University*, (2010), <http://ourworld.unu.edu/en/scavenging-from-waste>, (accessed: 20 May 2011).

privies for Muslim women'<sup>184</sup> in the period of the Muslim rulers. Muslim rulers are believed to have forced many persons who did not agree to convert to Islam to become scavengers.<sup>185</sup> It has also been posited that prisoners of war were allotted this type of job when the womenfolk were not using the toilets. Generally, human beings consider human excreta as something disgusting; so the person who removes it is treated as filthy. Identity in pre-colonial India was dependent on various features such as caste, occupation, language, sect, region and location. The times of 'war will be made severe economic crises',<sup>186</sup> so scavenging reoccur with dynamic factor of poverty that cause poors to became scavengers.

Consequences made them as unemployment and the poverty pushed to engage again under 'dependents which, in turn, adds to social prestige.'<sup>187</sup> Such a strange narration of India's medieval history appears to make the Muslim rulers responsible for introducing the scavenging system in India. It is unquestionable that the caste system has always been integral to Hindu society, and it is illogical, and intensely political, to say that the scavenging system came into force only due to Muslim rule. The Hindu nationalists<sup>188</sup> had always sustained the caste system in practice, while glorifying and heaping lavish praise on the traditionally perform the scavenging. The direct blame for the emergence of the scavenging system in those days should be placed on the absence of proper sanitary systems like sewerage lines and toilet composite places. Hence, the 'caste Hindus found a solution'<sup>189</sup> by allotting the scavenging work to Dalits. However, many historians found that the Indus Valley and Harappa civilisations had much better sanitation systems compared to the current modern technologies. However, in more recent times, factors like famine and drought drove many made downtrodden persons to seek immediate occupations, like scavenging to feed their families. In recent study found

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<sup>184</sup> Alok, Kumar, *Squatting with Dignity*, p. 33.

<sup>185</sup> Ilaiah, Kancha and Ansari, M. A., 'Is Untouchability in India Created by Islam?', *Mainstream*, Vol. LIII, No. 43, (2015), <http://www.mainstreamweekly.net/article6008.html>, (accessed: 05 November 2015).

<sup>186</sup> Medina, Martin, 'Scavenging in America: back to the future?', *Resources, Conservation and Recycling*, Vol. 31, Issue. 3, (2001), p. 233.

<sup>187</sup> Singh, Rajeev Kumar and Ziyauddin, *Manual Scavenging as Social Exclusion a Case Study*, p. 523.

<sup>188</sup> Pathak, Vikas, 'Dalits were upper castes: BJP leader', *The Hindu*, <http://www.thehindu.com/news/national/dalits-were-upper-castes-bjp-leader/article7815509.ece>, (accessed: 29 October 2015).

<sup>189</sup> Sengupta, Hindol, *Recasting India*, (New York: Palgrave Macmillan, 2014), p. 211.

that ‘Muslim treat their caste better than Hindus’,<sup>190</sup> so the rigidness have been settled in caste-Hindus mind-set.

The earlier literature like Kautilya’s *Arthashastra* spoke about ‘prohibition of open defecation’<sup>191</sup> in the Maurya period. That book did not mention anything about removal of night-soil and scavengers. The process of urbanisation and sanitation has helped in keeping the areas inhabited by the gives elite clean. The government must solve the issue of ‘people who were brought along to lay the roads and the railway tracks, were later used for menial jobs’.<sup>192</sup> In Hindu society the occupation decides to choose a caste because the war captives were treated like serfs by the rulers they kept them as scavengers in many years. Without any personal details and the rigidity about occupational mobility pushed many persons into manual scavenging. Thereafter, their ancestors started to follow the occupation as the as customary right of the community. The justification of many caste Hindus to scavengers is that cleaning privies is service to society and it gives them an occupation. However, scavenging has also led to their stigmatisation in society and immobility to other occupations.

### 2.3.1. Manual Scavenging

Scavenging has been in Indian society since ancient times. Manual scavenging is a practice by which ‘Dalits remove excreta from public and private dry pit latrines and carry this to the dumping grounds’<sup>193</sup> and disposal sites. There has been specific mention about scavengers in almost all writings on India’s caste system. Picking up night-soil, leather work, removing dead cattle and a few other lowly jobs like these were considered inferior. This has been a ruthless form of caste discrimination. There are different terms in Hindi to refer to the English word ‘Scavenger’. In English, it refers to those who are engaged in cleaning, carrying and disposing of night soil. In Hindi, this category of population is known by different terms in different parts of the country. This kind of work is also performed by certain sub-castes like Methar and Bhangi in North India;

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<sup>190</sup> Metha, Vanya, ‘Caste, Urban Spaces and the State: Dalits in Telangana’, *The Hindu Centre for Politics & Public Policy*, Policy Report No. 9, (2015), [http://www.thehinducentre.com/multimedia/archive/02626/Policy\\_Report\\_No\\_9\\_2626189a.pdf](http://www.thehinducentre.com/multimedia/archive/02626/Policy_Report_No_9_2626189a.pdf), (accessed: 15 January 2016).

<sup>191</sup> Srivastava, B.N., *Manual Scavenging in India*, p. 16.

<sup>192</sup> Ramasamy, Gita, *India Stinking*, p. 6.

<sup>193</sup> Balakrishnan, Rajagopal, *et. al.*, *From Promise to Performance: Ecological Sanitation as a Step Toward the Elimination of Manual Scavenging in India*, Massachusetts Institute of Technology, (2006), [http://mit.edu/phrj\\_dalit\\_report\\_final.pdf](http://mit.edu/phrj_dalit_report_final.pdf), (accessed: 16 August 2013).

Chura in Punjab; Balmiki or Lal Begi in Uttar Pradesh and Dom in Jharkhand. In Andhra Pradesh Relli and Madiga, in Karnataka, Mehtars and the Mangarodis are employed as manual scavengers and Toti in Tamil Nadu and Kerala. All of them are invariably regarded as untouchables. In India, the common name for them is Safai karmacharis. These people are ghettoised from the reach of other respectable and the so-called caste Hindus. They are subjected to various forms of discriminations and stigmatisation. Thus, they have continued to remain socially downtrodden and economically backward.

India has undergoing a gradual transition with a presumed decline of the state responsibilities towards the poor. As a result, large-scale poverty continues to be a challenge. The widening socio-economic disparities clearly bring out that many 'welfare schemes' intended for the socially deprived group have not achieved their targeted goals. The social policy should be pro-active<sup>194</sup> so as to bring about improvements in the society. However, in reality, it is difficult to make a distinction between social and economic conditions of the scavengers in the policy process perspective. The overly transferred preconception of social policy is, an 'ineffective response to social exclusion'.<sup>195</sup> This is also difficult to argue that their social status was low because they are poor or no permanent occupations, or vice-versa. But it is beyond doubt that in the Varna hierarchy, their position is almost at the bottom. Because of their placement at the bottom in the hierarchy, they performed those activities which commanded almost no social prestige. In other words, it may be said that because they are in the less valued occupation, they acquired a low social status. There is a dominant view that it is 'social status that is the most important dimension of social stratification'.<sup>196</sup> Further, it had its negative impact on their economic, political and educational development. The Government of India announced the abolishing of manual scavenging and emancipation of manual scavengers and allotted Rs.100 crore in the financial year 2011-2012.<sup>197</sup> The Government has been announcing schemes and Acts for eradicating manual scavenging and is also spending huge amounts of money, but the benefits are not reaching large

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<sup>194</sup> De Haan, Arjan, *Reclaiming Social Policy: Globalization, Social Exclusion, and New Poverty Reduction Strategies*, (New York: Palgrave Macmillan, 2007), p. 11.

<sup>195</sup> Esping-Andersen, Gøsta, *Towards Good Society, Once Again?*, eds., Gøsta Esping-Andersen, et. al., 'Why We Need a New Welfare State', (New York: Oxford, 2002), p. 17.

<sup>196</sup> Domański, Henryk and Sawiński, Zbigniew, 'Dimensions of Occupational Mobility: The Empirical Invariance', *European Sociological Review*, Vol. 3, No. 1, (1987), p. 39.

<sup>197</sup> Wilson, Bezwada and Singh, Bhasha, 'Sh\*t, Caste and the holy dip', *The Hindu*, <http://www.thehindu.com/opinion/lead/sht-caste-and-the-holy-dip/article4116247.ece>., (accessed: 21 November 2012).

sections of the intended beneficiaries. Even the beneficiaries of those schemes facing stigma and discrimination in their new occupations so many of them are opting for alternate similar occupations like sanitary workers, cleaning the water flush toilets in schools and colleges. Government enhances this occupation mobility by the emancipation of manual scavengers from scavenging and playing a ‘deterministic role in the formation of the present status of the individual.’<sup>198</sup> This kind of understanding leads them to continue in their new occupations. But the Government have to look at the issue from the stigmatisation and humiliation angles, because if manual scavenging is actually abolished, the earlier scavengers can choose their own occupations not similar to sanitary works.

### **2.3.2. Sweepers**

The local bodies are the largest employers of sweepers. In addition, the central and state governments also employ sweepers. A large number of them also work in factories, companies, residential areas, shopping precincts and institutes. However, it is difficult to assess their exact numbers. Those sweepers in the private sector are engaged in cleaning and scavenging under the contract, or gharaki, systems. Their working and employment conditions are far worse than those of sweepers employed by the central and state governments; their level is low, and they are often out of the ambit of legal protection. The employment and working conditions of sweepers employed by local bodies are, in general, better than those of sweepers in the private sector, but there are considerable variations among the various local bodies. Those working for large local bodies have virtually the same conditions as those working for the central or state governments, while those working for small local bodies are often in much the same situation as workers under small local bodies. They are often in much the same situation as workers under private contract, with no access to a labour union or financial facilities.

Waste collection methods depend on the number of sweepers available in the local body to allot particular place to collect organic and inorganic wastes. After introduction of the door-to-door collection, it is not always possible to collect wastes from narrow residential and commercial lanes and areas with high traffic. Hence, a person has to sweep by broom all the way to the corner of the street then dump the garbage into the wheel barrows. The Supreme Court of India ruled that ‘municipalities

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<sup>198</sup> Phillips, W. S. K., *Social Stratification and Mobility in Urban India*, (New Delhi: Rawat, 1990), p. 47.

should offer door-to-door collection.<sup>199</sup> To avoid the dumping of waste everywhere, a household person has to dump it into the wheel barrows. After Independence, the Indian government set up several committees to investigate the employment and working conditions of sweepers and scavengers. The reports of these committees provide the most comprehensive and wide-ranging information on scavengers and sweepers. However, the reports are deficient in terms of statistical data and analysis. For a better understanding of the employment, working and living conditions of sweepers and scavengers, it is necessary to undertake a broad macro-analysis of the statistics, as well as a minute's micro-analysis, of individuals and households.

#### **2.4. Labour Unions for Manual Scavengers**

Labour unions, representing the interests of scavengers and sweepers, were found to exist in the local bodies under study. Scavengers themselves attempted to improve their 'wages and living conditions by forming trade unions'.<sup>200</sup> These are generally not found in small local bodies due to lack of collective power and legal support. There are signs of an incipient labour union in the Centre of Indian Trade Union (CITU). This has a long history of unionism, including a large number of unions for sweepers and scavengers, a wide experience of union activities from collectives bargaining and demonstrations to projecting their grievances to the tribunals. The unions have been generally concerned with improving employment conditions, such as better wages and an enlarged permanent quota of scavengers. Union action in other local bodies can be gleaned from the causes of strikes and disputes being adjudicated by the tribunals.

#### **2.5. Educational Structure for Manual Scavengers**

Education is of strategic importance for the socio-economic development of the Arunthathiyars both at the household and community levels. It can play a 'strategic role'<sup>201</sup> in the developmental context. As a result of the diffusion of primary and lower secondary education in recent years, the emphasis has shifted from the eradication of illiteracy to the upgrading of the educational structure. Nevertheless, primary and lower secondary education still needs to reach more women, as well as the Scheduled Tribes and some of the backward communities. The educational structure of the Arunthathiyars

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<sup>199</sup> Medina, Martin, *The World's Scavengers*, (Lanham: AltaMira, 2007), p. 200.

<sup>200</sup> Chaplin E., Susan, (2002), *Scavengers Still Marginalised*, p. 206,

<sup>201</sup> Shinoda, Takashi, *The Structure of Stagnancy sweeper in Ahmedabad District*, ed., Ghanshyam Shah, 'Dalits and the State', (New Delhi: Concept, 2002), p.253.

surveyed indicates that the enrolment ratio at the primary and middle school level has been shooting up in both sexes, though illiteracy is still wide prevalent among the adult females. Since schooling has spread rapidly, illiteracy is expected to be minimised sooner or later. An important feature of their educational structure, in comparison with other Scheduled Castes, is that they have fewer numbers of graduates. Graduation is a minimum qualification for white collar jobs which may lead to the upliftment of the community as a whole. In this sense, the Arunthathiyars lag far behind the other communities of the Scheduled Castes.

## 2.6. Arunthathiyars in Tamil Nadu

According to the 2011 census<sup>202</sup>, Arunthathiyars are 10, 84, 162, Chakkiliyans are 7, 24, 597, Dombans 16, 963 and Thoti 4, 235. Arunthathiyars in Tamil Nadu, majority of the manual scavengers are belonging to this sub-caste. Chakkliyan is a general name for those persons who remove excreta of human beings from dry latrines. These persons who include Madigas in north Tamil Nadu and Totis in some places in southern Tamil Nadu bear the common name Arunthathiyar. The Chakklians of Tamil Nadu call themselves Arunthathiyars, since this is considered more respectable than their original name.<sup>203</sup> However, both the central and state have two separated caste names, Arunthathiyar and Chakkliyar. During the pilot study the researcher found that some people consider the Arunthathiyars and Chakkliyars as the same. Most of the educated people are using the term Arunthathiyar, because they are expecting respect from society. The other Chakkliyar community organised the forum of Arunthathiyar Peravai in Tamil Nadu. This forum is working against manual scavenging and atrocities on Dalits in Tamil Nadu. The forum also influenced the state government to change the name Arunthathiyar. Mainly, the manual scavengers got a new name, but still they are being considered as untouchables and discriminated against, through they have changed their caste and occupation. Even in Sri Lanka, Arunthathiyars are being considered as scavenging labourers. The Adi Tamizhar Peravai founder- cum- president, Adhiyaman, mentioned, “in Tamil Nadu, ‘35561’<sup>204</sup> number of persons are engaged in this despicable job.” This survey has examined the ‘Self Employment Scheme for Rehabilitation of

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<sup>202</sup> Census of India 2011, *SC-14 Scheduled Caste Population By Religious Community*, <http://www.censusindia.gov.in/2011census/SCST-Series/SC14/SC-33-00-14-DDW-2011.XLS>, (accessed: 31 May 2015).

<sup>203</sup> Singh K.S., *India's Communities of India*, p. 46.

<sup>204</sup> Dorairaj, ‘Out in the Open’, *Frontline*, Vol. 23, Issue 18, (2006), p. 11.

Manual Scavengers 2007', in overall Tamil Nadu. Most of the manual scavengers work without proper instruments. They place the faeces in containers, which they carry on their heads or shoulders to the dumping grounds, the lucky few have wheelbarrows. In many places, they do not have gloves or gumboots not to speak of other safety equipment.

## **2.7. Indian Government Policies on Sanitation**

The Government of India has launched several programmes to improve the conditions and provide sanitation facilities to the rural and urban people. Sanitation policies have evolved through different modes, especially in the rural sector. Urban India now generates 60 per cent of the national income, so it attracts 'migrants'<sup>205</sup> from rural areas, as well as semi-urban centres. The expansion of a city's boundaries is increasing the pressure on its grossly inadequate sanitation infrastructures and services. The growing urbanisation is leading to problems like shortage of drinking water supply, electricity, transport, population and sanitation. The gap between supply and demand of sanitation increase when the urban poor face difficulties to meet their daily needs. The inequality of provision places an even greater burden upon the urban poor who live in settlements. On the other hand, the inadequate sanitation facilities can lead to a host of diseases. The NFHS Report of 2006 had brought out that only '46 percent of households were having water flush toilets.'<sup>206</sup> It is very likely, that, despite the Union government's Flagship programmes like Swachh Bharat Abhiyan (Cleaning India Programme), the situation would not have significantly improved at present due to the significant rise in population in these 10 years.

The sanitation system comprises manual scavengers and sweepers in Indian cities. The Corporations, Municipalities and private organisations recruit personnel to maintain better sanitation conditions. Here too, these personnel have a stigma attached with them, because they are cleaning toilets. Predominantly, women are working as in their caste-based occupations of manually cleaning dry latrines and carrying human excreta in wheel barrows, or in baskets on their heads. The support from state government is lacking because people's interest in sanitation is not that much. Sanitation imposes a financial cost on households who have to replace their dry latrines. The continuance of the

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<sup>205</sup> Chaplin E, Susan, 'Cities, Sewers and Poverty: India's Politics of Sanitation', *Environment and Urbanisation*, Vol.11, No.1, (1999), p. 154.

<sup>206</sup> Alok, Kumar, *Squatting with Dignity*, p. 10.

abominable practice of scavenging has been because of the limited capacity of municipal authorities to effectively implement the various schemes designed to improve the socio-economic conditions of scavengers and sweepers. Instead, governments have seemed to rely on the rhetoric of setting deadlines for the abolition of scavenging, rather than addressing the problem of how to provide alternative services, such as low-cost sanitation. The failure to eliminate the practice of manual scavenging and effectively implementing low cost sanitation schemes has directly contributed to the insanitary conditions found in many Indian cities today.

### **2.7.1. International Drinking Water and Sanitation Decade 1981-1990**

India, which subscribed to the Resolution of the 31st United Nations General Assembly in 1977, pledged full support to the International Drinking Water Supply and Sanitation Decade (1981-1990). The goal was that by the end of the decade, all people should possess an 'adequate water supply and satisfactory means of excreta and sullage disposal'.<sup>207</sup> Within decade priority has been accorded to providing low cost sanitation facilities in most of the small and medium towns. Recognising the need for coordinated action and approach to achieve its targets for the provision of safe drinking water and sanitation, the Government of India in 1980 constituted an Apex Committee responsible for national policy formulation and supervision of the programmes to be undertaken during the decade. This resulting three volume National Master Plan Document was a composite of the 31 State and 9 Union Territory Decade Plans providing guidelines to action and programme goals, policies, priorities and funding with the Union Government providing broad guidance and directives, financial allocations and coordination at the national level. Part I of Volume I outlined the overall socio-economic and health situation as well as the sector position as of March 1981 pointing out the disparities between the urban and rural situations. It also summarised the decadal programme goals for water supply and sanitation provision, and coverage programme policies based on the concept of low cost and appropriate technology. Also included were support programme policies which emphasize the importance of health and sanitation promotion by instituting training programmes for all levels of health personnel to carry out community health education and participation through Primary Health Care Centres, Block Development Offices, Community Health Volunteers and village health guides in rural areas and health

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<sup>207</sup> Mara, D. Duncan, *Appropriate Sanitation Alternatives for Low-Income Communities*, (Washington: World Bank, 1982).

education in schools. Decade programme priorities and funding; the present status and future requirements of manpower and materials and equipment necessary to implement programmes; and a discussion of the project development process, methods of improving the operation and maintenance of water supply and sanitation schemes, and the external and internal assistance required to finance these Decade programmes conclude Part I. All of these topics were supported by a series of tables providing detailed statistical data, as well as figures explaining the new 20 point programme. It summarised the national water resources. Part II of Volume I provided executive summaries of decade plans in water supply and sanitation for each of the states and union territories. Each executive summary had the same format including notes on the background history and geographical features; socio-economic indicators such as population projection, income and education (literacy levels); health aspects such as life expectancy and incidence of various diseases; water resources; present status of water supply and sanitation (sewerage) both urban and rural; sector organisation; decade plan targets for both rural and urban areas; and decade plan funding.

Only some of the states include plans for support programmes in health education and community participation, making the point that, without this, investment in water supply and sanitation facilities, there would be no impact on community health. Rajasthan's health education programme advocates the use of audio-visual aids and school programmes, as well as the implementation of a women's general development programme, to coincide with the urban and rural sanitation and water supply projects. Other examples of states which plan to include some form of health and sanitation promotion include: Tamil Nadu - health education and community participation in the operation and maintenance of water and sanitation schemes; Bihar - nutrition and health education; Jammu & Kashmir - training of public health engineers; Madhya Pradesh - health education using cinema shows, slide projectors, hand bills and posters to emphasise the importance of a protected water supply, as well as motivating community involvement from the planning stage to the maintenance stage; and Orissa - community education on the health benefits of safe drinking water and hygienic sanitation facilities through the health guide scheme and use of the mass media.

The United Nations General Assembly declared 2008 as the International Year of Sanitation. Improved sanitation is essential to reduce ill health, child mortality, lost income associated with morbidity, and to improve the environment, human dignity, and

quality of life. Assumptions regarding the proper responses to conditions, which appear similar to those which have been encountered elsewhere, are important for the emergence of inappropriate social policies for abolition of manual scavenging. With respect of other social policies for manual scavengers, there are fundamental differences in practices to implement prohibition of manual scavenging. The replication of inappropriate social policies in India from developed countries is not simply a side effect of continuing under-development, but is a crucial part of the process of under-development. The government must take cognisance of the scenario of habituate manual scavenging in society and put in place more effective policies for abolition on this inhuman practice.

### **2.7.2. The Urban Low Cost Sanitation Scheme**

The scheme is aimed at conversion of dry latrines into low cost pour flush latrines in small and medium towns. This initiative may eventually lead to abolition of manual scavenging. Unfortunately, the progress of the scheme is excruciatingly slow and only a fraction of roughly a crore dry latrines in the country have been converted so far into pour flush ones. The Scheme needs to be implemented vigorously and substantially higher allocations have to be made to make the Scheme successful. Also, the assistance available under the scheme requires to be suitably stepped up at regular intervals keeping in view the escalating cost of construction. Due to non-availability of funds, this scheme is being implemented in only a few states like ‘Kerala, Tamil Nadu, Uttar Pradesh, Gujarat and Madhya Pradesh’.<sup>208</sup> These states had some already existing World Bank’s Water Supply and Urban Development projects before this scheme.

### **2.7.3. Integrated Low Cost Sanitation Scheme (ILCS)**

Sanitation includes management of liquid and solid waste, personal, domestic and environmental hygiene. As human settlements grew and the cities expanded, the sanitation problem increased. Some ancient cities, like Harappa and Mohenjo-Daro, had well laid out drainage and street systems. According to Onno Ruhl, World Bank Country Director of India,<sup>209</sup> studies found that one in every ten deaths in India is linked to poor sanitation. Also, the low income households bear the burden of poor sanitation. In the early part of the 20<sup>th</sup> century, and even today, open defecation is practiced in both rural

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<sup>208</sup> Srivastava, B.N., *Manual Scavenging in India*, p.70.

<sup>209</sup> ‘World Bank approves USD 1.5b to support clean India campaign’, *Deccan Herald*, <http://www.deccanherald.com/content/517809/world-bank-approves-usd-15b.html>, (accessed: 16 December 2015).

and urban India. In urban areas, use of open ditches, pit latrines and bucket system was very much in vogue. The dehumanising practice of removal of night soil by human hands was also prevalent. The antiquated sanitation system (bucket latrine) in India used scavengers, drawn from the downtrodden communities, to carry the buckets, which undermined their social position in society and their physical, emotional and mental health. The first sanitation Bill in India was introduced in 1878 which made the construction of toilets compulsory and also proposed the construction of public toilets. Related to the issue was the conversion of the existing dry latrines into low cost water-seal latrines and provision of community toilets for those households for which individual latrines could not be constructed.

With the mandate to eliminate the dehumanising practice of physically carrying night soil, the centrally sponsored scheme, *Urban Integrated Low Cost Sanitation*, was initiated in 1981 by the Ministry of Home Affairs. This was later implemented through the Ministry of Social Justice and Empowerment. From 1989-90, it came to be operated through the Ministry of Urban Development and Poverty Alleviation and is being implemented by the Ministry of Urban Housing and Poverty Alleviation since 2003-04. The basic objectives of the scheme are to:

- (i) Convert the existing dry latrines into low cost water seal pour flush latrines;
- (ii) Construct new sanitary units in those households which practiced open defecation; and
- (iii) Provide alternative employment to the liberated scavengers who were earlier engaged in removal of night soil from the dry latrines.

#### **2.7.4. Central Rural Sanitation Programme (CRSP)**

The Central Rural Sanitation Programme (CRSP) was launched in 1989, with the prime objective of providing sanitation services and improving the quality of life of the rural people. The programme emphasised on toilet construction and also on providing privacy and dignity to women in rural areas.<sup>210</sup> The government subsidy was provided in the form of hardware for the construction of toilets nearby the respective houses.

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<sup>210</sup> Ministry of Rural Development - Department of Drinking Water Supply, *Guidelines Central Rural Sanitation Programme Total Sanitation Campaign*, (2010), [http://rural.nic.in/sites/downloads/pura/Total Sanitation Campaign - DDWS.pdf](http://rural.nic.in/sites/downloads/pura/Total%20Sanitation%20Campaign%20-DDWS.pdf), (accessed: 02 September 2012).

However, community participation was not given any importance, so gradually the community started losing interest in the construction of toilets. This scheme was not successful in meeting the intended outcomes from the communities, as there was no proactive motivation for sanitation among rural people. However, the scheme was restructured in 1999, as the Total Sanitation Campaign (TSC). The new scheme was demand-driven and people centric. This restructured programme was launched by the Rajiv Gandhi National Drinking Water Mission in 1986, Department of Drinking Water Supply, Ministry of Rural Development and Government of India in 1999. It was a comprehensive programme to ensure sanitation facilities in rural areas with the broader goal of eradicating the practice of open defecation. It was envisaged to provide sanitation facilities to all the rural households and promote hygienic behaviour for the overall improvement of health. The programme, as a part of reform principles, is being implemented in 557 districts of the country. TSC seeks to improve the quality of life in rural areas with objectives of: (i) bringing about improvement in the general quality of life in the rural areas; (ii) generating demand for sanitation facilities through awareness generation and health education; (iii) accelerating sanitation coverage in rural areas; (iv) eliminating open defecation to minimise risk of contamination of drinking water sources; (v) converting dry latrines into pour flush latrines; and (vi) eliminating manual scavenging practice, wherever in existence, in rural areas. Besides construction of Individual Households Latrines (IHHL), latrines were also constructed in schools and Balwadies. Prior to launching of TSC, under CRSP, 94.80 lakh IHHLs were constructed in the rural areas. Through this scheme rural sanitation has incrementally provided ‘one percent households with toilet facility every year’.<sup>211</sup> As described in the guidelines of TSC, the key objective is to ‘create awareness about sanitation benefits in rural areas so that there will be access toilets by all citizens before 2017’.<sup>212</sup> However, India is still far behind achieving the Millennium Development Goals. However, one study has brought out that, at the present rate of progress, India would be able to achieve the target of total rural sanitation (set for 2015) only in 2054.<sup>213</sup>

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<sup>211</sup> Alok, Kumar, *Squatting with Dignity*, p. 12.

<sup>212</sup> Dive N., Manik and Rao B., Anand, ‘Total Sanitation Campaign’ *Intervention for a Semi-urban Village Through ‘Public–People– Private’ Partnership*, eds., Kala S Sridhar & Guanghua Wan, ‘Urbanization in Asia: Governance, Infrastructure and the Environment’, (New Delhi: Springer, 2014), p. 31.

<sup>213</sup> UNICEF and World Health Organisation, *Progress on Drinking Water and Sanitation 2012 Update*, (2012), [www.unicef.org/media/files/JMPReport2012.pdf](http://www.unicef.org/media/files/JMPReport2012.pdf) 08012015 2234, (accessed: 08 August 2013).

Total Sanitation Campaign focused on awareness creation to increase the demand for toilets and, on the other hand, it focused on setting up a network of supply chains to meet the demand, by installing Production centres of Rural Sanitary Marts in every block. Not all government programmes take care of these forward and backward linkages, in the absence of which the programme implementation suffers, but TSC have taken care of these issues at the policy level itself. Total Sanitation Campaign projects have increased every year, but in some districts in West Bengal and Tamil Nadu<sup>214</sup> there have not been much improvement. The Tamil Nadu government resolved to ‘construct at least one community sanitary complex for women in every Gram Panchayat of the state.’<sup>215</sup> The implementation was far from satisfactory. To add vigour to the implementation of TSC, an award scheme, ‘*Nirmal Gram Puraskar*’ (NGP), was launched in 2003. Encouraged by the success of NGP, the TSC was renamed as ‘*Nirmal Bharat Abhiyan*’ (NBA) in 2012. The Comptroller and Auditor General (CAG) of India said that under the scheme guidelines of the TSC, which has been renamed as the ‘Nirmal Bharat Abhiyan’ in 2012, ‘construction and maintenance of dry latrines and employment of manual scavengers’<sup>216</sup> is prohibited. The scheme has also suggested conversion of dry latrines into wet latrines. The objective was to accelerate the sanitation coverage in rural areas so as to comprehensively cover the rural community through renewed strategies and saturation approach.

### **2.7.5. Pre Matric Scholarship for Children of those engaged in unclean Occupations**

Though many sceptics have raised doubts about the outcome of the National scheme, all of them are in favour of continuing the scheme, by removing the major lacunae present in the scheme. They felt that the type of assistance available under the schemes, which, in most cases, are merely doles, would have impact on the socio-economic condition of scavengers. One view is that the only sure and long-term solution to the problem of manual scavenging is proper education for the children of scavengers. This alone would make them realise that the dignity of human being is more important than a few rupees every month. They certainly seem to have a point, for not only to scavengers, but for every one education is the most important factor shaping the

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<sup>214</sup> Alok, Kumar, *Squatting with Dignity*, p. 14.

<sup>215</sup> Alok, Kumar, *Squatting with Dignity*, p.113.

<sup>216</sup> ‘Manual scavenging on in Gujarat despite being prohibited: CAG’, *DNA*, <http://www.dnaindia.com/india/report-manual-scavenging-on-in-gujarat-despite-beingprohibited-cag-2034234>, (accessed: 21 November 2014).

personality of human being and contributing to the development of the society. In particular, educational advancement is all the more significant for the weaker sections of the society, who are facing challenging situations in the developmental process. Keeping in view of inhibiting factors and that the children of those who engaged in unclean occupations, the Government of India have introduced a scheme of pre-matric scholarship.

In certain municipalities, the children of scavengers are only admitted as far as the threshold of the public schools, because of certain governmental financial benefits. The Government of India has been implementing the scheme of pre-matric Scholarship for children of those engaged in unclean occupations since 1977-78. The objectives of the scheme is to provide financial assistance to enable to the children of those engaged in unclean occupations such as scavenging, sweeping, having traditional linkage with scavenging, tanners and flayers, to pursue pre-matric education. The scheme covers both hostellers and day scholars. Hostellers, studying in classes III to X, are provided scholarship at the rate of Rs. 700/-<sup>217</sup> per month for ten months, whereas for day scholars, the rates are substantially lower for obvious reasons. In their case, the rate of the monthly scholarship is Rs. 110/- for those studying in classes I to X. Besides scholarship admissible at the above rates, such student hostellers and day scholars alike are entitled to an ad-hoc grant of Rs.750 /-<sup>218</sup> per student per annum for all day scholars and Rs. 1000/- per student per annum to hostellers. The scheme is funded by the Central Government and State Governments on co-sharing basis. Half of the total expenditure is borne by government of India and the rest by the concerned State Government, Union Territories are, however, provided 100% Central Assistance.

## **2.8. Committees on Abolition of Manual Scavenging**

After independence, India had to develop important issues like Dalit empowerment, particularly emancipation of for those engaged in caste based occupations like manual scavenging. However, there has been some disillusionment with the outcome of development, even among its most ardent protagonists. Therefore, the Central Government came with schemes and programmes for elevating their socio-economic conditions. Scavenging and sweeping are considered as menial jobs and persons engaged in these occupations tend to suffer certain forms of social

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<sup>217</sup> <http://socialjustice.nic.in/prematsch.php?pageid=2>, (accessed: 23 September 2013).

<sup>218</sup> *Ibid.*,

discrimination. It have been formalised as caste and family based occupation and persons hailing from such families are expected to engage in these occupations for their whole life.

Manual scavenging was most prevalent at the time of Independence and a large number of dry latrines had to be cleaned by scavengers. After Independence, the central and state government set up several committees with the aim of improving the working and living conditions of the scavengers. India began to launch efforts to improve the working conditions of scavengers, by seeking to abolish the practice of carrying night soil as a head-load. Scavenging includes several processes such as collection of human excreta from dry latrines. This excreta is transported to pail depots or dumping grounds, and the final treatment of human excreta is done in the dumping grounds. Several Committees recommended the introduction of wheel barrows, scrapers, rubber gloves, and other tools and equipment to improve their working conditions of the manual scavengers. However, both the local bodies and the scavengers themselves tended to be indifferent to such changes. Consequently, it took a long time to curb the terrible, but common, practice of carrying human excreta in a bamboo basket on the head. All the committees urged that better sanitation practices should be introduced in the local bodies. However, the sanitation come under the Concurrence List. Hence, the Government of India cannot enforce legislation on issues listed for the local governments. However, the State Government can implement the necessary changes regarding manual scavenging. Lack of resources and apathy of the concerned functionaries have resulted in the living conditions of manual scavengers not improving to the desired extent. Overall, those committees did not ‘address the issue of discrimination and exploitation’<sup>219</sup> of scavengers engaged in this inhuman occupation.

### **2.8.1. Messrs Walter Perry and J. McCallum Wright’s Invention for improvements in Scavenging systems and the like (1904)**

The colonial government wanted to control diseases like cholera which were mainly caused by poor sanitary conditions. However, most of the expenditure was incurred on improving the sanitary conditions in areas predominantly inhabited by the English personnel. Due to lack of funds, municipalities and other bodies resorted to appointing labourers, instead of putting in place a sewage system and used minimal

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<sup>219</sup> Chaplin E., Susan, (2002), *Scavengers Still Marginalised*, p. 207.

technologies for removing the human waste. So manual scavengers continued to lift night-soil, even though ‘inefficiencies were highlighted’<sup>220</sup>. In 1904, Perry Walter and Wright, J. McCallum suggested a number of improvements in the scavenging system. Their main recommendations<sup>221</sup> were dealing with the refuse of large towns, especially in India. Since the native quarters and streets are usually very narrow and hardly ever straight, it was not possible to lay down a network of even light rails for the removal of the rubbish etc., by rail. The only way out was to use hand carts. These carts, when full, were taken to the railway siding and their contents discharged into the trucks. Anyone who has passed by one of the sidings during these operations would be able to testify to the ‘smell and ragged appearance’.<sup>222</sup> Apart from this, a considerable time and money was spent in uselessly emptying the carts into the trucks’. Second,<sup>223</sup> ‘this method of invention entirely did not dispense with this nuisance and greatly simplified the handling of large quantities of refuse by a very small staff’.

### **2.8.2. Scavengers’ Living Conditions Enquiry Committee, Barve Committee (1949)**

The erstwhile government of Bombay appointed a committee, known as the Scavenger’s Living Conditions Enquiry Committee, in 1949, with V N Barve as the chairman to study and enquire into the living conditions of the scavengers in the state of Bombay and to suggest ways and means to impose *their present conditions of work and to fix their minimum wages*. The Committee submitted its report to the government of Bombay in 1952<sup>224</sup>. In 1952, the Ministry of Home Affairs circulated a copy of the major recommendations of the Barve committee to all the state governments and requested them to adopt these recommendations as these could be widely applied and implemented profitably by all state governments. The committee strongly opposed the removal of night soil by hand from receptacles, or from latrine floors. Considering the obnoxious nature of scavenging work, it recommended that if a person was required to clean as well as be a scavenger, four hours should be for scavenging and two, for sweeping. The Committee recommended two half off-days in a week for sweepers and scavengers

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<sup>220</sup> Raksha, Vishav, *Excluded and Marginalized: Patterns of Deprivation of the Scavengers*, ed., Paramjit S. Judge, ‘Mapping Social Exclusion in India’, (Delhi: Cambridge University Press, 2014), p. 151.

<sup>221</sup> Perry, Walter, Messrs and Wright, J. McCallum, *Invention for improvements in Scavenging system and the like*, August 1904, Proceedings – Nos. 1 and 2, The Department of Revenue and Agriculture, Govt. of India.

<sup>222</sup> Medina, Martin, *Scrap and Trade*.

<sup>223</sup> *Ibid.*,

<sup>224</sup> Shinoda, Takashi, *Marginalisation in the Midst of Modernization*, p. 44.

besides a weekly-off. It also recommended that these ‘workers should be provided with two sets of approved clothing’.<sup>225</sup>

A Major recommendation was regarding the issuance of wheel-barrow carts to sweepers employed by municipalities, etc., for scavenging work so that the practice of carrying night-soil as head load could be eliminated male workers. It was also pointed out that inefficient handcarts required constant bending. The government of India asked all states to ‘follow the commission’s recommendations, but no one followed’.<sup>226</sup> Here too, there was no interest to improve the working conditions of manual scavengers. The Barve was commencing on ‘workers were not refused to engage’,<sup>227</sup> such concluded remarks should have not be used in rehabilitation of manual scavengers.

### **2.8.3. Backward Commission (Kaka Kalelkar Commission 1955)**

Adhering to Article 340 of the Constitution of India, the First Backward Classes Commission, under the chairmanship of Kaka Kalelkar was set up on 29 January 1953. This commission completed its work in two years and prepared a list of 2399 castes and communities and suggested several measures for their social and economic development. About 70 per cent of India’s population was considered as backward. Caste was taken as the key factor in making a list of backward classes. The Committee described the condition of scavengers, or Bhangis, as *Sub-human*. The Committee went on to state, ‘it can alone appropriately describe their conditions, Bhangis cleanse our latrines and help maintain some measure of health and sanitation’.<sup>228</sup> The Committee pointed out that the work of these sanitary workers was much needed for human beings. Another recommendation was that the Bhangis should not be condemned to live in segregated localities. Instead, they should be distributed and given quarters among other groups.

### **2.8.4. The Scavenging Conditions Enquiry Committee, Malkani Committee (1960)**

The Malkani Committee, also known as the Scavenging Condition Inquiry Committee was set up on October 12<sup>th</sup>, 1957. The Committee was tasked to prepare a

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<sup>225</sup> Srivastava, B.N., *Manual Scavenging in India*, p. 108.

<sup>226</sup> Bharti, Ashok, ‘Stuck in A Hole’, *Tehelka*, Vol. 5, Issue 5, (2008), [http://archive.tehelka.com/story\\_main37.asp?filename=cr090208dalitwindow.asp](http://archive.tehelka.com/story_main37.asp?filename=cr090208dalitwindow.asp), (accessed: 07 April 2013).

<sup>227</sup> Muthukrishnan, A., *Malaththil Thoynta Manudam*, p. 37

<sup>228</sup> Srivastava, B. N., *Manual Scavenging in India*, p. 37.

scheme to put an end to the degrading practice of scavengers having to carry night soil in baskets. The Malkani Committee made the following major recommendations:<sup>229</sup>

- For putting an end to the practice of carrying high-soil as head load or waste load, wheel-barrows should be introduced.
- Carrying of night-soil in baskets, drums, etc., as a head load should be prohibited by law and made an offence.
- Effort should be made to encourage the use of rubber gloves, particularly at the pail-depots and dumping grounds.
- Quarters of conservancy staff should be near their place of work as far as possible, but never around the pail-depots, morgues, public latrines dumping ground, etc. These quarters should be built in colonies inhabited by others, so as to avoid segregation.

Some of the other notable recommendations of the Commission were:

1. Undertaking caste-wise enumeration of population in the census of 1961;
2. Relating social backwardness of a class to its low position in the traditional caste hierarchy of Indian society;
3. Treating all women as a class as “backward”;
4. Reservation of 70 per cent seats in all technical and professional institutions for qualified students of backward classes.
5. Reservation of vacancies in all government services and local bodies for persons belonging to the backward classes.

The Committee also recommended the enforcement of the disposal of night soil through mechanised flush latrines. With the intention of converting dry latrines into water flush latrines, the Union Ministry of Works and Housing (MoWH) initiated a centrally-sponsored scheme with a small provision of Rs 4.40 crore during the Fifth Five-Year Plan.<sup>230</sup> The Commission, in its final report, recommended “caste as the criteria” to determine backwardness. But this Report was not accepted by the government as it feared that the backward classes, excluded from the caste and communities selected by the Commission, may not be considered and the really needy would be swamped by the

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<sup>229</sup> Shinoda, Takashi, *Marginalisation in the Midst of Modernization*, p. 45.

<sup>230</sup> Thorat, Sukhadeo, *Dalits in India: Search for a Common Destiny*, (New Delhi: Sage, 2009), p. 30.

multitude and would hardly receive special attention. The Commission submitted its report in 1960. The 223<sup>rd</sup> Recommendation of the Commission stated: ‘It is essential that state governments and the ministries of the government at the Centre draw up a phased programme for implementing the various recommendations and suggestions in a systematic manner within the end of the Third Plan’.<sup>231</sup> Wages should be paid to scavengers according to the Minimum Wages Act. State governments who have not done it so far should appoint Committees to go into the question of wages and payments of other allowances to scavengers and suggest basic wages which should, however, not fall below the minimum wages. Despite such recommendations, there has been practically no change in the rehabilitation of scavengers.

### **2.8.5. The National Commission on Labour – P. B. Gajendragadkur (1966)**

The first National Commission on Labour was set up on 24<sup>th</sup> December 1966, under the Chairmanship of Justice P.B. Gajendragadkar. The Commission submitted its report in August, 1969, after detailed examination of all aspects of labour problems, both in the organised and unorganised sectors. The recommendations covered issues like recruitment agencies and practices, training and workers’ education, working conditions, labour welfare, housing, social security, wages and earnings, wage policy, bonus, workers/employers organisations and industrial relations machinery. Particularly for scavengers and sweepers, the Commission relied on the survey held in 1961 and found that there were about eight lakh scavengers and sweepers. The Commission urged the government to elevate their socio-economic conditions. The Committee made a number of recommendations regarding provision of welfare facilities and provision for education, liquidation of indebtedness, etc., which, the Commission felt, should be looked into by the Government. However the Committee recommended that the problem of abolition of ‘Customary Rights’ should be solved through persuasion with the assistance of social workers and an alternative programme for rehabilitation of affected families should be provided. It further said that the social stigma of untouchability continued to be attached to this category of workers.

### **2.8.6. N. R. Malkani. Committee on Customary Rights of Scavengers, (1965)**

This Committee was set up to find out the bottlenecks of the Jagirdari or Jajamani system (customary rights for scavengers) which has been prevalent in various cities and

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<sup>231</sup> Cited in, Bharti, Ashok, *Stuck in A Hole*.

towns. A customary right is a system in which the private scavengers, by their tradition, used to serve a number of households from generation to generation. Generally, where latrines in private households are cleaned by scavengers privately and not on behalf of the Municipality, scavengers acquire scavenging rights, which become hereditary. Each scavenger cleans a number of ‘Makans’ or ‘Thikanas’<sup>232</sup> (households) or localities. These households are generally scattered, even when situated in one locality or ‘mohalla’. One particular scavenger acquires a right to clean such latrines, as against another scavenger, by mutual understanding or agreement.<sup>233</sup> In small towns, he is generally paid in kind (a daily ‘roti’) and some perquisites like food and clothes, etc., varying with the status of the householder, on some special occasions like births, marriages, deaths, etc. Often in bigger towns, he is also paid partially in cash by each household. However, in cities, he is generally paid only in cash. The understanding of customary rights of scavengers need clear picture the process. The below two points can elaborate more on the customary rights.<sup>234</sup>

1. The new form of customary right has been emerged. Here, the householders can change their scavengers. There is no transaction being involved, even between the old and new scavengers, and
2. The old form of customary rights exists and the householder can change his scavenger only with consent of the latter. The former scavenger enters into it on the deal that the new one will pay the former some amount according to the status of householder. These transactions in common parlance are called as selling of a particular ‘Brit’. It is interesting that, in this way, a poor scavenger may ‘sell’ or mortgage the ‘thikan’ of even a rich person in times of need. In most of the areas where scavenging has not been municipalised, this form of customary rights has prevailed.

Customary rights are known by different terms in different areas. ‘Gharakai’ (Gharagi) is used in Gujarat; ‘Brit-Jajmani’ in western Uttar Pradesh, Punjab, Jammu, Rajasthan and Marathwada; ‘Jagirdari’ and ‘Ileqedari’ in Madhya Pradesh; ‘Thikanedari’ in Uttar Pradesh, parts of Madhya Pradesh and Rajasthan. The most

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<sup>232</sup> UNDP/World Bank, *India Master Plan Report on Low Cost Waterseal Latrine Programme in 20 Towns of Andhra Pradesh*, Vol. II, (New Delhi: UNDP/World Bank Technology Advisory Group, 1984).

<sup>233</sup> Srivastava, B. N., *Manual Scavenging in India*, p. 40.

<sup>234</sup> UNDP/World Bank, *India Master Plan*, Vol. II.

commonly used term is 'Brit-Jajmani' in reference to English term Customary Rights. The Committee recommended the dismantling of the customary rights structure with non-municipalised cleaning of private latrines was passed on from generation to generation of scavengers in the form of a hereditary right. The Committee studied the problems associated with this system and suggested measures to introduce organisational and financial resources of the urban local bodies by adopting action programme for the liberation and rehabilitation of private scavengers.

### **2.8.7. The National Commission on Labour - 1968-69 (Pandya Committee)**

The government of India set up the National Commission on Labour on 24<sup>th</sup> December 1966 to survey the changes that had taken place in labour conditions since independence and to recommend guidelines regarding wage levels, living standards, social security, industrial relations labour legislation and a system for labour surveys. It is utterly untenable to say that only the class of untouchables has to do this work forever. Other caste Hindus should be encouraged to take up this professions and those caste Hindus who have been recruited as sweepers due to unemployment problem at present are allocated not their legitimate work of sweepers, but some other work which has nothing to do with their appointments. To separate the scavenging work and the community, the Committee suggested that it should be made compulsory for municipalities in the state to restrict their sweepers to only the 18% required by law. The rest of the posts should be filled by members of the other communities. The core recommendation of the Committee was for 'a comprehensive legislation for regulating their working conditions etc. This should also provide for adequate inspectorate and enforcement machinery.'<sup>235</sup>

The Committee laid stress on the need to educate the children of sweepers. It also recommended that adult education be provided for the sweepers themselves. The Committee recommended that sweepers and scavengers should be given free housing sites and decent living quarters. The overall Committee's results that emerged from all this official literature are enough to shock the moral sense of civilised persons everywhere. The impact is all the more great, considering that the evils of the scheme, the degradation and dehumanisation to which it condemns people, have continued in their sinister forms unabated since 1949 to 1993. There are many common features in the

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<sup>235</sup> *Ibid.*,

recommendations, although they straddle different periods of time in the last quarter century. If nothing clues, this raw fact must bring home the truth that rate of ‘ameliorative change have been both cruelly slow and inadequate.’<sup>236</sup>

**2.8.8. Report of the Task Force for Tackling the Problems of Scavengers and Suggesting Measures to Abolish Scavenging with Particular Emphasis on their Rehabilitation (The Basu Task Force – Planning Commission, 1989).**

This task force which was asked to suggest remedial measures to abolish this practice, with particular emphasis on their rehabilitations, were constituted by the Planning Commission in 1989. The report of the Task Force was published in 1991. Scavenging have been carried by Dalits even after government implemented the recommendations of a number of Committees to eliminate this occupation from communities who have been do scavenging since ages. As a result, in the 1980s, debates emerged against the practice of manual scavenging and to voice the concerns of scavengers, with a demand that the government implement a time bound programme to eliminate such bad practice. The task force dealt with following issues:

- To review and assess the dimension of scavenging, in terms of population, families and towns.
- To analyse the full magnitude of the problem.
- To examine the types of intervention including legal measures required.
- To identify agencies to deal with this problem in a well-coordinated manner.<sup>237</sup>

Considering the performance of conversion of dry-latrines of about 10 lakhs in the country during the last one decade, it seems a monumental task to convert about 66 lakhs dry latrines, out of 76 lakhs dry latrines, as estimated by the Task Force. The goal of liberation and rehabilitation of about four to five lakh scavengers may not be achieved in the near future. Hence, there is a need to draw a State wise action plan, based on an integrated approach, with specific time frame involving the existing physical and financial resources to be implemented through the active participation of committed social workers and dedicated voluntary organisations as well as a coordinated effort of the government at different levels such as Central, State, District and the local authorities.

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<sup>236</sup> Baxi, Upendra, *Untouchability: Constitution, Law and Plan*, ed., Upendra Baxi, ‘Law and Poverty: Critical Essays’, (Bombay: N. M. Tripathi, 1988), p. 166.

<sup>237</sup> See, Report of the Task Force, from chapters I and II of the *Basu Task Force Report-1991*.

## **2.9. International Organisations' on Manual Scavenging**

After the Sanitation decade, 1981-90, many international agency expressed their views about sanitation, particularly in developing countries. In that decade, the Indian Government resolved to provide sanitation to all citizens. With the help of international organisations, sanitation policies were framed. Government of India gives full cooperation to those organisations for creating Sanitation Policies. Since the rural population was more than the urban one, the government of India initially focused to improve rural sanitation. The reason behind there was lack of awareness on sanitation. Apart from this, basic facilities like individual toilets, sewer lines and waste management were lacking in rural India. The United Nation Organisation came up with 'International Drinking water and Sanitation' decade in 1981-1990. As a result, the 'Central Rural Sanitation Programme' – CRSP and the Urban 'Integrated Low Cost Sanitation Scheme' – ILCSS were launched.

Before those programmes in rural and urban India, the sanitation works have been traditionally carried by manual scavengers and sweepers. These people are working in caste based workers in Indian Society. Scavengers are removing night-soil in villages and urban areas. Since household toilets are very few in number, open defecation have become common in both places. But those programmes were concentrated to provide better sanitation to individuals. The programmes given ideas to build household toilets, on the understanding that 30 percent of the cost would be borne by the concerned individuals and the rest would be provided by the state government. A notion grew, 'why construct household toilets with our money, when for defecating in open places one need not pay any money.' Even when people constructed domestic toilets, issues like lack of water supply and damage to the toilets due to natural causes like storm and rain came to the fore. People who could not construct toilets once again, chose to revert to their earlier practice of defecating in open places. Here, manual scavengers are require for removing the excreta. The widely held notion is that a person is needed for removing the excreta and it is not necessary to build an individual toilet.

First, the international organisations have to focus on eradicating the stigmatisation and discrimination attached with this occupation. The government has, on paper, always declared its resolve to abolish manual scavenging before launching all such programmes. True, some scavengers were rehabilitated in other occupations, but the fact

of the matter is that, in most cases, the ‘alternative’ occupations have turned out to be sweeping, waste transport, cleaning of septic tanks and cleaning water flush toilets. Not only is the nature of work degrading and the conditions of work, abysmal; the scavengers are employed at highly exploitative wages. Those working for urban municipalities earn Rs. 30- 40 per day and those working for private agencies are paid as less as Rs. 3-5 per day. The international organisations have to look clearly at the stigma and untouchability dimensions before implementing schemes. It is also imperative to provide alternative occupation for them. Before that, they have to given training programmes for new occupations.

### **2.9.1. World Bank**

Initially the World Bank spoke about latrines, excreta and health issues, all of which could lead to communicable deceases. The removal of excreta should be done in a proper manner. So the World Bank introduced pit and bucket latrines also to use with good sanitary conditions. But it did not talk about the health of those collecting that excreta, not about the abolition of manual scavengers. The World Bank felt collection from bucket latrines is always messy. Also, while emptying the field bucket, the pit latrines get fouled. Due to the consequent risk of ‘infection to the household, the sweeper, and passers-by’,<sup>238</sup> the burdened scavengers were required to act quickly to replace the bucket. If they failed, the blame would fall on them. Clearly, the risks from a cartage system depend greatly on the manual scavengers and regularity of the service provided, because absence of mechanical aids leads to do manual scavenging in such places. Then World Bank changed their strategies to implement more technological options and provided loan for buying machines.

Indian cities continued to lack adequate sanitation more than sixty six years after Independence because the colonial city legacy was still evident in the continuing segregation of cities, poorly financed and resourced municipal corporations, and the lack of capacity within the state and central governments to manage the rapid population growth. Many cities, often overwhelmed by the continuous influx of population, were unable to keep up with the provision of basic services. Consequently, many citizens lacked access to even the simplest latrines. The removing of garbage, two-thirds of

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<sup>238</sup> Feachem R. G., Bradley, D. J., Garelick, H. and Mara, D. D., *Sanitation and Disease*, p. 77.

which was ‘solid waste remained as uncollected.’<sup>239</sup> All this invariably piled up on the streets and in drains. The shortage of workers in municipalities was also a reason for the failure to remove all the wastes in cities. In the era of globalisation, and new economic policy, the state has been actively reducing its role in providing basic services, and has failed to address that widening gap between demand and supply. The World Bank and other international development agencies are now putting emphasis on the need to ‘privatise urban services as waste management and water provision as the only way out to make them efficient.’<sup>240</sup>

On the issue of privatisation of sanitation work like Solid Waste Management, the World Bank came up with a report in India. Private sector participation is an interesting option for boosting performance, whereby the municipal authorities change their role from service providers to regulators and service facilitators. Different forms of collaboration with the private sector can be envisaged, involving different types of agreements and preconditions of partnership. The overall objective of involving the private sector is to achieve an improvement in solid waste management service and to extend coverage to the yet un-served sections of society. Delegating tasks and responsibilities to the private sector, however, also entails new challenges for all. All critical factors must be taken into account to prevent misuse or failure of private sector participation. The next level of privatisation brought the contractors into municipality’s activities it led the socio-economic changes. In India, labour laws protect the interests of workers and regulate the contracting of services. The Contract Labour (Regulation and Abolition) Act, 1970, provides that contracting out of services can be prohibited if the services are already provided departmentally by any municipal authority. Under section 10(1) of the Contract Labour Act, the state government may prohibit the employment of contract labour in any process, operation, or work in any establishment.<sup>241</sup>

The contribution of contract labour system separated Arunthathiyars from municipalities as government employees. Their social change ensured that scavenging would not be restricted to the Arunthathiyars as a caste based occupation. So persons belonging to other communities may also undertake tasks like sweeping streets, cleaning

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<sup>239</sup> The World Bank, *World Development Report 2000/2001: Attacking Poverty*, (Washington, DC: The World Bank & Oxford University Press, 2001), p. 84.

<sup>240</sup> Chaplin E., Susan, *Partnerships of hope New ways of providing sanitation services in urban India*, ed., Annapurna Shaw, ‘Indian Cities in Transition’, (Chennai: Orient Longman, 2007), p. 84.

<sup>241</sup> See full text, *The Contract Labour (Regulation and Abolition) Act, 1970*.

water flush toilet complexes and garbage removers. If suppose a contractor wants to recruit the workers for sanitary purposes, he/she may not recruit former municipal employees, because these workers earned more money than what the contractual job offered them. Even his is not a permanent job. Here, the contractors have chance to recruit persons from their own community to provide employment opportunity. The contractor would recruit novices for sanitary works, because he/she would not have to pay equal wages like in Municipalities. If the Arunthathiyars were not being recruiting by the contractor, they would lose their livelihoods options. The stigma has blocked their occupational motility from scavenging. Unemployment leads to poor socio-economic conditions. Due to this, scavengers had no option but to join as under contract labourers. In waste collection contracts, generally a large workforce is engaged, and these workers are paid on a monthly basis. Delays in payment can cause labour unrest and adversely affect services. A provision should be made for the contracting authority to pay penal interest, if payments are delayed beyond the reasonable time prescribed.

In Tamil Nadu, the Chennai Municipal Corporation introduced ‘contract labour for sweeping and scavenging’<sup>242</sup> in 1999. This privatisation also reflects on the corporation’s garbage collection system. The private organisation collects garbage from house to house. All householders have to dump their wastes into the vehicles of a private company. In 2001, the Anna Dravida Munnetra Kazhagam (ADMK) came to power and introduced privatisation in selected Corporations and Municipalities. The municipal workers also collect household waste like those of the private company from each household. Another change was the main roads comes under private organisations and the household streets came under municipal workers who were required to collect garbage. Many municipal authorities are not yet comfortable with private sector participation, because they are unclear about their authority to engage in it. The Government of Tamil Nadu have to advise municipality about the procedure for involving the private sector. It is also advisable to review the existing contract law and practice.

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<sup>242</sup> Zhu, Da, *et. al.*, *Improve Municipal Solid Waste management in India: A Sourcebook for Policy Makers and Practitioners*, (Washington: The World Bank, 2008), p. 76.

### 2.9.2. Asian Development Bank - ADB

Anti-discrimination measures are built into World Bank and Asian Development Bank-funded projects in areas where the problems of caste violence and caste discrimination are severe. As part of its commitment to good governance, the World Bank, as well as other international lending institutions, should establish ongoing dialogue with Dalit NGOs<sup>243</sup> at all stages of the decision-making process – before a loan is released, while the project is being implemented, and in the course of any post-project evaluation. Prior to approval of projects, and in consultation with NGOs, investigate the effect of proposed policies and programmes on caste violence, caste discrimination, and discrimination against Dalit women, and explore ways in which these programmes could help alleviate violence and discrimination.

In 2009 Asian Development Bank study revealed that ‘India has implemented affordable sewage disposal technologies and that sustainable sanitation options have higher rates of coverage for household sanitation and drainage.’<sup>244</sup> In all of these states, less than 60% of households have access to toilet facilities and less than 50% have access to some form of drainage. Sewerage systems, even if available, commonly suffer from poor maintenance, which leads to the overflow of raw sewage. This issue used to occur often and the manual scavenger would be engaged for removing the blockages in the drainage systems. The municipal authorities have the workers for cleaning the sewers, so spending money for maintenance would go as wages for scavengers. Compared with the wages of workers, the maintenance costs works out higher. Hence, the authorities prefer to send workers to solve the issues.

The sanitation system in India has been significantly improved due to the financial and other assistance from International Organisations like the World Bank and Asian Development Bank. Both these organisations are involved in the improving sanitation in both rural and urban India. The Government of India is cooperating with these banks and developing sanitation facilities. The beneficiaries of this project are the ‘poor and

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<sup>243</sup> Menon, Asha, ‘The Safai Karmachari and the Tamil Nadu Government, a Report’, *The New Indian Express* <http://www.newindianexpress.com/magazine/article216669.ece>, (accessed: 02 March 2010).

<sup>244</sup> Asian Development Bank, ‘India's Sanitation for All How to Make it Happen’, *Water for All Series 18*, (Philippines: Asian Development Bank, 2009), <http://www.adb.org/sites/default/files/pub/2009/Indian-Sanitation.pdf>, (accessed: 17 February 2012).

women.<sup>245</sup> Those schemes have focused mainly on improving sanitation by reducing open defecation, strengthening the drainage system, constructing individual toilets and, in the process, reducing communicable diseases, and enhancing the quality of life and human dignity. The welfare schemes are concerned about constructing toilets and minimising open defecation. The schemes did not achieve notable success since many persons still felt that defecation in the open is easier than constructing toilets. They are not bothered about sanitation and communicable diseases. Nowadays scavengers have to maintain good sanitation. The human dignity angle seems more focused on the toilets users – and not on the scavengers. Their human rights have been denied by other caste people. Basically the schemes speak about maintaining sanitation, a new concept introduced by International Organisations. However, there has been less focus on issues like annihilation of caste, anti-untouchability, prohibition of manual scavenging, stopping discrimination, humiliation and stigmatisation to others, particularly the Dalits. New forms of discrimination like less occupational mobility from traditional occupations, other caste people would not buying from Dalits shops and appointment of only high caste people for jobs have emerged. The basic human rights are still being denied to Dalits, and people belonging to other castes generally do not seem to be interested in giving equality to the Dalits.

### 2.9.3. International Labour Organisation (ILO)

The ILO (International Labour Organisation) is the only international organisation which operates on a ‘tripartite’<sup>246</sup> basis. Since its inception, worker and employers’ organisations have worked side-by-side with the government in a three-way, or tripartite, basis. The ILO’s Discrimination (Employment and Occupation) Convention no. 111, 1958,<sup>247</sup> which India ratified in 1960, deals with the issue of work-related discrimination and seeks to promote equality in employment and occupation. The Convention states that government needs to adopt laws for combating discrimination through the foundation of educational programmes for equal opportunity, adoption of national policies on equal

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<sup>245</sup> Bonu, Sekhar and Kim, Hun, ‘Sanitation in India Progress, Differentials, Correlates and Challenges’, *South Asia Occasional Paper Series No. 2*, (Philippines: Asian Development Bank, 2009).

<sup>246</sup> [http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS\\_159813/lang--en/index.htm](http://www.ilo.org/global/about-the-ilo/newsroom/features/WCMS_159813/lang--en/index.htm), (accessed: 07 January 2013).

<sup>247</sup> *Convention concerning Discrimination in Respect of Employment and Occupation*, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312256:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312256:NO), (accessed: 20 October 2010).

opportunity, full cooperation with employers and workers' organisations. This Convention also calls upon the concerned government to establish a national agency on equal opportunity, along with repealing inconsistent laws and practices. Social origin is one of the grounds of discrimination.<sup>248</sup> It is strongly believed that the Unorganised Sector Workers Social Security Act, 2008, will facilitate the formulation of policies and programmes for manual scavengers who have thus far been largely deprived of social protection.

In this context, it is pertinent to mention that the Planning Commission of India, formed a Committee that spoke about the exercise of manual scavenging and the fact that Dalits, and very often Dalit women, are ordinarily engrossed in this practice due to their social origin - in contravention of the guidelines issued by the Convention. The Committee notes that, according to the Government's report, the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, so far had been adopted by 20 states and all union territories. The Committee also said that it was aware that, in an Order of 8 May 2009, the Supreme Court of India (*in Safai Karamchari Andolan and others vs. Union of India and others*)<sup>249</sup> mentioned that a detailed report presented by the petitioner showed that scavenger work is widely prevalent in several districts of the land of Rajasthan. The Committee further noted that the Akhil Bhartiya Safai Mazdoor Congress provided findings of the field research in Solapur and Pandarpur, two cities in the state of Maharashtra. This inquiry found that the practice of manual scavenging existed in these cities, and that it was being performed by municipal employees belonging to particular castes.

Likewise, the National Action Plan for the Total Eradication of Manual Scavenging by 2007, referred to reports that, in several states, municipal employees were still performing manual scavenging. The Committee observed that the Government's efforts continued to focus on the conversion of dry latrines under the centrally sponsored Integrated Low Cost Sanitation Scheme (ILCSS). Due to difficulties in implementation, the Scheme was re-examined and new guidelines have been in effect since February

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<sup>248</sup> Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - India (Ratification: 1960)

[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101\\_COMMENT\\_ID:2309085](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:2309085), (accessed: 20 April 2014).

<sup>249</sup> <http://supremecourtfindia.nic.in/outtoday/wc583.pdf>, (accessed: 07 April 2014).

2008.<sup>250</sup> Only four states, Bihar, Uttar Pradesh, Uttarakhand and Jammu & Kashmir, have reported the existence of dry latrines. Under the revised ILCS Scheme, it was envisaged that, within a period of three years (2007–10), all remaining dry latrines would be converted. The Committee observed that the Government has proceeded to take steps towards the elimination of the practice of manual scavenging. Nevertheless, the Committee expressed serious concern that, despite these efforts, thousands of Dalit men and women still find themselves entrapped in this degrading practice. The Committee was particularly concerned at the apparent weak enforcement of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, and that the practice even continues in employment under the Government’s authority, contrary to *Article 3(d)* of the Convention.<sup>251</sup>

The Committee urged the Government to ensure the full enforcement of the 1993 Act and to take all measures necessary to ensure that the practice is eliminated effectively, including through low-cost sanitation programmes and promoting decent work opportunities for liberated scavengers. The Committee requested the Government to provide detailed information on measures taken regarding these issues and the results achieved, including statistical information. The government was asked to provide detailed information on:

1. The status of the pending litigation on the issue in the Supreme Court, together with copies of any orders that may have been passed by the Court; and
2. The enforcement of the 1993 Act at the central and state levels.

#### **2.9.4. United Nations Organisation - UNO**

It is well-known that the “World Conference Against Racial Discrimination” at Durban during 2001-2002 discussed the issues of on caste and race. The Indian government argued that caste and race are two different entities, caste discrimination does not fall under the purview of Committee on the Elimination of Racial Discrimination (CERD) and that many schemes have been implemented for the development of Dalits in

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<sup>250</sup> Integrated Low Cost Sanitation Scheme Revised Guidelines, 2008, Ministry of Housing & Urban Poverty Alleviation, Govt. of India, New Delhi.

<sup>251</sup> Discrimination (Employment and Occupation) Convention, 1958 (No. 111) - India (Ratification: 1960)  
[http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101\\_COMMENT\\_ID:2309085](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:13101:0::NO::P13101_COMMENT_ID:2309085), (accessed: 20 April 2014).

economic, social and welfare fronts. These measures are enough to protect the constitutional, legislative interests. Hence, there is no need of implementing the International Human Rights rules, the actions taken internally are sufficient in this regard, and that change is a part of evolution.

Manual scavengers are exposed to sub-human conditions of work, working amidst unbearable dirt and stench. Bringing together practitioners/representatives of organisations, from across the country, working with manual scavengers and issues affecting them, the National Round Table (NRT)<sup>252</sup> 2012 aimed to chalk out effective strategies or opportunities to ensure alternative livelihoods and proper rehabilitation; identify legal or other programmes that would ensure a dignified life for manual scavengers; and come up with some tangible steps that could feed into policy processes and thereby help to alleviate the plight of manual scavengers. It was hoped that some of the tangible steps suggested on the basis of the NRT discussions will inform the ‘rules of implementation’ of the proposed Bill in terms of eliminating manual scavenging and the rehabilitation of manual scavengers. The deliberations at the Round Table benefitted immensely from sharing of initiatives by different organisations, as well as experiences by several liberated manual scavengers.

### **2.9.5. United Nations Human Right Commission - UNHRC**

The UNHRC is the successor to the ‘United Nations Commission on Human Rights’, and is a subsidiary body of the ‘United Nations General Assembly’. The Council works closely with the Office of the High Commissioner for Human Rights and engages the United Nations' Special procedures. The former UN High Commissioner for Human Rights, Navi Pillay, issued a statement from Geneva in support ‘of the thousands who have joined the fight against the most grotesque human rights violation’.<sup>253</sup> This organisation is working at the policy level about abolishing scavenging through schemes and Acts. The analysis of policy process has to address the atrocities on scavengers so that the liberation would come permanently. It has been repeatedly mention that the stigma is already attached with the manual scavengers, so the occupation mobility would not be possible without any demonstrations. So, this organisation is working with them

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<sup>252</sup> Report of the Round Table Discussion, *Social Inclusion of Manual Scavengers*, United Nations Development Programme and UN Solution Exchange, (New Delhi, 2012).

<sup>253</sup> Sonar, Nupur, ‘UN High Commissioner for Human Rights condemns the practice of manual scavenging’, *Tehelka*, <http://www.tehelka.com/un-high-commissioner-for-human-rights-condemns-the-practice-of-manual-scavenging/>, (accessed: 05 March 2013).

and conducting conferences with the various stakeholders and analysing the ‘existing policy’<sup>254</sup> for abolishing manual scavenging.

These conferences give the idea of policy gaps and limitations. The Constitution of India abolished the practice of untouchability in the hope that it would help in erasing the caste bias inherent in Indian society. The framers of the Indian Constitution hoped that the people would understand the needs for ensuring human rights to all. Unfortunately, some powerful sections of society could not digest the idea of providing equality to all sections of society. Such elements were not prepared to change their ideas of treating Dalits from past years and now accept the changes in the socio-economic conditions of Dalits. Even the other Dalit caste groups have tended to discriminate against the manual scavengers. The human rights of developing themselves or assistance from the government would elevate the status of the manual scavengers. Hence, it is important for the scavengers to know about their right to dignity and respect. The denial of the right to work and free choice of employment lies at the very heart of the caste system. Denial of free ‘choice of employment and allocation of labour on the basis of caste are fundamental tenets of the caste system and are integral to sustaining caste inequality and hierarchy.’<sup>255</sup>

These problems have not been alleviated by the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, or the rehabilitation programmes launched by the Indian Government. The new Act of 2013<sup>256</sup> needs to address the issues mentioned above and give equal rights to manual scavengers. It has also not discussed the concerns of the sewage workers who were completely left out in 1993 Act. Also, the term sewage worker has not been clearly defined in that Act.<sup>257</sup> The 1993 Act had said that manual scavenging have been banned in this country for the last twenty years. However, punishment not been given any single person, through this Act. Because of the loopholes in the Act, it has been possible to employ persons as manual scavengers in underground drainages through manholes. In Tamil

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<sup>254</sup> *Ibid.*,

<sup>255</sup> Narula, Smita, *Broken People*, p. 41.

<sup>256</sup> ‘Prohibition of Employment as Manual Scavengers and their Rehabilitation Act’, 2013.

<sup>257</sup> Sathyaseelan, Samuel, ‘Neglect of Sewage Workers Concerns about the New Act’, *Economic and Political Weekly*, Vol. XLVIII, No. 49, (2013), p. 33.

Nadu, 30 scavengers died between February 2001 and September 2013,<sup>258</sup> according to data released by the Tamil Nadu Sanitary Worker's Commission. Even today, newspapers all over India keep on reporting news about the death of scavengers.<sup>259</sup> This brings out that the Welfare Schemes and Acts have not been working properly.

### 2.9.6. United Nations Development Programme - UNDP

Partnering with UNDP to rehabilitate manual scavengers, the campaign created a lot of awareness among the civil society and civilians. Especially the Jan Sahas launched a nationwide campaign rally against manual scavenging by women and the social conditions of such women. After that, through alternative occupations, nearly two hundred women are receiving training in tailoring to enable them to work at 'Dignity and Design.'<sup>260</sup> This is a major rehabilitation programme for women scavengers liberated from scavenging. This programme was first launched in Madhya Pradesh. In other villages, women have leased government ponds for fish breeding and setting up small businesses such as producing and selling incense sticks.

A panel discussion and photo-exhibition was held to mark the Human Rights Day on December 10, 2012 by the Poorest Areas Civil Society (PACS), New Delhi. There, the UNDP Resident Representative in India Lise Grande said: *"I also feel that merely having a law in place for eradicating manual scavenging would not do much, unless it is effectively implemented and supported by the whole nation. Manual scavenging is a human rights issue and I support the campaign against the practice."*<sup>261</sup>

UNDP and UN Solution Exchange organised a National Round Table Discussion on 'Social inclusion of Manual Scavengers' at New Delhi on 21 December 2012. The Discussion was centred on all policies for abolishing manual scavenging, and the issues that need to be highlighted in the ensuing 2013 Act on 'The Prohibition of Employment

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<sup>258</sup> '30 Scavengers' dead while cleaning sewerage in Tamil Nadu, needs permanent solution', *Dinamalar*, [http://www.dinamalar.com/news\\_detail.asp?id=810064](http://www.dinamalar.com/news_detail.asp?id=810064), (accessed: 23 September 2013).

<sup>259</sup> Narayanan, Vivek, 'Four die of asphyxiation as they enter septic tank at Chennai hotel', *The Hindu*, <http://www.thehindu.com/news/cities/chennai/four-die-of-asphyxiation-as-they-enter-septic-tank-at-chennai-hotel/article8123920.ece>, (accessed: 19 January 2016).

<sup>260</sup> UNDP – India, <http://www.in.undp.org/content/india/en/home/ourwork/povertyreduction/videos/partnering-with-undp-to-rehabilitate-manual-scavengers.html>.

<sup>261</sup> Kumar, Rahul, 'Minister apologises for manual scavenging in India', *One World South Asia*, [http://southasia.oneworld.net/news/minister-apologises-for-manual-scavenging-in-india#.VO\\_5veEbJuI](http://southasia.oneworld.net/news/minister-apologises-for-manual-scavenging-in-india#.VO_5veEbJuI), (accessed: 13 December 2012).

as Manual Scavengers and their Rehabilitation.<sup>262</sup> Then, the liberated scavengers shared their experiences. The Round Table also resolved to take steps against this scenario, because it was felt that, if effective steps were not taken, many of the erstwhile manual scavengers would be forced to re-enter this occupation. In the absence of other options, this could be the only way to earn their livelihood. The participants at the Round Table supported the idea of the Government of India declaring one particular year for the liberation of the manual scavengers. However, they asserted that this initiative should not meet the fate of many of the earlier promises made by the government – but not implemented.

### **2.9.7. United Nations Women**

The motto of this organisation is United Nations Entity for Gender Equality the Empowerment of Women. It says this organisation is working for the emancipation of women, particularly in a country like India, with a heavy gender-bias. Due to societal prejudices, women have to work, but have not been accorded equal status with men. In the social hierarchy, women of all castes have been given almost the same type of status. Doing household chores, less involvement in decision-making, not considered suitable enough for social participations and making sacrifices for the family are almost invariably meant for women. In Dalit families, both genders have to work due to economic need. Even for menial tasks, male domination has tended to manifest itself. Among the scavengers, the women have to go to each street and sweep the human excreta, but man prefers to clean septic tanks and remove blockages in sewer lines. Many male scavengers spend more earned money on activities like gambling and drinking alcohol. So the female members of their families have to work more so as to clear the debts incurred by the males.

The UN Women and the Rashtriya Garima Abhiyan<sup>263</sup> jointly organised a consultation for female scavengers in New Delhi on 4<sup>th</sup> September 2014. It discussed collaborative approaches to end manual scavenging with the Indian Government, UN agencies and representatives of the private sector and the civil society. They also discussed about the livelihood for people who left the manual scavenging and ensure

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<sup>262</sup> See, ‘*Social inclusion of Manual Scavengers*’ UNDP - National Round table discussion report, 2012.

<sup>263</sup> The “Rashtriya Garima Abhiyan” - National Campaign for Dignity and Elimination of Manual Scavenging, launched by in 2001 was a very innovative and effective programme to end manual scavenging. It created the “Maila Muki Yatra 2012-13”, the Yatra will cover more than 120 districts of 18 states of India.

comprehensive protection from discrimination and all other social evils for such persons. The main theme of this consultation programme was to provide ‘better rehabilitation through skill development.’<sup>264</sup> Another study was undertaken for understanding the socio-economic status of women scavengers in 2014. The main finding from that study was that wages for women were comparatively less than those for men. In a few places, the wages were not fixed, so they could not be sure about their daily wages. Women get involved in ‘manual scavenging after their marriage.’<sup>265</sup> This means that their economic conditions force them to engage with this occupation. Another finding was that they were deprived of basic needs like education and health as well as decent employment choices. This kind of efforts should bring about greater empowerment and rehabilitation of women's scavengers.

### **2.10. Changing Perception of Scavenging Scenario in Three Municipalities**

Manual scavenging is about increasing secularisation among the scavengers, and potentiality of their ‘defiling’ occupation becoming a ‘profession’ with inputs from technology science and management. If that happens, the scavengers can effectively extricate themselves from the burden of social cultural legacies of their caste and may be actively involved in the process of social homogenisation. Such an outcome is not entirely unlikely, but would need an enabling environment in metropolitan economy and polity. Triggering change would emanate from the changing perception of the society towards the urban waste and its management. Because of its direct links with public health both national and international agencies are already active in this sector, with considerably funding behind it. This might lead to restricting and reorganisation of waste disposal systems both at public and private levels. But would the concomitant changes in training, job upgradation, wage revisions, working conditions positively help the prevent generation from staking their claims or rights in this sector. Despite suffering from severe disabilities, e.g., illiteracy, poor habitation, and financial constraints, this section showed a surprising capacity to cope with its present situation and willingness to struggle for generally improving its conditions.

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<sup>264</sup> *National Consultation on Rehabilitation of Manual Scavengers*, India Habitat Centre, New Delhi 04/09/2014.

<sup>265</sup> *Socio Economic Status of Women Manual Scavengers – Baseline Study Report – 2014*, Jan Sahas Social Development Society with UN Women.

The cultural aspect is tending to be applied indiscriminately to both people and/or the tasks that they perform. Thus, a person born into an unclean caste carries the stigma of being 'impure', even though he or she may be doing work other than that associated with his caste. On the other hand, those who did not originally belong to that caste, but were forced through economic necessity to take up tasks that are deemed as 'impure', degraded, etc., themselves became 'untouchables', and, in the process, lost their caste affiliations by birth. The above seems to indicate the connection between 'caste' affiliation and work done so that people have to protest that though they are doing a particular type of work for strictly economic reasons, they do not otherwise fall into the caste with which such work is traditionally associated. Now, many persons belonging to Murasar (Kannada speaking) and Kattu Naiyakkar (Telugu speaking) castes are being forced by economic necessity to take up scavenging jobs. The Arunthathiyar's traditional occupation of carrying-soil is now being abandoned. So they are engaging as sweepers and sanitary workers and most of them are employed in private companies. The Dalits, too had traditional occupations, but with a distinct difference. By and large, their occupations were least desirable and unclean. The two main categories of Dalit occupations have been scavenging and leather processing. Scavenging includes tasks like cleaning/sweeping of streets, drains and sewers and removal of human and animal excreta. Since latrines in most cities are not provided with flushes, the sweeper had to carry buckets of human faeces in his/her hand. Various castes of Arunthathiyars, who are considered to be lowest in the caste hierarchy, are doing this work. Then leather work includes handling of dead animals, and removing carcass skins. All of these tasks are considered defiling by the so called clean castes. This reasoning has then easily reversed and the Dalit's population is attributed to the unclean nature of their work. The Dalit jobs are not only undesirable, polluting and tedious, but they are also low paid.

The names of scavenging caste suggest that they are a functional community recruited from many different racial and social groups. It is very likely that people belonging to the lowest strata are compelled to take on this profession, especially in the urban areas, due to economic necessity. The great variations in the physical features of the different sections of this community, but also the varied recruitment from higher castes of 'broken men-out castes', etc., show that the members of various castes have joined this profession at different points of time. The goal of liberation of scavengers calls for development of their living conditions by integrating various development

programmes such as education, health, infrastructure and environmental upgradation of scavengers' localities. Hence, there is a need for concerted and coordinated efforts on the part of various departments of the Government at the macro and micro levels. It should be borne in mind that liberation of scavengers does not mean merely a change from traditional occupation of carrying night-soil to other occupations, but also the overall improvement in their living conditions in terms of economic, social and psychological parameters to be formulate in the Action Plans. The next chapter discussed the frameworks of the research. Then have analysed the 1993 Act's implication and its reasons of failure to end manual scavenging.

The purpose of the present study is to deal with the dynamics of social policy in the contemporary India. It has been seen that some policies are significantly impacting the socio-cultural and political context of the process of development. These issues are related to the diverse political interests served in the state policy goals and implementation practices. However, the different policies, that have had an impact on manual scavenging, have often received only scant attention. India has shifted significantly in its approaches to social policy and societal evolution in the recent years. Studies in the arena of social policy have just really recently got down to integrate the theoretical perspectives of underdevelopment. This chapter will discuss a number of social policy issues in the light of an overarching analysis of patterns of underdevelopment, including the changes needed in national and international approaches to reach a more holistic state of development of the country. This chapter will particularly focus on sanitation workers in the three municipalities, Dindigul, Palani and Kodaikanal, in Tamil Nadu.

The social science researchers need to be sensitive to the inherent limitations of research before starting to offer evidence-based research findings as inputs for policy making.<sup>266</sup> These understandings reveal that the relationship between the policy makers and researchers can, at times, be problematic. Besides issues related to validity of findings and relevance of research, point out that the divide between the policy makers and researcher while addressing the policy issues. The other major problem which ‘researchers face involve understanding the nature of the process of policy formulation.’<sup>267</sup> This research too has faced such limitations. These will also be discussed in this chapter.

### **3.1. Emerging Social Policies in Third World Countries with Development Context**

From the 1970s social development is being clearly identified as the goal of development strategies and not simply as one of the means by which rapid economic growth can be achieved. Development is a complex and elusive concept and is clearly fundamental to any discussion of strategies and policies, but is more often than not left undefined. The lack of attention paid to this most basic concept is, in itself, an acceptance

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<sup>266</sup> Head, Brian, *Evidence-based policy: principles and requirements*, ed., Productivity Commission 2010, ‘Strengthening Evidence Based Policy in the Australian Federation, Volume 1: Proceedings, Roundtable Proceedings,’ (Canberra: Productivity Commission, 2010), p. 18.

<sup>267</sup> Stone, Diane, *Getting Research Into Policy?*, paper presented to the third Annual Global Development Network Conference on ‘Blending Local and Global Knowledge,’ Rio De Janeiro, 10<sup>th</sup> December 2001, [http://reut-institute.org/data/uploads/Articles and Reports from other organizations/20080225-Getting research into Policy.pdf](http://reut-institute.org/data/uploads/Articles%20and%20Reports%20from%20other%20organizations/20080225-Getting%20research%20into%20Policy.pdf), (accessed: 31 December 2013).

of a particular set of assumptions. It is immediately obvious to anyone familiar with both the rich and poor countries of the world that development is a term used almost always in relation to the poor - and not to the rich. To the extent that the term is used at all in rich countries, it tends to be as part of 'concern for backward or depressed areas of such countries,'<sup>268</sup> or in relation to particular social groups. In both cases, the clear intention is that such areas or groups of people need to develop, or be developed to some state where they are more or less indistinguishable in all important respects from the rest of that society.

Definitions of development the term is used freely, often indiscriminately, in a wide variety of contexts. In a general sense, it is concerned with the development of the country, or that a particular policy, or set of actions, contributes to development, or holds back development. More specifically, the conceptions allow meaningful social targets to be agreed upon and progress towards their achievement to be measured. Accomplished schemes, particularly in the development context, have been inspired from other countries. This is very common in India that had been exposed to colonial power. The most important feature of the system was the use of power to ensure that the economics and societies of the rest best serve the needs of development. Then continuing process of cultural, social, political and economic transfers which are designed 'explicitly and implicitly to establish and maintain the hegemony of particular systems of values and economics formations.'<sup>269</sup> The fundamental values articulate the concept of development must be in the context of the society concerned, with reference to the nature of the history and culture needs of community development. It has persuasively made the discourse towards another basic necessity in human society is employment.

### **3.1.1. Construction of Social Policies**

The concepts of 'equality and social justice both have been central to the development and analyses'<sup>270</sup> of social policies in contemporary society. The social policies have serious and long term implications for allocating benefits and burdens within the construction of a society. The policy-making fields may become degenerative, in that

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<sup>268</sup> MacPherson, Stewart, *Social Policy in the Third World: Social Dilemmas of Underdevelopment*, (Sussex: Wheatsheaf, 1982), p. 18.

<sup>269</sup> Hoogvelt, Ankie M.M., *Sociology of Developing Societies*, 2<sup>nd</sup> ed., (London: Macmillan, 1978), p. 137.

<sup>270</sup> Coffey, Amanda, *Reconceptualizing Social Policy: Sociological Perspectives on Contemporary Social Policy*, (Berkshire: Open University Press, 2004), p. 59.

the government does not always allot funds equally, because it does not treat people equally. So the government falls into a pattern of allocating benefits mainly to the advantaged populations and is then likely to punish the community's downtrodden. Both these policy circumstances offer enormous political opportunity to political leaders, private contractors and entrepreneurs, even if they do not produce efficient social policies. The powerful and well regarded are expected to reward governments, political parties, and others who advocate greater benefits - and fewer burdens. So the members of the incognito, like those already mentioned, resent government spending on policies towards empowerment of Dalits. In India, Tribes and Dalits need more empowerment compared to the others. This should happen through well enforced social policies. This is because the dependents tend to be ignored to the extent possible. Policies for contenders take a somewhat different path, because it is important to provide benefits to the needy groups due to their political power. Again the policy makers know that Tribal and Dalits are receiving so much government largesse. And so those policies may become very deceptive, complex, and opaque so that is near impossible to see out what effects they may cause.

Policies may have unintended or counterintuitive, or both, impacts on identity. The policies, backed by the full authority of the state, embrace negative constructions of groups. They legitimate these constructions and help spread these throughout society. But policies also may be positive agents of change for marginalised groups, when they challenge institutionalised negative constructions. Policy-makers assume that such challenges are difficult for who seek public approval of their actions on a regular basis. In addition, policies can provide specific points of mobilisation, particularly if the positive constructions are firmly ingrained in policy documents at high and visible levels. Such documents make explicit and, therefore, make vulnerable institutionalised bias that is largely invisible and taken for granted. By focusing attention on a specific policy, negatively constructed groups may use the perceived unfairness, or inaccuracy, to mobilise people and to change the policy that has offended them. Identity, however, is a fundamental precursor for social mobilisation. Unless a negatively viewed group can either resist the construction and reframe it into something more positive, or adopt the negative frame as a status symbol of its own, mobilisation is not likely to occur.

The politics of caste, race, and gender are, in general, an attempt by previously disadvantaged groups and their advocates to reconstruct themselves as more deserving or

to gain sufficient political power so that identity will become important. The resistance from established or underprivileged groups either to a change in the social construction, or to the increased political clout of marginalised groups creates intense divisiveness around resistance. This ‘resistance is never in a position of exteriority in relation to power’<sup>271</sup> there is always inside power, there is no absolute outside where it is concerned. Policy makers may exploit these resistances for political gain. Although institutions differ in many important ways, there is a striking homogeneity of practices and arrangements in organisational life. This sameness extends to patterns that appear across different policy areas.

### **3.2. Tamil Nadu District Municipality Act, 1920**

In India, the provision of sewerage drainage systems and public toilets are more likely to be an integral component of town planning at a strategic policy level. In the 19<sup>th</sup> century, in India, the British had a policy on town planning. This emerged as a companion to the public health movement of unsanitary conditions in urban and rural areas. The Sanitation Quality Use, Access and Trends (SQUAT) held on Uttar Pradesh, Bihar, Haryana, Madhya Pradesh and Rajasthan rural northern India survey, 2015, says 40.13%<sup>272</sup> of households only have domestic toilets. This scenario clearly reveals that most Indians continue to believe in perverse notions of ‘purity and pollution’ created by the rigid ‘Brahminical ideas of polluting the external environment.’<sup>273</sup> This notion is used as an excuse for not building, or using, toilets indoors, because the homes need to kept pure. Even in urban communities, many people consider it dirty to have a toilet in the house. Such approaches are proving to be ‘unsanitary and impractical with the growth of urbanisation.’<sup>274</sup> Chapter Eight of the Act full dealt with scavenging and says how all the district municipalities have to work for scavenging in respective municipalities. The Municipal authorities are responsible for ensuring the following activities for the removal of rubbish and filth:

- Regular sweeping and cleansing of the streets and removal of garbage there from

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<sup>271</sup> Foucault, Michel, *The History of Sexuality, Vol. 1*, (New York: Pantheon Books, 1978), p. 95.

<sup>272</sup> Many people who own a latrine still defecate in the open, <http://squatreport.in/a-glimpse-at-the-data/>, (accessed: 23 January 2015).

<sup>273</sup> Kumar, Avinash, ‘Our waste, our responsibility,’ *The Hindu*, <http://www.thehindu.com/features/magazine/avinash-kumar-thoughts-on-brahmanical-notions-of-purity-and-pollution-on-world-toilet-day/article7903778.ece>, (accessed: 22 November 2015).

<sup>274</sup> Greed, Clara, *Inclusive Urban Design: Public Toilets*, (Oxford: Architectural Press, 2003), p. 36.

- The daily removal of filth and the carcasses of animals from private premises
- The daily removal of rubbish from dustbins and private premises
- Arranging depots for the deposits of filth, rubbish<sup>275</sup> and the carcasses of animals; and
- Maintaining covered vehicles or vessels for the removal of filth.<sup>276</sup>

The word filth is frequently used by civil persons for describing the feeling of most disgusting seeing, smelling and hearing too. Whether this refers to personal hygiene, or morals, is unclear, but the word if applied to individuals, it almost invariably refers to the cleaner of toilets. According to this Act, the meaning of filth 'includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter.'<sup>277</sup> So, the municipality workers have been cleaning these things in the name of sanitary workers. Then the meaning of 'scavenger'<sup>278</sup> means a person employed in collecting or removing filth, in cleaning drains or slaughter-houses, or in driving carts used for the removal of filth. The question of whether filth really embodies its own contradiction, whether that contradiction is except for scavengers others seen by it as filth. Except cow's waste, the dung of the remaining animals and human waste are considered as filth and these are familiar symbols for sin. In the understanding of filth was excrement and deplorable, otherwise meaningless material realities, most useful as metaphors in India. Many other instances of the symbolic force of filth and excrement are showing how an understanding of these beliefs makes sense of much that has been deemed crude on scavengers to force them to carry out.

Therefore, the government has the power to produce social policy associated with society's concerns. This is common especially in democracies, where legitimacy is a constant concern. Policies are almost always justified on logical grounds as contributing to important conclusions or in conditions of fairness and justness. In progressive policy making systems, policies are not thus much the outcome of intellectual analysis of problems and the crafting of solutions as these are the product of target populations seeking to frame problems in such a style that these become the obvious solutions. The

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<sup>275</sup> 'Rubbish' means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not 'filth' by The Tamil Nadu District Municipality Act, 1920.

<sup>276</sup> *The Tamil Nadu District Municipality Act, 1920*, <http://cma.tn.gov.in/cma/en-in/Downloads/The Tamil Nadu District Municipalities Act 1920.pdf>, (accessed: 01 April 2013).

<sup>277</sup> *The Tamil Nadu District Municipality Act, 1920*.

<sup>278</sup> *Ibid.*,

state has an important in providing employment opportunities for underdeveloped communities. The state has many institutions that have a profoundly important place in the concrete reality on underdeveloped societies. Further attempt to examine the nature of state power is vitally necessary. The particular concern is in relation on social policy, are three specific aspects of the state<sup>279</sup> on constructing social policies. These are:

1. The apparatus of the state is used to further the class interests of those who are able to use a variety of mechanism to affect policy formation and implementation.
2. This manipulation of state power allows the effective intrusion of policy maker's interests, directly or indirectly.
3. Those who have gained privileged positions in the state bureaucracy are able to use their power to form themselves as a new class, or as a distinct part of the dominate class.

Policy-making in India has been facing a large number of difficulties and technical complex choices of sharp dichotomies. 'Autarch is perhaps best seen as referring to the degree to which policy-makers'<sup>280</sup> are insulated from pressures to seek the involvement of the underdeveloped communities. The dependents learn from the policies that do not attend to their needs. At the same time, they do not give priority to give attention on their social policies. This happens because of higher priorities, and those policy makers are more central to the nation's success.

### **3.3. Protection of Civil Rights Act (PCRA) - 1976**

Robert Deliege<sup>281</sup> has posited that the history of untouchables and untouchability has not yet written. This argument is at variance with India's caste promoting manuscripts. Because those scripts already ordered the treatment of Dalit's and the attitude of the non-Dalit towards the Dalits. The sociologist, T. N. Madan, states that the fundamental institution of 'caste system emerged from the Hinduism and the Brahmins',<sup>282</sup> who were crucial mediators of religion and society. This threshold had begun from those scripts. Article 14<sup>283</sup> of the Constitution of India speaks about the right

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<sup>279</sup> MacPherson, Stewart, *Social Policy in the Third World*, p. 30.

<sup>280</sup> Roxborough, Ian, *Theories of Underdevelopment*, (New Jersey: Humanities Press, 1979), p. 123.

<sup>281</sup> Deliege, R., *At the Threshold of Untouchability Pallars and Valaiyars in a Tamil Village*, ed., Fuller C. J., 'Caste Today,' (New Delhi: Oxford University Press, 1996), p. 65.

<sup>282</sup> Madan, T. N., *Sociological Traditions*, (New Delhi: Sage, 2011), p. 36.

<sup>283</sup> Ministry of Law and Justice, *Constitution of India*, <http://india.gov.in/my-government/constitution-india/constitution-india-full-text>, (accessed: 18 October 2009).

to equality for any person, equality before the law or the equal protection by the law within the territory of India. The Constitution the practice of Untouchability illegal, through Article 15<sup>284</sup> by prohibiting “discrimination with regard to access to shops and places of public entertainment and the use of wells, tanks, public roads and places of public resorts maintained wholly or partly out of State funds, or dedicated to use of the general public.” Even though discrimination is still prevalent in public places, there are very few instances of legal action against the offenders. This may also be because some places may by circumstances not be covered by Article 15. Then, in order to tackle the problem of untouchability, the Constitution of India provides various provisions in favour of Scheduled Castes and Scheduled Tribes. Article 17<sup>285</sup> of the Constitution was incorporated to provide protection to the Scheduled Castes from the inhuman atrocities being committed against them by the upper castes.

### **3.3.1. Origin of Protection of Civil Rights Act, 1955**

The Parliament passed the Untouchability (Offences) Act 1955, which again was an improved version of the Untouchability Order, 1950, in order to give effect to the declaration made in Article 17 of the Constitution.<sup>286</sup> The Act of 1955, inter-alia, states: “In exercise of the powers conferred by sub-section (3) of section 1 of the Untouchability (Offences) Act, 1955, the Central Government hereby appoints the 01<sup>st</sup> day of June, 1955, as the date on which the said Act shall come into force.” This Backward Classes Commission (1953), namely, the Kaka Kalelkar Commission, submitted its report in 1955 (details elaborated in chapter two). It revealed the socio-economic conditions of the backward classes. The Commission used the term in *Sub-human* to describe the conditions of scavenging communities all over India. Even though the methods of work may have slightly changed, their overall socio-economic conditions have not significantly changed.

An amended version of the Act, namely, the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976, was enacted on 16<sup>th</sup> November, 1976. The amended Act stipulated punishments for “enforcing religious disabilities, social disabilities, refusal to sell goods or render services as well as other offences such as insult, molestation, obstruction and unlawful compulsory labour to do scavenging or sweeping or

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<sup>284</sup> *Ibid.*,

<sup>285</sup> *Ibid.*,

<sup>286</sup> Ministry of Social Justice and Empowerment, <http://socialjustice.nic.in/pcr-rule.php>, also see, Gazette of India, 1977, Part II, Section 3(ii), Page 3478.

removing carcasses or jobs of similar nature on the ground of Untouchability.”<sup>287</sup> The core objective of this Act is to lay down punishments for preaching or practicing Untouchability. Therefore ‘The Untouchability (Offences) Act, 1955,’ has sought to accelerate the process of eradication of the evil practice of untouchability. Still, there is still scope for amending it further so that it may become more comprehensive and effective in ensuring social justice to the Dalits. In 1965, the Government of India appointed a Committee, under the chairmanship of L. Elayaperumal, to review the issues of untouchability and the economic and educational development of the Scheduled Castes. In 1969, the Committee submitted its report and the Government of India introduced an Act, known as the Untouchability (Offences) Act and Amendment and Miscellaneous Provision Bill, in the Lok Sabha in April, 1972. The Parliament also amended the Untouchability (Offences) Act, 1955, in November, 1976 and renamed it as the Protection of Civil Rights Act, 1955. This Act defines the term “civil rights”<sup>288</sup> as any right accruing to a person by reason of the abolition of ‘untouchability’ with reference of Article 17 in the Constitution. Section 7-A (1) says the unlawful compulsion of employment in any form of scavenging or sweeping or to remove any carcass or to flay any animal or to do any other job of a similar nature, shall be deemed to have enforced a disability, arising out of “untouchability.” This Act also provide provides for imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees. Section 8 of the Act also provided for the cancellation, or the suspension, of licences of convicted persons, as well as the suspension of grants of land or money to a place of public worship, educational institution or a hostel guilty of an offence. Section 15-A of the Protection Civil Rights Act, 1955, imposes the statutory duty on the State Government to ensure that the rights accruing from the abolition of untouchability are implemented for the benefit of the weaker sections of the society who are further subjected to social, economic and political discrimination by branding them as untouchables. However, the non-stringent nature of punishments gave a chance to some people to practice untouchability in some form or the other. Hence, less legal actions did not appear to act as much of a deterrent. The Protection of Civil Rights Act should be implemented honestly, sincerely and

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<sup>287</sup> Sankaran, S. R., *Social Exclusion and Criminal Law*, eds., Kalpana Kannabiran and Ranbir Singh, ‘Challenging the rule(s) of law,’ (New Delhi: Sage, 2008), p. 127.

<sup>288</sup> Section 2(a), Protection of Civil Rights Act, 1955, Ins. by Act 106 of 1976, s 4 (w. e. f. 19-11-1976).

seriously at the social level so that punishment can put a degree of fear in the minds of the offenders.

### **3.4. Social Dignity in the Employment Context**

An account of sociological and anthropological perspectives on development will not be complete without some discussions of how social plans have been changing their direction. The understanding of development and change necessarily involves understanding something about the types of approach used by the government and its agencies for initiating rehabilitation of manual scavengers, their socio-economic development and providing alternative occupations for them. In India, the term 'labour' is commonly discussed to refer to both 'unemployment' and 'underemployment.'<sup>289</sup> This is conventionally explained by the shortage of employees for undignified professions. There is a strong belief that, in India, the practice of manual scavenging started by using prisoners of war for this purpose. At the same time, it was not uncommon to make captured Dalits to clean the toilets. The united Bengal's Namasudra Movement of 1873 was in protest against Dalits being asked to do scavenging work in Faridpur Jail.<sup>290</sup> Undoubtedly, jails were pioneer institutions in shaping the modern character that aided and abetted caste seclusion. Thus, from the very beginning Dalits had limited opportunities for entering dignified professions.

The issue of providing employment opportunities for Dalits turned out to be one of making available demand and work opportunities for them. Dalits are long ago viewed as one of not attracting as wage labourers, instead of wage they got left-over foods from their working places even within the municipality areas. The place of a human in society is determined by the market relationship. The general view of employment, as other than market related, is difficult in societies whose very nature is determined by the society and market relationship. The core understand of employment should have a socially accepted role by every person in society. Such an acceptability should allow the person live with dignity throughout his/her life. Like employment, dependence on others is incompatible with self-respect. Employment viewed this way may thus include studying, working on the land for themselves, and many other roles which have a meaning and purpose in a

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<sup>289</sup> Myrdal, K. Gunnar, *Asian Drama: An Inquiry into the Poverty of Nations*, (London: Penguin, 1972), p. 177.

<sup>290</sup> Usuda, Masayuki, *Pushed towards the Partition*, ed., Kotani, H., 'Caste System, Untouchability and the Depressed,' (New Delhi: Manohar, 1997), p. 226.

given society. Attitudes to employment are determined by the dominant culture. The Dalits were poor, but they were apparently not eager to improve their lot by increasing their labour input in inhuman occupations like manual scavenging, since the sanitation sector in these municipalities was facing an acute labour shortage. At the same time, in that locations were an acutely felt labour shortage in the new dynamic sanitation sectors of the scavenging in Municipalities.

The denial of open employment opportunities for Dalits has tended to be justified on social grounds. Thus, many Dalits still continue to be deprived of access to alternative occupations. Such a restriction is nothing short of denial of basic human dignity. Such a situation is one of the major causes of urban poverty in many States. The restricted access to alternative occupations and the compulsion of having to work in occupations like manual scavenging (where also the number of ‘vacancies’ are very few) are leading to large-scale employment, poverty and lack of employment opportunities in move dignified occupations. The situation is akin to the scenario: one will get a job only when one has some experience in that field; but one can gain experience only when one works for some time in that field.

This leads inevitably to the issue of equitable distribution of opportunities and all other resources, which could bring around significant improvements in the quality of life of the masses. The pursuit of equality does not assume that talent or ability is evenly distributed, but is rather founded on recognition of the fact that every person is of equal worth. The quality proposition that should considered an objective in its own right as the element in development. An unequal society perpetuates social barriers and distorts the society. It also prevents the downtrodden population from realising this potential. The issue of dignity should figure very in the policy discourses and should include issues like rehabilitation of the affected persons. Also, there are concrete actions that can be taken to advance it in the empowerment process, so as to better social policy outcomes. However, not much attention was paid to carry forward the idea of dignity to law. Two issues seem to have complicated the issue<sup>291</sup> one has been the lack of a common understanding of local socio-economic conditions. Also, a universal notion of dignity makes its application subjective and ridden with controversy. The next one is related to issues like equality and freedom. The concrete manifestations of the idea of dignity inevitably find their way into

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<sup>291</sup> Carley, Michael, *Social measurement and social indicators issues of policy and theory*, (London: George Allen & Unwin, 1981), p. 20.

power relations. Indignity is about assertion of power and showing an individual, or an entire group, that it is supposedly lower in the social hierarchy place. Conversely, dignity is about equality and social inclusion.

In course of time, a notion, which came to be known as the unified approach, emerged. According to it, 'objective of development must be to bring about sustained improvement in the well-being'<sup>292</sup> of the individual and under-developed communities. Then, from the 1970s onwards, considerable attention started being paid to the failure of existing programmes to satisfy the basic needs of the majority. Also, in different policy areas, basic needs strategies emerged at the international level. The strategies devised by the UNO have been adapted to a considerable extent within the national development programmes of a number of countries. Still, some lacuna emerged in the implementation process in some under-developed countries. The essential element in the basic needs strategy is that the needs of the poor must become the core of development policies.

All this boils down to the fact that there is a huge gap between rhetoric on social policies and the actual situation on ground. In 1979, the United Nations suggested a number of reasons for this gap. These included:<sup>293</sup>

1. Economic growth in the third world has not been sufficient to allow for significant allocations to social programmes and other measure to alleviate mass poverty. The main important strategy was the high rates of growth during the 1970s did not lead to any significant reduction in inequalities. This suggests that the benefits of growth were largely being enjoyed by the already richer sections of society.
2. The developing counties, faced with economic crises, with their roots in the operation of the Western-dominated international economy, had abandoned, or curtailed, many of their social welfare programmes.
3. Despite the rhetoric of the basic needs approach, there is continuing attachment to the primary importance of rapid economic growth. Added to this has been the reluctance to confront the politically difficult problems of the composition of economic growth, distribution of its fruits and its environmental consequences.
4. The social programmes have remained over-dependent on the norms and techniques common in the developing counties. This again is a theme which recurs

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<sup>292</sup> International Development Strategy for the Second United Nations Development Decade, (1970), <http://www.un-documents.net/a25r2626.htm>, (accessed: 22 May 2014).

<sup>293</sup> *Ibid.*,

throughout the following discussions of social policy issues. Continuing underdevelopment means continuing reinforcement of alien and inappropriate policies which are determined not by the needs of the majority, but by the imperatives of externally-oriented economics and their related social formations.

This demonstrates the crucial importance, however hidden this may seem at times, of the major questions in the analysis of development. Explanations came from within the third world itself and the factors that account for underdevelopment and its continuation are defined in both theory and practice. Those who have experienced under-development, tend to judge previous theories and explanations against the reality of their experience and their own perceptions of the world. The idea of seek other different jobs has emerged from the depleting number of opportunities in traditional occupations.

#### **3.4.1 Other Main Occupations for Scavenging Communities**

It has been repeatedly mentioned that persons belonging to certain communities are finding it difficult to enter other professions, due to the stigma of caste attached to them. Even then, some of them are able to work in professions other than scavenging. Social exclusion manifests itself in diverse ways. In this focus on exclusion poverty and exclusion from employment are the two principal economic categories with which social exclusion could be particularly identified. The Arunthathiyars and other scavenging communities did not enjoy many occupational choices until the 'Employment of Manual Scavenging and Construction of Dry latrines (Prohibition) Act,' 1993 was promulgated.

The Table below depicts the position regarding the alternative occupations.

**Table 3.1: Other Main Occupations for Scavenging Communities**

Municipality	Tannery	Cotton mill worker	Construction worker	Substitute for a Scavenger	Driver in garbage collection vehicle	Others	Total
<b>Palani</b>	0 (0.0)	0 (0.0)	27 (37)	45 (36)	20 (25.6)	8 (80)	100
<b>Kodaikanal</b>	0 (0.0)	0 (0.0)	38 (52.1)	52 (41.6)	8 (21.1)	2 (20)	100
<b>Dindigul</b>	27 (100)	27 (100)	8 (11)	28 (22.4)	10 (26.3)	0 (0.0)	100
<b>Total</b>	27 (9)	27 (9)	73 (24.3)	125 (41.7)	38 (12.7)	10 (3.3)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parentheses are percentages**

It is rather unfortunate that, despite other employment opportunities slowly opening up for members of this community, the largest proportion (41.7%) of the respondents were working as substitutes for the regular scavengers, suggesting the almost negligible scope of ‘occupational mobility’ for them. During personal interactions, it emerged that many aged scavengers are ‘delegating’ the tasks to others due to health and other reasons. In return, the proxy workers (many of them relatives of the existing workers) are being paid a small percentage of their daily wages.

Bhasha Singh<sup>294</sup> says that scavengers have to work almost continuously on all days for more than eight hours in a day, each day, with no exceptions for illness or even pregnancy. A few respondents in the age groups 20–30 and 30–40 said they were working as ‘proxy’ scavengers so that they could later become full time scavengers. This leads one to the rather unhappy conclusion about the rigid mind-set of many youngsters who cannot think of occupations other than their ‘ancestral’ ones into which they were born. This line of thinking is fostered by the fact that the municipalities and other private bodies prefer experienced persons. Hence, this type of experience can come in handy when a requirement of regular scavengers arises subsequently. On their part, the municipalities are quite happy since they get more hours of work and such temporary workers do not

<sup>294</sup> Singh, Bhasha, *Unseen*, p. 110.

have the right to strike; which means that there are no disruptions from the workers. An interesting fact that came to light during the field visit was that, many permanent workers are only interested in drawing salaries, but not in actually performing the tasks for which they are being paid. An ingenious way out is by making others do the work for them and paying a pittance for the services rendered. The newly created law may have abolished the occupation of manual scavenging on paper, but it has still opened the door for scavenging jobs in other forms. The Table above has highlighted the occupational choices of Arunthathiyar and Domban communities in Dindigul district. Some of the Arunthathiyars believe that their children are too young to engage in this occupation; so migrated to Tirupur and other urban places where they joined as industrial labourers. Thus, they are able to work in jobs that they not socially stigmatised jobs.

The second highest proportion (24.3%) was of construction sector workers. It is rather enigmatic that many of such construction workers have no compunctions of working as manual scavengers also, should the need arise. A very amazing justification given by some of the scavengers was that scavenging, especially at the time of festivals, was a service to God. Also, they chose to work as construction workers since there was some uncertainty about the duration for which they could work as proxy scavengers. From 1998 onwards, Palani municipality has stopped recruitment for permanent positions. Before that, from 1997, Palani and Dindigul municipalities have been implementing the Swarna Jayanti Shahari Rozgar Yojana (SJSRY) scheme through SHGs. The scavenging work is now been done by 'sanitary workers' (a euphemism for manual scavengers!).

Close to 13.0% of the respondents were working as drivers of garbage waste collection vehicles. Interestingly, all of them were from the communities which have traditionally been working as scavengers. A very amazing logic that was touted was that since the garbage vehicles gave out a foul smell; these vehicles should not be driven by persons hailing from relatively higher communities. Even the few who are able to enter alternative occupations, the tendency is largely to assign them tasks associated with cleaning, etc. Though they left this job but there are other mind-set could think the smell and imagine the previous occupation. That would attach the discrimination to current occupation. Like, if non-scavenger sees a manual scavenger automatically feel the stink smell and that follow through the consciousness of untouchability by imagination of manual scavenging.

A very interesting point that came to the fore was that all the respondents who were working in the tannery industry, or in cotton mills were from Dindigul. The tannery industrial workers are from Arunthathiyar or Chakkliyar communities. Both caste names are almost the same, but their members are working in different 'polluted' occupations. Each considers itself superior to the other and tends to avoid having any family relationships with members of the other caste. However, if a Arunthathiyar want to join tannery industry, the Chakkliyars will help him in that endeavour. Tannery<sup>295</sup> too is regarded as a polluted occupation.

### **3.5. Indian Context of Employment through Community Accumulation**

Attitudes towards work are also related to various observable elements in the social system. In India, generally many inhibitions regarding manual work are imposed by social, economical and religious customs and taboos, which have drawn the attention of social scientists and others in contemporary times. The caste inferiority doctrine is not completely suppressed and is not openly expressed in public. Instead, it tends to be couched in highly euphemistic terms. Also, on ground, there is not much of a difference between the older and modern approaches to the issue of caste. Even today, the rigid societal norms are not permitting many Dalits to secure alternative occupations. Perhaps a vague suspicion lingers that there might be something to the colonial assumptions of caste and biological inferiority, but such attitudes can no longer openly be part of the social system. Equality in inherited mental traits between groups of people is now taken for granted and never challenged in the modern approach. This is unquestionably an advance towards greater rationality. The planning problem in India would be greatly simplified if the idle manual scavengers are empowered to enter more dignified occupations.

The policy measures should aim at bringing about changes in the attitudes towards manual scavenging and in the institutions conditioning these attitudes. The standards of the pattern towards manual scavenging works are with different from those manifested and observable in the present method of scavenging. The concept of manual scavenging is understood in a highly hypothetical magnitude and is conditioned by the direction and intensity of all the planned policy measures. A lot of positive changes can be brought out if more focused attention is paid towards the education of the children of the present manual scavengers. This should greatly help in the rehabilitation of lakhs of persons who

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<sup>295</sup> Sujatha, Ve., 'Thol Pathanitudhal Marapana tholil Nuttpathin Pangu,' (Role of Traditional Technology in the Leather Processing), *Vellaikkuthirai*, Issue 04, (July –August 2012), p. 13.

are today, forced to enter into the occupations of the forefathers for want of access to other professions.

The policies for scavengers and the parameters of efficiency have themselves become functions of the policy measures adopted for their rehabilitation. The effects of planned policy measures should more sharply concentrate on the specific aims of reducing the gap between the policy and the actual implementation of the welfare measures in respect of manual scavengers. By and large, scavengers believe that the field is open and well organised for them. Many of them are accepting their situation, reluctantly or with satisfaction, thinking that ‘the benefits of society are flowing’<sup>296</sup> to their own caste. Such a line of thinking may deter the government from thinking of alternative jobs for them. The basic thought behind the rehabilitation of scavengers approach is a static one and it assumes the unchanged conditions of the habitats of scavengers. Sometimes it has not been made clear which standards have been applied and whether static conditions are assumed to be fully preserved. This way of thinking is in line with the tradition in the social sciences especially in the social exclusion perspective, which tends to ignore the need for including the issue of rehabilitation of manual scavengers within the social policy making process. The various committees’ right from 1949 to 1969, which examined the conditions of scavengers had recommended that the working conditions of manual scavengers should be improved. Thereafter, in 1991, the Indian Government appointed the Planning Commission Task Force.<sup>297</sup> The committees almost uniformly concluded that most of the money intended for the rehabilitation of manual scavengers has been spent to cover the filth under the carpet.’<sup>298</sup> Later, in 1992, the Government of India implemented the scheme ‘National Scheme for Liberation and Rehabilitation of Scavengers (SLRS).’ As a result of the acceptance of some of the recommendations of these committees, the ‘Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act’, was enacted in 1993. However, the 2003 report made by the Comptroller and Auditor General of India, mentioned that only 16 States have adopted this Act. However, no state had strictly enforced this Act. After this Act was enacted, many scavengers thought that their traditional occupation been abolished; so this Act engendered the feeling that the occupation of manual scavenging was to be performed only by persons

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<sup>296</sup> Lane, R. E., *The Fear of Equality*, eds., Andrew Blowers and Grahame Thompson, ‘Inequalities Conflict & Change,’ (Milton Keynes: The Open University Press, 1976), p. 133.

<sup>297</sup> [http://planningcommission.nic.in/reports/publications/task\\_tacklingtheprob.pdf](http://planningcommission.nic.in/reports/publications/task_tacklingtheprob.pdf), (accessed: 12 April 2011).

<sup>298</sup> Singh, Bhasha, *Unseen*, p. 224.

belonging to their own caste and that they had been taking up this type of work since traditionally this was theirs only.

### 3.5.1. Motivation for entering the Scavenging Profession

It has been repeated mentioned that the scavenging profession has tended to be forced on persons belonging to particular castes. The Table below should depict the distribution of persons who entered it as a ‘hereditary right’ and those who chose it because they had no other employment option.

**Table 3.2: Motivation for entering the Scavenging Profession**

<b>Municipality</b>	<b>Hereditary</b>	<b>On own volition</b>	<b>Total</b>
<b>Palani</b>	45 (22.8)	55 (53.4)	100
<b>Kodaikanal</b>	88 (44.7)	12 (11.7)	100
<b>Dindigul</b>	64 (32.5)	36 (35.0)	100
<b>Total</b>	197 (65.7)	103 (34.3)	300 (100)

*Source: field data 2014-15*

**Note: figures in parentheses are percentages**

As already mentioned, manual scavenging is not a hereditary occupation for Arunthathiyars and other Dalit communities, it was forced them to acquire this occupation so they have been ostracised many years. The origin about manual scavenging in India has bias perspective that, manual scavengers created by the Muslim emperors they used prisoners of war to clean their wives’ toilets, or perhaps that was handy anti-Muslim perspective. Similarly, manual scavenging has been a ‘common occupation among poor individuals, immigrant or dalits’<sup>299</sup> in throughout the history. Some occupations have historical facts to trace the origin but manual scavenging don’t have a clear picture so it have been opaque in many years but lot of results came from Varna, the hierarchical perspective. But Varna has been seeing as clandestine for dalits in many years, they

<sup>299</sup> Medina, Martin, *Scavenging in America*, p. 229.

ostracised due to occupation or their birth in outside of Varna. This system had flung manual scavenging to salves it their punishment through the fifteen duties for slaves listed in the Hindu text 'Narada Samhita'<sup>300</sup> among one was the disposal of human excreta. In other castes don't have such kind of punishment it only pertinence to untouchables, still similar discrimination facing by scavengers. Then they are employed by municipalities also by private contractors, by army cantonments and railways they mostly recruited for contractual job. Their job is to clean up faeces wherever they present themselves like on railway tracks and stations.

One cannot help noticing the variations in the relative proportions in three municipalities. Palani exhibited a characteristic different from that of the other two municipalities, since there were more persons who entered this profession of their own choosing (rather than due to hereditary reasons). On the other hand, majority of the respondents in Kodaikanal (88.0%) and Dindigul (64.0%) mentioned that they took up this type of job due to hereditary reasons.

The following issues emerged during the researcher's interaction with the respondents in the three municipalities:

- (a) Palani: A very large number of Arunthathiyars have migrated to the nearby industrial cities like Coimbatore and Tirupur. The permanent municipal worker's families in Palani have hopes that the government would recruit their children in permanent positions. For that, experience is important. Hence they are working temporarily in public and private sector bodies.
- (b) Kodaikanal: In this municipality, the scavengers are solely from Arunthathiyar community. A very high proportion (88.0%) of the respondents in this municipality chose this line of work since it was their hereditary occupation. The term 'hereditary' implies that this occupation has been continuing in their families for generations. The majority of the respondents stated that the thought of occupational mobility never occurred to them. Also, since the government was not recruiting persons for permanent jobs, they took up scavenging jobs on contractual basis.
- (c) Dindigul: In this town, the railway station tracks are being cleaned every morning by private manual scavengers (all from the Arunthathiyar caste). On 11<sup>th</sup>

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<sup>300</sup> George, Rose, *The Big Necessity*, p. 47.

November 1866,<sup>301</sup> Dindigul became a municipality and it was promoted to a special-grade municipality in 1988. So it has long history of recruiting manual scavengers from the same community, so 32.5% respondents said they have taken this occupation as hereditary. Dindigul became a municipal corporation in 2013,<sup>302</sup> and acquired a Corporation status in February 2014.<sup>303</sup>

For this the private contractors are labelled as traditionally experienced caste, so they do not recruit from other caste. Above table reveal that in overall population wise 65.7% (197) respondents are have been came from hereditary, there 191 respondents are Arunthathiyars. Remaining 103 respondents said this occupation taken by them. Among the hereditary 197 respondents within that 120 respondents are from nuclear family. So the manual scavenging have been follow the trajectory even in nuclear families by generations to generations.

In Kodaikanal all scavengers are from Arunthathiyar community they said 44.7% of them taken this occupation by hereditary. This is majority in municipality wise. The term 'hereditary' refers scavengers are taking this occupation from one family in three or four generations. In Kodaikanal fourth or fifth generation of same family members or their relatives are working as scavengers, it also common scenario that in other two municipalities. However, the government did not recruit for permanent positions so far though they are ready to take scavenging jobs in contractual. Comparatively Palani became municipality in recently so other communities tried to get jobs due to poverty and other reasons. There are 22.8% respondents said manual scavenging as their hereditary taken for livelihood option. This is the lowest percentage in all three municipalities. So, in Palani new communities are dominating to acquired scavenging from Arunthathiyars but in festival periods more Arunthathiyars engaging manual scavenging to compare with other communities in Palani.

Then overall population wise 34.3% respondents said they have acquired manual scavenging through suo moto for liviehood. In majority of the respondents are from Palani, 53.4% said they have taken scavenging themselves, there most of the

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<sup>301</sup> Dindigul becomes a Corporation, *The Hindu*, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/dindigul-becomes-a-corporation/article5715706.ece>, (accessed: 23 February 2014).

<sup>302</sup> Dindigul, Thanjavur to be upgraded as corporations, *The Hindu*, <http://www.thehindu.com/news/national/tamil-nadu/dindigul-thanjavur-to-be-upgraded-as-corporations/article4603121.ece>, (accessed: 11 April 2013).

<sup>303</sup> Dindigul becomes Corporation, *The Hindu*, <http://www.thehindu.com/news/national/tamil-nadu/dindigul-becomes-corporation/article5708841.ece>, (accessed: 21 February 2014).

Arunthathiyars are migrated to industrial cities nearby namely Coimbatore and Tirupur. The permanent municipal worker's family have hope that government would recruit for permanent positions. For that experience is important so they are working temporarily in public and private.

In the three municipalities, the temporary workers are more and they have very limited governmental benefits and privileges compared to permanent workers. Similar issues are being faced by hereditary temporary workers also. As already mentioned, Dindigul is the oldest of the three municipalities studies. Now that it has become a municipal corporation, it continues to induct contractual workers for its sanitary department second in lowest, category of occupation taken by themselves, 35%, from Dindigul. The municipal corporation needs more workers to maintain sanitation. Hence, it has roped in private contractors to oversee the sanitation tasks. The Arunthathiyars are aware that the monthly wages provided by contractors for scavenging jobs are meagre. Still many young Arunthathiyars are ready to work for low wages. The private contractors are tending to use the poverty angle to lure people of other communities into scavenging. The lack of alternative and permanent occupations has resulted in a competition between people of various communities for scavenging tasks there. The 'other castes' include the 'Murasar' community in Dindigul municipality.

Kodaikanal Municipality presented a picture of persons reverting to their ancestral occupation, where 11.7% of the respondents were working as scavengers even though their family members were farmers and agricultural coolies. The decline of agriculture and income has restricted their livelihood options. On its part, the government euphemistically recruits persons as sweepers, but makes them work as manual scavengers.

### **3.5.2. Whether the Respondents would like their children to take up this occupation**

There was a time when, due to the lack of awareness, people tended to maintain the status quo. Many of them did not even think about upward social mobility. That was the reason for people continuing in the ancestral occupations, even when these were no longer remunerative. However, in recent times, the information revolution is impacting even the most backward of communities. People are now more aware about their legitimate entitlements (including education and occupational) and how to achieve these. The Table below can give an idea about the type of future the respondents visualise for their children.

**Table 3.3: Whether the Respondents would like their children to take up this occupation**

<b>Municipality</b>	<b>No</b>	<b>Yes</b>	<b>Total</b>
<b>Palani</b>	43 (24.0)	57 (47.1)	100
<b>Kodaikanal</b>	79 (44.1)	21 (17.4)	100
<b>Dindigul</b>	57 (31.8)	43 (35.5)	100
<b>Total</b>	179 (59.7)	121 (40.3)	300 (100)

*Source: field data 2014-15*

**Note: figures in parentheses are percentages**

It is not very comforting to note that overall 59.7% of the respondents did not want their children to work in this profession. One needs to take cognisance of the fact that in Palani, 57.0% of the respondents wanted their children to continue in the same line of work. Even in Dindigul, as high as 43.0% of the respondents had a similar line of thinking on this issue. This suggests a degree of fatalism and meek acceptance of their lot. It may be mentioned here that many caste Hindus do not follow their traditional caste-based occupations anymore. There is more fluidity, more options than ever before. Unfortunately, the same cannot be said about the Dalits, who continue to be regarded as outcastes. Today, there is mushrooming growth in the number of educational institutions – both public and private. The increase allure of corporate schools appears to have triggered further ‘economic and social stratification.’<sup>304</sup> This situation can be remedied to some extent if there is increased access to private schools for all children, regardless of their socio-economic background. The Right to Education (RTE) Act, 2002, has a provision mandating private schools to reserve up to 25 percent of the seats for students from disadvantaged backgrounds. On paper, it is now quite easy for parents from scavenging communities to send their children even to private schools. However, unscrupulous private school managements are able to exploit the ignorance and illiteracy of the parents

<sup>304</sup> Karopady, D.D., ‘Does School Choice Help Rural Children from Disadvantaged Sections,’ *EPW*, Vol. XLIX, No. 51, (2014), p. 46.

and deny admission to their children on flimsy grounds, like insisting on transfer certificates (TCs), even when the RTE Act specifically says that should not ask for TCs. The RTE Act envisages universalisation of education (at least up to the primary level) for children in the 6-14 years age group. If this is implemented in the right spirit, children hailing from the deprived sections of society would be assured of a degree of education that would empower them to access other occupations.<sup>305</sup>

One could feel a degree of comfort from the fact that a highly noticeable proportion (44.1%) of municipal scavengers in Kodaikanal wanted their children to study and move from scavenging and change their caste social barriers, through occupational mobility. Interestingly, even the seasonal workers are not in favour of their children continuing in this occupation. The ban on manual scavenging and the entry of people from other communities into professions dealing with sweeping and performing other sanitary tasks has reduced the career options before the Arunthathiyars, for whom cleaning and sweeping was almost like a hereditary occupation. Education is perceived as a means to exercise more career options. Once a person is able to enter a more 'dignified' occupation, he or she will certainly command more respect from the rest of the society. With such a vision for Arunthathiyars, it is not surprising to note that many civil society organisations are ensuring a better quality of life for them. In Dindigul municipality, 31.8% of the respondents spoke against their children continuing in this profession. A ray of hope for the children of those engaged in the occupation of scavenging is the presence of many small scale industries and cotton mills in Dindigul town which promise various employment opportunities for people from the economically deprived sections of society.

Even though the relative numbers may vary from one municipality to other, one fact that emerged was that a noticeable proportion of scavengers in all three places preferred an upward occupational mobility for their children. In Palani, the proportion of respondents wanting to free themselves of such a gridlock was 24%. In the sanitary division of Palani municipality, persons from Arunthathiyar and Domban communities are working. Even here, the majority of the respondents did not want their children to take up this occupation. A very large number of the first generation of Dombans are engaged in manual scavenging. Here 54 respondents taken this occupation first time. Since they were experiencing caste-based discrimination at the workplace, they were very keen that their

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<sup>305</sup> Prashad, Vijay, *Untouchable Freedom*, p. 125.

next generations should choose other occupations. Then, there is also the issue of job security. This occupation is not a permanent one under SJSRY and continuance in this can depend on the whims and fancies of the divisional sanitary inspector. These persons have to work more at the time of festivals. The dilemma before many of them is whether to continue to face social discrimination, or take hope from the assures that their jobs would soon be regularised. No wonder, many respondents stated that if they were provided permanent positions in the municipality, they would like to continue in this line of work and permit their children too to enter this profession. Since manual scavenging is now banned under law, from 1998 onwards, no permanent workers are being recruited by the three municipalities for undertaking this type of job.

Despite the non-permanent status of the persons being inducted for performing scavenging jobs, 40.3% of the total respondents were still prepared to let their children take up this line of work. Dr. Ambedkar said that this kind of mind-set, created by slavery to the dominant castes, 'killed the spirit of independence among the untouchables'<sup>306</sup> Many scavengers accept that this occupation is dehumanised, yet, it is their only means of livelihood. Hence, they are prepared to perform all sorts of sanitation jobs.

There is an urgent need for a number of empowerment and rehabilitation programmes which could help such persons to seek new livelihood options. If such programmes are effectively implemented, Arunthathiyars and other communities may get some relief from manual scavenging. Even though all the municipalities have stopped recruitment for permanent sanitary posts, the SJSRY launched in 2008, permits the induction of sanitary workers on contractual basis. Thus, persons who have some experience in scavenging tasks are able to avail of the contractual positions now available under the SJSRY. The euphemistically created positions of sanitary workers are allowing the municipalities to recruit experienced scavengers for permanent positions. For such persons, the stigma and discrimination pale into insignificance before the euphoria of getting permanent government jobs. No wonder, many persons are not averse to their children carrying on this type of work. This shows that mere enactment of laws banning manual scavenging is not sufficient. It is equally important to open up alternative, and assured, means of livelihoods.

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<sup>306</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 9*, (Bombay: Govt. of Maharashtra, 1991), p. 266.

Many of the present day scavengers have been involved in this line of work since their childhood and have hardly any qualms about continuing in this right up to their death. This type of fatalist 'cradle-to-grave' mindset should not be fostered any more. It is necessary first to explore how the scavengers perceive themselves in the caste hierarchy. India's social culture has given rise to the notion that all people are not created equal. However, the democratic Constitution guarantees equality for all citizens. Today, the scavenging communities are realising that all along they have been exploited and victimised by an unjust society. They are demanding a better quality of life than what they now have.

True, the RTE Act has enabled more and more children of scavengers to attend school. However, in some parts of the country, there is opposition to children from such families acquiring education and attempts are made to humiliate them. For instance, panyachat president in a village near Dindigul village forced school children from the Arunthathiyar community to clean sewer lines.<sup>307</sup> In another incident, a government school teacher in Namakkal town in the western part of Tamil Nadu was jailed<sup>308</sup> for forcing a child from the Arunthathiyar community to clean the faeces in the class room. In Tirunelveli, eight school teachers were suspended for forcing Dalit students to clean toilets.<sup>309</sup>

In this context, it was rather disquieting to see a news item in *The Hindu*, in which Justice Ramasubramanian of the Madras High Court was reported to cited Mahatma Gandhi's remarks that if we get rid of the caste system, all human will have to clean their own toilets. One of the solutions to this issue was to make not Dalits, but also the rest of the children to clean the school toilets.<sup>310</sup>

However many Dalit children are facing social discrimination in schools – even from the teachers. So their parents are reluctant to send their children to schools. Such

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<sup>307</sup> School Children Forced to Clean Sewer Lines, *Daily Thanthi*, Dindigul Edition, (published on: 17 February 2015), p. 15.

<sup>308</sup> 'Govt. school teacher jailed for making Dalit kid clean faeces,' *The News Minute*, <http://www.thenewsminute.com/article/govt-school-teacher-jailed-making-dalit-kid-cleanfaeces-35979>, (accessed: 14 November 2015).

<sup>309</sup> Sudhakar P., Teachers held for forcing Dalit students to clean toilets, *The Hindu*, <http://www.thehindu.com/news/national/tamil-nadu/teachers-held-for-forcing-dalitstudents-to-clean-toilets/article7136306.ece>, (accessed: 25 April 2015).

<sup>310</sup> Imranullah, Mohamed S., 'Nothing despicable in students cleaning toilets, says High Court,' *The Hindu*, <http://www.thehindu.com/todays-paper/nothing-despicable-in-students-cleaning-toilets-says-high-court/article5874293.ece>, (accessed: 06 April 2014).

situations were being experienced by scavengers in the three municipalities. If the children study in schools nearer to their houses, their parents can ask about issues about the academic progress and the social life in schools. Possibly parents can often visit and understand their children's schooling and heuristic them to the importance of education from such hazardous occupational parents. Because of this the government of India provide the special school scholarship for persons engaged hazardous occupation's children. From this financial aid many children can avail the school education up to higher secondary level.

### **3.5.1. Awareness About scholarships for Children of Persons Engaged in Hazardous occupations**

The parents of many Arunthathiyar children are engaged in hazardous occupations such as scavenging and tannery industries. Hence, such children are eligible for scholarships under this scheme. All Arunthathiyar's parents have the sense that knowledge is a necessary thing, either not thinking of it as someone provokes others. A study in India revealed that<sup>311</sup> even the scavenging community's school children are facing discrimination within the Dalit communities. Some of the other Dalit children force the children of sweepers to sit separately in the classrooms. This brings out the rather unhappy situation, where even children are stigmatising some of their classmates. In India, despite some initiatives to improve the lot of the erstwhile marginalised communities, many of them continue to wallow in poverty, squalor, and ignorance since they are still not aware of the benefits, including scholarships for their children, that are now available to them. It is not enough to introduce some welfare measures for the historically deprived sections of society. The targeted population should also be made aware of such measures.

One of the flagship programmes of the government is regarding scholarships for children of persons engaged in hazardous occupations. The prime objective of this programme is to encourage such children to access education more confidently, without unduly bothering about the cost of education. Such a financial aid can enable many children to study at east up to the higher secondary level. The Table below depicts the awareness level of the respondents on this issue.

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<sup>311</sup> Nambissan, B. Geetha, 'Exclusion and Discrimination in Schools: Experiences of Dalit Children,' *Working Paper Series – IIDS and UNICEF*, Vol. 1, No. 1, (2009).

**Table 3.4: Awareness about scholarships for Children of Persons Engaged in Hazardous occupations**

<b>Municipality</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
<b>Palani</b>	78 (38.4)	22 (22.7)	100
<b>Kodaikanal</b>	62 (30.5)	38 (39.2)	100
<b>Dindigul</b>	63 (31)	37 (38.1)	100
<b>Total</b>	203 (67.7)	97 (32.3)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

It was very encouraging to note that 78.0% (in Palani); 62.0% (in Kodaikanal) and 63.0% (in Dindigul) respectively of the respondents were aware about this scheme. Still, one should not be very much enthused by such figures. Instead, greater attention needs to be paid to be overall 32.3% of the respondents who were ignorant about this scheme. It is very likely that many such respondents were not sending their children to schools due to financial reasons, even when such scholarship schemes could have addressed their financial woes to some extent.

It is one issue to ensure that children belonging to the deprived sections of society attend schools. It is equally important that they do not drop out for reasons like:

- (a) Poverty of their parents and the compulsion of having to earn money for the family,
- (b) Having to look after their younger siblings while their parents go out for work. This tendency is more pronounced in the case of girls,
- (c) Disinterest in studies. The child may be unable to follow what is being taught in school and the absence of a person at home to help with the studies (and the inability to afford private tutors) may make education a rather painful experience, and

- (d) Ill-treatment by the teachers and the schoolmates merely on the basis of caste and social background.

Social policies should seriously address the issue of school dropouts. Otherwise, the objectives of the RTE Act would not meet the anticipated degree of success. Social equality is not just about mere wages. It should also ensure a meaningful access to education for all. Only then can the scourge of untouchability be actually eradicated from this country. True, our Constitution totally discourages the practice of untouchability. Unfortunately, this evil practice continues to manifest itself in disguised forms. Teachers also need to be sensitised about treating children, including those hailing from Dalit families, with dignity.<sup>312</sup> Such children need not be stigmatised merely because they hail from poor families, or due to the occupational backgrounds of their parents. In Delhi, the Rashtriya Garima Abhiyan organised a one day national public hearings for emphasising on rehabilitation and scholarship schemes like ‘Scheme for Self Rehabilitation of Manual Scavengers (SRMS)’ and ‘School Scholarships’ for the children of those engaged in unclean occupations.<sup>313</sup> One of the participants mentioned that the parents of a child stopped working as manual scavengers, so the school stopped the scholarship for him, which forced him to drop out from the school due to poverty.

The prime objective of most scholarship schemes is to ensure that a student’s educational career is not cut short merely due to financial reasons. Scholarships can be major facilitators for the socio-economic development of the downtrodden sections of society, which include the children of scavengers and tannery workers. It is rather unfortunate that some school administrations have been trying to sabotage the scholarship schemes by resorting to unfair tactics like resorting to indefinite delays. In fact, in 2012, in Namakkal, in Tamil Nadu, a large number of headmasters were suspended for indulging in a school scholarship scam.<sup>314</sup>

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<sup>312</sup> India Exclusion Report 2013 – 14, (Bangalore: Book for Change, 2014).

<sup>313</sup> Rashtriya Garima Abhiyan, *‘Uncompleted and unsuccessful rehabilitation of manual scavengers and their children in India’*, [http://www.mailamukti.org/reports and documents/Report on National Public Hearing on Rehabilitation Manual Scavengers and their Children- Rashtriya Garima Abhiyan.pdf](http://www.mailamukti.org/reports%20and%20documents/Report%20on%20National%20Public%20Hearing%20on%20Rehabilitation%20Manual%20Scavengers%20and%20their%20Children-%20Rashtriya%20Garima%20Abhiyan.pdf), (accessed: 06 August 2013).

<sup>314</sup> Ananth, M. K., ‘Scholarship scam fallout: 44,052 students open bank accounts’, *The Hindu*, [http://www.thehindu.com/todays-paper/tp-miscellaneous/scholarship-scam-fallout-44052-students-open-bank-accounts/article 4445257.ece](http://www.thehindu.com/todays-paper/tp-miscellaneous/scholarship-scam-fallout-44052-students-open-bank-accounts/article4445257.ece), (accessed: 24 February 2013).

### 3.6. The Significance of Rehabilitation in 1990s

The UN Human Right Commission, (UNHRC) under general Recommendation No. 29 Convention<sup>315</sup> (Descent), stated on 01<sup>st</sup> November 2002, that various measures of general nature are necessary to combat discrimination based on caste and analogues systems which include inability or restricted ability to alter inherited status. It also speaks about socially enforced restrictions on private and public segregation in housing and education, access to public spaces, and public sources of food and water, limitations of freedom to renounce inherited occupations or degrading or hazardous work, subjection to a dehumanising discourses referred to pollution, untouchability, lack of respect for human dignity and equality.<sup>316</sup>

The UN International Convention on Elimination of all forms of Racial Discrimination was<sup>317</sup> adopted on 04<sup>th</sup> January, 1969. According to this Convention, racial discrimination means any distinction, exclusion, restriction or preference based on race, colour, descent, national or ethnic origin that nullifies or impairs enjoyment of Human rights and fundamental freedoms in political, economic, social, cultural or any other field of public life on equal footing. Besides this, initiatives condemning racial segregation and apartheid also must be undertaken to prevent, prohibit and eradicate practices of this nature declaring it as an offence punishable by law. There is also a UN Convention on the Elimination of all forms of Discrimination against women that was adopted by the General Assembly on 18<sup>th</sup> December 1979, setting the principles regarding the Elimination of Discrimination Against Women and to adopt measures required for the elimination of such discrimination in all its forms and manifestations. Many Dalit women continue to face the problems highlighted in this document.

The research reported here was concerned with market reforms and the changes in the economic position of Dalits and Adivasis over the first decade of 'liberalisation and rehabilitation' from the 1992 scheme.<sup>318</sup> Economic research on SCs and STs is scarce but

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<sup>315</sup> The United Nations High Commissioner for Human Rights, *The Committee on the Elimination of Racial Discrimination: General Recommendation No. 29*, [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/f0902ff29d93de59c1256c6a00378d1f](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/f0902ff29d93de59c1256c6a00378d1f), (accessed: 02 November 2010).

<sup>316</sup> Macwan, Martin '(Un)Touchable in Durban', *Seminar*, No. 508, (2001), [http://www.india-seminar.com/2001/508/508\\_martin\\_macwan.htm](http://www.india-seminar.com/2001/508/508_martin_macwan.htm), (accessed: 21 May 2010).

<sup>317</sup> UN General Assembly, *International Convention on the Elimination of All Forms of Racial Discrimination*, 21 Dec 1965, United Nations, Treaty Series, Vol. 660, <http://www.refworld.org/docid/3ae6b3940.html>, (accessed: 01 November 2010).

<sup>318</sup> National Scheme for Liberation and Rehabilitation of Scavengers - NSLRS.

has generally focused on their roles in the wage labour force, in the case of SCs, and the transformations of common property, shifting cultivation and debt relations in the Dalit community. But over half of India's workforce is self-employed or its own business, the extent to such 'self-employment'<sup>319</sup> is a manifestation of efficiency or rather of distress, or is a residual or seasonal part of complex labouring portfolios in and out of agriculture. Whether the self-employment is a disguised wage labour or an independent crucible for accumulation is a hotly issued. The Hindu caste system, embracing all minorities, embraces them each as a distinctive, like as cultural sub-unit with that locality of any sub-caste is likely to be a minority.<sup>320</sup> The purer and higher its caste status, the more of a minority it must be lower. Therefore, the revulsion from touching corpses and excreta does not merely express the order of caste in the system as a whole. Such humans are kept away from the traditional caste system without considering that anxiety they face for being outside the system.

That the sociological approach to caste pollution is much more convincing if one considering the psychoanalytic approach which clearly consider the humans attitudes to open defecation. Even today, many performs consider domestic toilets as impure and filthy places that would spoil the sanctity of an otherwise clean houses which has items like idols of gods and food grains, etc. No wonder, such persons prefer to defecate and urinate far away from their houses. Even in 'America latrines were located at some distance because the houses were meant only for sleeping and eating.'<sup>321</sup> In the Indian context 'self-pollution'<sup>322</sup> includes issues like subdivision own bodily processes of external defecating or menstruating described in Hindu scared laws. Because of the Tamil Nadu government faced problems came in proposing the toilet complexes for women to village panchayats. So central government came with the idea of constructing of toilet complexes in each panchayat only for women under the Nirmal Bharath Abiyan scheme. This was not an effective solution because the others continued with the practice of open defecation. It no wonder, occurred as a considerable shock that abate the women toilet complex construction because other side prevalence of manual scavenging in defecation places this disregard their existence. So the Dalit had to empower more than early due to not able to achieve the target. The alternative schemes and programmes were partially addressed the

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<sup>319</sup> Also known as petty commodity production, micro-enterprise and super-exploitation.

<sup>320</sup> Douglas, Mary, *Purity and Danger*, (London: Routledge and Kegan Paul, 1984), p. 125.

<sup>321</sup> Dundes, Alan, *Two Tales of Crow and Sparrow*, (Maryland: Rowman and Littlefield, 1997), p. 66.

<sup>322</sup> Orenstein, Henry, 'Logical Congruence in Hindu Sacred Law: Another Interpretation', *Contributions to Indian Sociology*, (1970), Vol. 4, No. 22, p. 27.

abolition of manual scavenging. All programmes were not focus the proper way of rehabilitation and empowerment.

### **3.6.1. Dr. Ambedkar Centenary year 1990**

In 1990, Dr. B. R. Ambedkar's Birth Centenary Year was observed as Dalit Empowerment Year in India. The Indian Government started to seriously focuses on Dalit issues. Prime Minister V. P. Singh wanted to bring Ambedkar legacy when he established the 'Ambedkar Foundation'. Through that Dr. Ambedkar writings were translated to Indian languages. Several Dalit movements and Dalit empowerment began their discourses in 1991. Many activists put pressure on his legacy then the Indian government have focused on Dalit rehabilitation schemes seriously, so specific departments were started to empowerment the Dalits. Another important movement got focused by the government after Ambedkar centenary year, because of Safai Karmachari Andolan (SKA) launched on 1982. One of the founder and National Convenor is Bezwada Wilson, born from manual scavenger's family in Karnataka, Kolar mine,<sup>323</sup> his family members were did the manual scavenging.

In New Delhi, the Safai Karmachari Andolan (SKA) was initiated in 1995 by the children of those engaged in manual scavenging, for fighting for liberation from this ghastly occupation and restoring their dignity. Since then, it has grown progressively so it became a national movement, spread all over India.<sup>324</sup> Besides focusing on securing the rights of manual scavengers, SKA is also working for protecting the legitimate rights of persons like sewage workers, pit workers and sweepers, all of whom now fall within the ambit of safai karmacharis. SKA has also been working in close cooperation and collaboration with other Dalit and human rights organisations committed to securing the rights of Dalits and other marginalised communities.

The National Commission for Safai Karamcharis Act, 1993,<sup>325</sup> aims at empowering and safeguarding the interests and rights of manual scavengers. This National Commission has been empowered to investigate specific grievances, as well as matters relating to implementation of programmes and schemes for the welfare of manual

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<sup>323</sup> Wilson, Bezwada, 'Social Reformer Bezwada Wilson', *Outlook*, (2007), <http://www.outlookindia.com/article/bezwada-wilson/234456>, (accessed: 09 December 2012).

<sup>324</sup> Safai Karmachari Andolan (SKA), <http://safaikarmachariandolan.org/aboutus.html>, (accessed: 01 July 2012).

<sup>325</sup> National Commission for Safai Karamcharis, <http://socialjustice.nic.in/safai.php>, (accessed: 01 May 2010).

scavengers. It is mandatory that the Commission is consulted on all major policy matters affecting manual scavengers. The main objective of the National Commission for Safai Karamcharis is to study, monitor and evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of manual scavengers and make the necessary recommendations to the Central Government. Despite all these efforts, the end results have not been very encouraging. In view of this, Government of India had set a target date of 31<sup>st</sup> December, 2007<sup>326</sup> by which the obnoxious and inhuman practice of manual scavenging would have to be eradicated totally. In order to achieve this target, the Planning Commission formulated a National Action Plan for Total Eradication of Manual Scavenging by 2007. The Ministry of Urban Employment and Poverty Alleviation was entrusted with the responsibility of implementing the National Action Plan. It was hoped that the obnoxious and inhuman practice of manual scavenging would be eradicated by 31<sup>st</sup> December 2007. Since the target was not achieved, the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act' was promulgated in 2013.

### **3.7. The 1993 Act Implementation and annihilation of Manual Scavenging**

Article 16 of the Constitution of India speaks about "equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State."<sup>327</sup> The neglected section of scavengers and sweepers, who form a significant proportion of the Dalits, continue to be cruelly exploited. Even after some 69 years of independence. Today, they may not be carrying night soil on their heads, but they primarily have the task of human excreta, and other items of garbage, into trucks. With the active connivance of the state, the local corporations and municipalities have turned such persons into 'agents and carriers of human waste.'<sup>328</sup> On their part, the municipalities and private contractors are tending to treat scavenging as the hereditary occupation of people of certain castes and inducting only persons of these castes for such duties.

The National Sample Surveys have brought out that, in India, around fifty per cent of people in the higher income households had access to flush latrines that are directly

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<sup>326</sup> NCSK – Genesis, <http://nckn.nic.in/index2.asp>, (accessed: 01 May 2010).

<sup>327</sup> Ministry of Law and Justice, *Constitution of India*.

<sup>328</sup> Baxi, Upendra, *Untouchability*, p. 166.

connected to the sewerage system. The closed drains are not as effective as open drains. This is because the open sewers are wider, but the 'closed sewers can get easily blocked'<sup>329</sup> by domestic waste like plastic bags, etc. In an ideal situation, an underground drainage system can help in an efficient disposal of human excreta; but for that there should be a proper technology. In the absence of that, the only option is to appoint manual scavengers. Amitabh Kundu, has brought out that 70% of low income families, with toilet facilities, were sharing this with their neighbours.<sup>330</sup>

The 1991 census mentioned that 63.9 per cent of the urban population had access to a toilet facility, and that only 38.3 per cent of the Scheduled Caste urban households had such a facility. The concept of public toilets has not become popular, probably due to issues like pollution and improper maintenance of these toilets have to avoid human to be clean, so manual scavenging can abolish it in introducing on modern equipment. Multiple users can expect common toilets to be neat and clean. In case the toilets are dirty, the blame is almost invariably put on the cleaners - not to the previous users. No wonder, the superiors scold the cleaners in front of the users. Hence, it is imperative to have better toilet complexes can remove the culture taboos of stigmatisation.<sup>331</sup> The 1993 Act also provided for institutional mechanisms<sup>332</sup> and allocated resources for the rehabilitation of scavengers. However, gaps between legislation and enforcement, the absence of appropriate sanitation facilities, and limited alternative economic opportunities for scavengers work together to perpetuate the practice of manual scavenging practice.

Despite the fact that India put in place the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, the tardy implementation has led to the continued existence of manual scavenging. Amrit Patel has cited a Reserve Bank of India report<sup>333</sup> which said that still there are 7, 70,338 scavengers and their dependents in India.<sup>334</sup> It has been highlighted that already 4, 27,870 manual scavengers have been

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<sup>329</sup> Baare, Aaron and Patnaik, Rajesh, *Community Perceptions of Urban Health Risks*, eds., Mila Freire and Richard Stren, 'The Challenge of Urban Government: Policies and Practices', (Washington: The World Bank Institute, 2001), p. 375.

<sup>330</sup> Kundu, Amitabh, *In the Name of the Urban Poor: Access to Basic Amenities*, (New Delhi: Sage, 1993), p. 76.

<sup>331</sup> Greed, Clara, *Inclusive Urban Design*, p. 17.

<sup>332</sup> Arpels, Marisa, *et. al.*, *Moving Forward*.

<sup>333</sup> RBI/2010-11/55 RPCD.SP.BC. No.6 /09.03.01/ 2010-11, Master Circular on New "Self Employment Scheme for Rehabilitation of Manual Scavengers" (SRMS) from the Ministry of Social Justice & Empowerment for rehabilitation of all the remaining scavengers and their dependents by December 2009 and the spill over in inevitable cases up to March 31, 2010.

<sup>334</sup> Patel, Amrit, *Manual Scavenging*, p. 38.

assisted and rehabilitated under NSLRS 1992. According to the Government, the remaining 3, 42,468 manual scavengers are yet to be rehabilitated from this occupation from the SLRS. However, social activities have been asserting that more than 13 lakh manual scavengers are yet to be rehabilitated and that many state governments have not properly implemented the schemes for rehabilitation of manual scavengers. The 2007 Scheme did not even mention the existence of the 1993 Act.<sup>335</sup> The 1993 Act did not completely prohibit manual scavenging, because it is operated by the State governments which can issue a notice to fix a date for enforcing the provisions regarding the prohibition on employment of manual scavengers in the field. The notice itself can only be released after passing on a notice of ninety days, and only where adequate facilities for the use of water-seal Latrines in that area exist. But the Comptroller and Auditor General of India (CAG) report accused the Ministry of Social Justice and Empowerment for delaying the release of the due amounts to Scheduled Caste Development Financial Corporations. CAG report also said these corporations and banks failed to deliver money because there was no proper definition of occupational change. In Tamil Nadu, 74% of loans were rejected by banks due to unknown definition of alternative occupation.<sup>336</sup> The Report concluded: ‘the state and central schemes were expected to draw their strength from the law, but the law was rarely used.’<sup>337</sup>

### **3.7.1. Implementing of the 1993 Act in Tamil Nadu**

The issue of manual scavenging has been engaging the attention of the policy-makers for quite some time, but the really serious initiative was taken in 1993. International organisations such as the United Nations and the World Bank prompted the decision-makers also played a major role in changing the earlier mindset about manual scavenging. The Constitution of India contains overarching values about equality, justice, liberty and fraternity. The ban on the practice of untouchability and the banning manual scavenging are part of the legal procedures to achieve the values laid down in the Indian Constitution. However, these values are yet to be fully translated into reality. According to S. R. Sankaran, “the legal pursuit appears to be unending due to the inability to fix the target of obliteration of manual scavenging in many years, the deadline has been

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<sup>335</sup> See full text of SRMS – 2007.

<sup>336</sup> Patel, Amrit, *Manual Scavenging*, p. 38.

<sup>337</sup> Cited from, Patel, Amrit, *Manual Scavenging*, p. 38.

postponed each time by the government.”<sup>338</sup> The government had made efforts in the past to eliminate the dehumanising practice of manual scavenging, but was not able to end it. Even though sanitation is a Concurrent subject as per the Constitution, into consideration the seriousness of the problem and the resolutions passed by the legislatures of six States (Andhra Pradesh, Karnataka, Maharashtra, Goa, West Bengal and Tripura), the Parliament enacted the Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act, 1993.

Since this Act was passed under Article 252 which deals with subjects under the Concurrent List Tamil Nadu and a few other states did not initially adopt the Act.<sup>339</sup> It was only on 24 January 1997 (i.e., four years after its enactment in Parliament) that the law was enforced in all the Union Territories and the above six States. The Tamil Nadu Government adopted this Act only in 2005. Subsequently, 19 other states adopted it in 2007.<sup>340</sup> The remaining three States, Himachal Pradesh, Jammu & Kashmir and Rajasthan, have their own Acts for abolition of manual scavenging.<sup>341</sup> The Act aims at prohibiting the employment of manual scavengers, as well as the construction or continuance of dry latrines. Now, it is mandatory to construct and maintain water-seal latrines. Also, human should be engaged in or permitted to or employ other persons for manual carrying of human excreta. The construction and maintain dry latrines are also punishable. This is to ensure the dignity of scavenging communities. This Act is also ensuring the protection and improvement of the environment or public health in the local areas. The important idea behind this Act is to protect the communities, engaged in scavenging activities, from exploitation and discrimination on the basis of birth and caste.

The Supreme Court of India issued Orders on 5<sup>th</sup> October 2007 that notifications be issued regarding the appointment of District Magistrates, or Sub-divisional Magistrates, as the Executive Authorities, as required in terms or Section 5(1) of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Accordingly, the Governor of Tamil Nadu appointed all the District Collectors, or District

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<sup>338</sup> Sankaran S. R., *Social Exclusion and Criminal Law*, p. 131.

<sup>339</sup> Gnani, ‘*Manithar Kahzlivai Manithar Allum Kodumai Inunndo?*’ (*Removing human excreta should be continue in future?*), ed., Aathithamizhar Peravai, ‘Ezlivai Olizka Innumoru Poor’ (Another struggle for annihilation of indignity), (Coimbatore: Aathithamizhar Peravai, 2008), p. 20.

<sup>340</sup> G.O. (Ms) No. 165, Adi Dravidar and Tribal Welfare Dept. Govt. of Tamil Nadu, Dated. 07.11.2005.

<sup>341</sup> Standing Committee on Social Justice and Empowerment, Thirty Second Report - 2012-13, Lok Sabha Secretariat, New Delhi.

Magistrates, as Executive Authorities to exercise the requisite powers within the areas under their jurisdiction.<sup>342</sup>

### **3.7.2. Protest against Manual Scavenging in Tamil Nadu in 2005**

In response to the case filed by the social activists and other in Tamil Nadu, the state government asserted in its affidavit, dated 05<sup>th</sup> August, 2004, that manual scavenging has been completely eradicated in the State. Verification of this claim by the petitioners revealed that in twelve towns/municipalities/corporations, the practice was very much prevalent, and they enclosed evidence to this effect with photographs. The Government of Tamil Nadu launched action to implement this Act only in 2005 due to the persistent efforts of activists and Arunthathiyar movements. However, the Act was officially enforced on 2007 only. The government executives were appointed only in 2011 to monitor the Act's progress. This should reveal the State's involvement in eradicating manual scavenging.

In the Tenth Five Year Plan (2002-2007), a sum of Rs. 460 crore was allotted for the rehabilitation of scavengers, but only 146.04 crore was utilised. This amount was invested by way of pilot projects in 15 towns in Tamil Nadu. The Dindigul district spent money from the scheme for town sewerage schemes, Rs 3 lakh were spent for conversion of dry latrines and for modernising the methods of garbage collection and disposal. The Plan objectives clearly stressed that the resources should be fully used to implement the sanitary system. As part of the implementation effort, street sewerage lines were laid, with open and underground facilities. The amount not at all spent for demolition of dry latrines. Instead, it was spent on items like public health, construction of sewer lines and maintenance, solid waste disposal and investigation and planning public water-flush toilet complexes.

The Planning Commission of India appointed a Steering Committee on Drinking Water Supply and Sanitation (Rural and Urban) under the chairmanship of Mr. Sompal.<sup>343</sup> The Steering Committee submitted its report on 2002. The Government of Tamil Nadu implemented some of the main recommendations during 2005. These included: proper

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<sup>342</sup> G.O.Ms. No. 4, Adi Dravidar and Tribal Welfare 6(1), Govt. of Tamil Nadu, dated: 4<sup>th</sup> January 2011.

<sup>343</sup> Drinking Water Supply and Sanitation (Rural and Urban) Committee, [http://planningcommission.nic.in/aboutus/committee/index.php?about=str22\\_24.htm](http://planningcommission.nic.in/aboutus/committee/index.php?about=str22_24.htm), (accessed: 26 October 2010).

sanitation, construction of water flush toilets complexes and laying of sewerage lines.<sup>344</sup>

The following recommendations were made in respect of rural sanitation:

- All existing social organisations, women self-help groups, cooperative societies, civil society organisations, educational institutions, private institutions, etc., should be drawn in, for effective implementation of a large scale sanitation programme.
- Total Sanitation programme should include safe disposal of night soil, rain water, and domestic liquid and solid waste - and not be restricted to construction of latrines only.
- Total Sanitation Campaign (TSC) approach of the Restructured Centrally Sponsored Sanitation Programme (w. e. f. 1.4.1999), based on the successful model of Midnapur (West Bengal), may be considered for adoption in other districts of the country, with appropriate changes to suit the local conditions and perception.
- School Sanitation (toilet facilities) should be given highest priority to inculcate safe hygienic habits among school children.

For urban areas, the recommendations included:<sup>345</sup>

- The low cost sanitation scheme should be rejuvenated and implemented with renewed vigour. Community and “pay & use” toilets should inevitably be constructed and maintained with the involvement of community-based organisations or NGOs for proper maintenance of the unit.
- There should be a very strict enforcement and implementation of ‘Bio-medical’, ‘Municipal - Solid Waste’ and ‘Hazardous Waste’ Rules.
- Objectives, policies, strategies and methodology should be formulated for the Tenth Five Year Plan, and modifications, if any, should be suggested. Also, new programmes, designed to address the specific problems in the water supply and sanitation sector, should be formulated.

The above recommendations were poorly implemented in the state, because it was not able to update the data base of the sanitary workers. Tamil Nadu government blamed the central government for not rendering proper financial support. All municipalities in the state have been experiencing perennial shortage of funds. Thus, the rehabilitation

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<sup>344</sup> Report of the Steering Committee on Drinking Water Supply & Sanitation (Rural & Urban), The Tenth Five Year Plan (2002-2007), The Planning Commission of India.

<sup>345</sup> Report of the Steering Committee on Drinking Water Supply & Sanitation (Rural & Urban).

schemes for manual scavengers achieved only partial success. So protests were emerged against existing manual scavenging and not implement the 1993 Act in the state.

The first protest against manual scavenging in municipalities and railways was launched by organisations like Aathi Thamizhar Peravai<sup>346</sup> (ATP), on 26<sup>th</sup> December 2004. A meeting was organised at Coimbatore<sup>347</sup> regarding, speedy enforcement of the 1993 Act and creating a policy for alternative occupations and the rehabilitation for manual scavengers. Similarly, in other parts of Tamil Nadu, other community groups like the Tamil Nadu Arunthathiyar Youth Federation (TAYF), Dindigul Arunthathiyar Iyakkam (DAI), Tamil Nadu Arunthathiyar Development Forum (TADF) and Dr. Ambedkar Arunthathiyar Sangam joined the movement. Especially DAI, ATP and TAYF led the agitations in overall Dindigul district in 15<sup>th</sup> August 2005 that disrupted the railway network in the state. The protestors demanded programmes, with proper guidelines for rehabilitation, and meaningful assistance to the scavengers in finding alternative employments. Their dissents forced the government to look at their demands more seriously. Then government agreed to stop recruitment of manual scavengers in the corporations and municipalities. The agitation groups passed resolutions<sup>348</sup> like carrying of night-soil in baskets or drums or man-driven carts should be eliminated, the provisions of the 1993 Act should be immediately enforced in all corporations and municipalities, modern equipment be provided to sweepers, and that public health awareness be spread to the general public so that dumping of waste onto the roads could be avoided and workers would not be required to remove garbage from streets. The resolution also demanded that government should recruit more workers in permanent positions, and declare the continuation of manual scavenging as an offence in municipalities.<sup>349</sup> It must also be made obligatory for householders not to use any dry latrines and each municipality should ensure the construction of septic tank.

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<sup>346</sup> [http://www.aathithamizharperavai.com/Manual Scavenging.html](http://www.aathithamizharperavai.com/Manual%20Scavenging.html), (accessed: 20 October 2010).

<sup>347</sup> Athiyaman, Ra., '*Urkudi Ezlivai Olippam Vaarir*' (*lets gather to annihilate the indignity*), ed., Aathithamizhar Peravai, 'Ezlivai Olizka Innumoru Poorr' (Another struggle to annihilation of indignity), (Coimbatore: Aathithamizhar Peravai, 2008), p. 38.

<sup>348</sup> Athiyamaan, 'Thuimai Thozlilalar Maruvazlhu Manadum; November 28 Rail Mariyal Porattamum' (November 28 rail roko for scavenger's rehabilitation), *Aathi Tamizhan*, Issue 5, (2005), p. 4.

<sup>349</sup> Elangovan, Ezhil, 'Manithanin Malathil Manithanin Kai – November 28 Aatharavu' (Human Hand removing human excreta – support November 28 protest), *Aathi Tamizhan*, Issue 6, (2005), p. 3.

### 3.7.3. Implementation of 1993 Act in Three Municipalities

Poor awareness about sanitation and public health issues can lead to the outbreak of endemic diseases like plague and diarrhoea. The three municipal towns are very famous tourist destinations, but there is hardly any data available about how many people are visiting these places. There are chances of many persons resorting to defecation in the open and indulging in other insanitary activities. It is for the local municipalities to maintain public health. In Palani and Kodaikanal, many manual scavengers are inducted during special seasons. In Dindigul, without any reason, the municipality and private contractors are allotting scavenging tasks to sanitary workers. Many of the workers are still unaware of the legal provisions intended for protecting their interests. The public activists too have not done much to make the workers aware about the 1993 Act. This is one of the reasons for scavengers still continuing in this occupation even today.

Till 2002, all the three municipalities had some bullock carts for collecting the human excreta. Thereafter, the government introduced the wheel barrows. Earlier, the excreta was carried and dumped through bull carts in specific places to prepare the compost, 'aati'.<sup>350</sup> Later, the municipalities sold this to the farmers. The process has been discontinued due to the ban on manual scavenging. Even though the production of aati has stopped, manual scavenging is still being carried out by the municipalities, under the new nomenclature of sanitary workers or sweepers. Slowly, those permanent female workers changed their work pattern to collecting garbage instead of removing excreta from dry latrines. The services of experienced contract scavengers were gradually terminated by the municipalities.<sup>351</sup> Attempts were also made to remove the vestiges of manual scavenging. For instance, males started to refuse to work in dry latrines. However, they did not have an objection to tasks like cleaning open and underground drainages. The municipalities too stopped purchasing bullock carts. The next step was the government's constructing free public toilet complexes for women in a number of towns and villages. This was followed by digging of street bore wells, through pumps to take water for regular use, and promoted the public health with prohibition of open defecation and spreading awareness about the importance of the sanitation. One important change brought about by urbanisation has been that an increasing number of households are getting modern toilet

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<sup>350</sup> Aati means compost, a mixture of human excreta with other garbage dumped together for days later it turned as fertilizer that could use in agricultural fields through that municipalities earned some income. The farmers buy it and collected aati could use for horticultural too.

<sup>351</sup> Athiyamaan, 'Ethu Samooga Neethi?', *Aathi Tamizhan*, Issue 6, (2005), p. 2.

equipment fixed in their houses. The urbanisation process in Dindigul district has brought about a change in the public's attitude towards the practice of open defecation. As a result of an unprecedented construction activity, the number of open places (earlier used for defecation in the open) has come down drastically.

The government has schemes for urbanisation and sanitation, which could be more successful if these also factor in issues like social change and promoting public health. The movement on abolition of manual scavenging asserts that abolition of untouchability should have occurred before the abolition of manual scavenging. It is also particularly agitated over the fact that if alternative occupations are not provided, many ex-scavengers may be forced to revert to the very profession which is now banned under law. Because the Tamil Nadu did not consider them as human beings, now claim if eradicate scavenging that can possible to abolish untouchability too. For this position, needs to continuously monitor and government authority needs to robustly use to promote the occupation mobility. But the state government failed to change the scavenger's scenario with massive shift to provide alternative occupation. Extreme inequalities remains, poverty is far from to eliminate, the socio-economic poor condition still not able to rectify through from state's ordinances.

The government and private contractors have not paid adequate attention to the issue of providing safety equipment to the sanitary workers. The government is hardly monitoring the issue whether safety criteria are being followed. The central government's policies have given the maximum authority to the state government, but made only minimal efforts to see whether the rules are being followed. Such a level of apathy is tending to negate the prime objective of the Act - empowerment and rehabilitation of persons engaged in this occupation. Because, Act would have produce better results than the actual rehabilitation for the manual scavengers in three municipalities.

#### **3.7.4. Implementation of Scavenging Committee's Recommendations in Tamil Nadu since 1949**

Many committees have suggested improving their working conditions more with modern equipment so those workers could clean human excreta well and control the public health. There is also the contradiction between scavengers in public and household latrines. Some of the equipment could be used easily in households, but not in the public latrines (where the workers face difficulties while removing the excreta). As a result, the

‘serve in private houses workers consider themselves higher than those who clean general public latrines.’<sup>352</sup> So the committee’s recommendations change the workers unity that have reflected the inevitable abolition of manual scavenging. No government body is prepared to accept the abolition of manual scavenging due to lack of knowledge about using technologies or equipment.<sup>353</sup> It was also brought out that due to the poor financial condition of most municipalities, it was not practical to actually dispense with the practice of manual scavenging. As regards the private contractors, many of them are continuing to induct workers from their own caste for sweeping. Because of this, still many Arunthathiyars are still continuing in this line of work.

The state of Tamil Nadu has been ruled almost alternatively by either the by Dravida Munnetra Kazhagam (DMK) or the All India Anna Dravida Munnetra Kazhagam (AIADMK) for the last fifty years. Both parties have different sanitation parameters. Each has its own perception on sanitation and is not inclined to continue the ‘best practices’ of its predecessor. Thus each change of government almost invariably entails dumping the sanitation policies of the earlier government. Because DMK have interestingly implemented wheel barrows and shovel to remove craps and rubbishes then ADMK has been use human to remove the wastes in the streets directly clean and dump. Each party have changes their perceptions in every term. Thus, even the issue of sanitation has tended to be mired in politics. The worst sufferers in the bargain are the workers and the general public. As a result, issues like adopting better machines and technologies have taken a back seat. This is the subject to processes of change and transformation, but both political parties are still influence the attitudes and perceptions of changes of scavenging and sanitation continues. This trajectory of changing sanitation patterns leads to disturb workers psychologically but both parties have the dichotomy on sanitation this is not useful to abolition of manual scavenging in the three municipalities. Implementing the alternative sources like machines and technologies has been delayed to introduce among workers. Without pursuing the knowledge about abolition of manual scavenging is evil also like without speaking alternative also feeding indirectly it to sustain also a crime against Arunthathiyars. Problems are emerging from the contradiction between indigenous modes of the two political parties.

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<sup>352</sup> Dundes, Alan, *Two Tales of Crow and Sparrow*, p. 4.

<sup>353</sup> Isaacs, R. Harold, *The ‘Ex-Untouchables’ of India*, (New York: John Day Company, 1965), p. 54.

Total integration of highly differentiated society can be possible only when all individuals are included in the societal community with equal rights before the law. The political integration can complete the process of social integration for manual scavengers. Today, the scavengers have to utilise both traditional and modern equipment. They are now euphemistically known as sanitary workers. Migration to urban and it associated with urbanisation again greatly increase the number of scavengers into the situation of anomic. The committee's recommendations not fulfilled the growth of urbanisation, so the next committee was constituted again to improve the condition of manual scavengers working conditions. All committees had opportunities to blame previous one else for one's suffering and someone not entirely contributed to abolish manual scavenging. The socio-economic conditions of Arunthathiyars and other new scavenging communities are subject to enquiry at least by the three municipalities. The following chapter explore the livelihood activities of manual scavengers.

For solving any municipal problem, it is essential to first understand the ground reality behind it. So sanitation policies by the state are capable to understand, which has emerged as a major challenge for municipalities. This issue can be effectively tackled only when a proactive public policy approach is adopted. The relationship between the field of social policy and eliminate manual scavenging are fundamental necessity to enhance the role of citizens their participation in decision-making activities. Citizens are responsible for the inclusion of items in the policy process it is expected that there will be a 'high degree of convergence between the goals of the citizens and the agendas set by public decision-making bodies.'<sup>354</sup> Overall experience shows that the failures of such despondent aren't creating largely dissemination about the elimination of manual scavenging in three municipalities.

1. The various levels of government have to work by sharing responsibilities with the people to achieve the social policy goals that have been formulating for public welfare.<sup>355</sup>
2. It is imperative for the various levels of government to implement the different elements of the social policies with proper equipment without any hurdles.<sup>356</sup>
3. The government must coordinate with the people to promote collaborative strategies.<sup>357</sup>

The decision-making government agencies should periodically evaluate the impact of these policies so that the necessary mid-course corrections can be made. The objective of this chapter is to investigate the impact of different types of urbanisation and sanitation development through the implementation of new schemes for sanitation. It will include a review on the impact of socio-economic factors in three municipalities in Dindigul district.

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<sup>354</sup> Mulas, Sanz Andrés, *Public Policy Analysis in the Water and Sanitation Sector: Budgetary and Management Aspects*, eds., José Esteban Castro and Léo Heller, 'Water and Sanitation Services', (London: Earthscan, 2009), p. 58. Cited from, Pertschuk, M., 'The role of public interest groups in setting the public agenda for the 90s,' *Journal of Consumer Affairs*, Vol. 21, No. 2, 1987, pp. 171–182.

<sup>355</sup> Garcia-Valiñas, Maria Angeles, 'What level of decentralization is better in an environmental context? An application to water policies', *Environmental and Resource Economics*, Vol. 38, No. 2, (2007), p. 215.

<sup>356</sup> Garcia-Valiñas, Maria Angeles, *What level of decentralization is better in an environmental context?*, p. 216.

<sup>357</sup> Woltjer, Johan, and Niels, Al, 'Integrating Water Management and Spatial Planning', *Journal of the American Planning Association*, Vol. 73, No. 2, (2007), p. 219.

#### 4.1. Sanitation in Tamil Nadu

Sanitation coverage, which ought to be a way of life to safeguard health, is generally inadequate in India. Access to sanitation facilities is still a challenge since almost ‘fifty per cent’ of households have no toilets.<sup>358</sup> According to a Report of the Comptroller and Auditor General of India, in March 2014, Tamil Nadu had 95.4 lakh households.<sup>359</sup> Of these, 46.26 lakh did not have domestic toilets. No wonder, 49% households were resorting to defecation in the open. The common scenario has been to engage workers to maintain sanitation, so as to prevent the spread of communicable diseases. However, not much attention has been paid to the workers engaged in this occupation and the socio-economic and health impact on them. The practice of open defecation in India remains a major challenge for achieving the Millennium Development Goals, which include reducing by half the proportion of people without access to basic sanitation by 2015. This deadline has since been extended up to 2017.

Improved sanitation has been adopted by the United Nations as the seventh Millennium Development Goal, to address the issue of environmental sustainability. Sanitation is often called the ‘Orphan Millennium Development Goal’<sup>360</sup> and India has performed rather poorly in the matter of providing access to sanitation to large sections of its citizens. The efforts to achieve the MDG target on sanitation have largely been insufficient and ineffective in India. Studies found that states like Karnataka, Maharashtra, Tamil Nadu and Chhattisgarh will reach the MDG’s sanitation goal in the next 22 years.<sup>361</sup> The characteristics of drainage and sanitation systems are strongly determined by the ‘living standards and the degree of urban planning’<sup>362</sup> applied. The sanitation operationalisation of most municipalities have failed due to reasons like the ‘absence of a

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<sup>358</sup> Planning Commission of India, *India Human Development Report 2011*, (New Delhi: Oxford, 2011), p. 171.

<sup>359</sup> ‘Tamil Nadu does not have 49% toilets for individuals CAG report says’, *Tamil-The Hindu*, <http://tamil.thehindu.com/tamilnadu/தமிழகத்தில்-49-வீடுகளில்-கழிப்பறை-இல்லை-தணிக்கை-துறை-அறிக்கையில்-தகவல்/article7705214.ece>, (accessed: 01 October 2015).

<sup>360</sup> MDG refers the Millennium Development Goals defined by the United Nations Millennium Declaration, wherein eight international development goals, including access to improved sanitation, were sought to be achieved by 2015. This was later extended up to 2017.

<sup>361</sup> Azim, Shaikath, *An Analysis of Sanitation Deprivation in Karnataka*, ed., Sulabh International Social Service Organisation, ‘National Conference on Sociology of Sanitation: Environmental Sanitation, Public Health and Social Deprivation’, (New Delhi: Sulabh, 2013), p. 28.

<sup>362</sup> Buuren, van J. and Hendriksenl, Astrid, *A Learning and Decision Methodology for Drainage and Sanitation Improvement in Developing Cities*, eds., Bas van Vliet, Gert Spaargaren and Peter Oosterveer, ‘Social Perspectives on the Sanitation Challenge’, (Dordrecht: Springer, 2010), p. 88.

fully developed drainage system'.<sup>363</sup> The absence of sound programmes and policies to improve sanitation are reflected in our dismal sanitation figures. The Ministry of Urban Development (MoUD), under the National Urban Sanitation Policy, ranked and categorised 423 cities in 2008 to regarding their sanitary health and hygiene standards. As per these ranks, none of the cities studied by the MoUD could be categorised as healthy and clean. Further, cities of Tamil Nadu, which have traditionally been considered to be superior to their counterparts in terms of access to water and sanitation, were also found to have performed miserably. With the exception of Tiruchirappalli, that received a comparatively higher score of 59 on 100, all others have dismal scores, in that Dindigul got 18<sup>th</sup> place among 30 districts. The latest National Family Health Survey 3 (NFHS) figures for Tamil Nadu also confirm the shocking findings of the MoUD. The report states that 57 percent of the households do not have toilet facilities. Some households cannot be provided with individual sanitary latrines due to space constraints. On top, there is the issue of both homeless and nomadic population who need to be provided community latrines.

On one hand, the government funded mass 'programmes targeted at improving access to sanitation,'<sup>364</sup> largely focused on rural areas. On the other, many cities are suffering from an acute shortage of water and sanitation facilities. The few sanitation policies in these cities have been largely non-inclusive and have led to the marginalisation of impoverished residents. The state's inability to regularly recognise or "declare" slums has led to an absence of comprehensive data about informal settlements. This has meant that many of the urban poor have not been entitled to avail of pro-poor programmes announced by the government. Finally, a flagship programme, called the *Jawaharlal Nehru National Urban Renewal Mission (JNNURM)*, launched in December 2005, Tamil Nadu government came to recognise the growing needs of cities. Its pro-poor mandate and inclusive design won itself a lot of supporters. However, even after nearly eleven years of the programme, there seems to very little improvement in the condition of the urban poor. They continue to live in slums, without basic infrastructure, civic amenities and adequate

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<sup>363</sup> Bhullar, Lovleen, 'Ensuring Safe Municipal Wastewater Disposal in Urban India: Is There a Legal Basis?', *Journal of Environmental Law*, Vol. 25, Issue 2, (2013), p. 19.

<sup>364</sup> The more recent ones were the Total Sanitation Campaign launched in 1999 and the Nirmal Gram Puraskar in 2005, and even the success of these is disputable, [https://www.wsp.org/wsp/sites/wsp.org/files/publications/WSP\\_India\\_TSC\\_Report\\_Vol\\_1\\_Press.pdf](https://www.wsp.org/wsp/sites/wsp.org/files/publications/WSP_India_TSC_Report_Vol_1_Press.pdf).

sanitation infrastructure.<sup>365</sup> Though sanitation is gaining momentum, half of the people in Tamil Nadu still need to be provided with sanitation facilities. Hence, there is a pressing need to study the awareness level and prevailing communication strategies that are being used for popularising the concept of sanitation and hygiene in rural Tamil Nadu.

#### **4.1.1. The Current Status of Sanitation in Tamil Nadu**

Tamil Nadu is one of the most urbanised states in India, and around thirty five percent of the population lives in urban areas. There is a pressing need for much improved sanitation facilities, but the government has failed to act upon the existing opportunities to make a change. For instance, the Ministry of Urban Development, in an effort to promote better sanitation, recently allotted substantial amounts to the states. The fund is intended to support cities in preparing City Sanitation Plans (CSP), in which they would assess the needs and make commitments to provide access to sanitation for all. While many cities have already begun drafting their CSPs, Tamil Nadu, especially Chennai, capital of the state has not taken any steps towards this goal. The State needs to ensure that the most basic needs of residents, especially those from poorer sections of society, are met to the optimum extent.

Access to sanitation also has implications on education. The Annual Status of Education Report (ASER) shows that usable toilets could be found only in around fifty percent of government schools in India. Four out of ten government primary schools do not have separate toilets for girls. There is also a mention of the higher dropout rates, especially for girls, in ‘cities with inadequate sanitation facilities at schools’.<sup>366</sup> Tamil Nadu has a dropout rate of 38 percent, which is lower than that of most states in India. However, this rate has been, more or less, constant, and had, in fact, increased marginally over the period 2006-2008. This is a major cause of concern, and better sanitation facilities at the school might be one of the targeted ways of reducing school dropout rates.

The India Human Development Report, 2011, regarded open defecation as a serious threat to the health and nutritional status in India. One-fourth of the infant deaths<sup>367</sup> that occur globally are due to acute diarrhoea. However, data released by the Indian

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<sup>365</sup> Appadurai, Arjun, ‘Deep democracy: urban governmentality and the horizon of politics’, *Environment and Urbanization*, Vol. 13, No. 2, (2001), p. 29.

<sup>366</sup> ASER is survey of schools in rural areas, the findings of the report can be generalised for urban areas as well. <http://www.asercentre.org/ngo-education-india.php?p=Download+ASER+reports>, (accessed: 20 September 2013).

<sup>367</sup> The Planning Commission of India, *India Human Development Report 2011*.

Government shows a startlingly different picture. The statistics released by the Ministry of Health and Family Welfare shows that only 1818 persons died in India in 2009, due to acute diarrhoea. Of these, only 18 deaths occurred in Tamil Nadu. These figures vastly underestimate the current health needs of the society. Clearly, lack of data and absence of a systematic system to record data are major obstacles to proper planning and policymaking.

According to Indian Government reports, the proportion of notified and non-notified 'slums, with no latrine facilities, is found to be significantly higher for Tamil Nadu.<sup>368</sup> In Tamil Nadu, over '60 per cent of households are without toilets'<sup>369</sup>, and thus there is a greater possibility of open defecation. This, along with the projected urban slum population of one crore for Tamil Nadu in 2017, spells doom for the urban poor. The lack of formal space for the urban poor in city master plans has forced them to opt for informal settlements, where sewerage networks cannot reach and sanitation facilities are compromised. Above all, the lack of basic data regarding availability of water and sanitation, especially among the urban poor, poses a serious challenge for policy makers and is a major barrier to designing fool proof policies and programmes. Highly adaptive and creative forms of collaborative planning<sup>370</sup> can lead to better results.

The Sanitation MDGs have undoubtedly helped attract policy attention to the need for developing water and sanitation in developing countries, but in respect of sanitation there are a number of serious limitations<sup>371</sup> like:

- The targets do not give sufficient weight to the urgent public health reasons for sewerages.
- The MDGs do not recognise the very specific importance of sewerage system in cities.
- Too much emphasis is given to misleading assumptions about affordability.

The UN Millennium Task Force brought out a report on achieving the goals for water and sanitation. Progress towards the target is monitored by the Joint Monitoring Programme (JMP) of the World Health Organisation and the United Nations Children's

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<sup>368</sup> Slums in India: A Statistical Compendium, 2011, Ministry of Housing and Urban Poverty Alleviation.

<sup>369</sup> Planning Commission of India, *India Human Development Report, 2011*.

<sup>370</sup> Innes, E Judith & Booher, E David, *Collaborative policymaking: governance through dialogue*, eds., Maarten Hajer & Hendrik Wagenaar, 'Deliberative Policy Analysis Understanding Governance in the Network Society', (New York: Cambridge University Press, 2003), p. 36.

<sup>371</sup> Hall, D., and E. Lobina, *Sewerage Works: Public Investment in Sewerage Saves Lives*, (Greenwich: PSIRU, 2008), <http://www.psir.org/reports/2008-03-W-sewers.pdf> (accessed: 03 May 2011).

Fund. The Task Force and JMP have introduced modifications to the definitions on the MDGs.<sup>372</sup> The JMP defines “improved” sanitation facilities as those which ‘are more likely to prevent human contact with human excreta than unimproved facilities,’ and lists these as including any of: “flush or pour-flush to a piped sewer system, septic tank, or pit latrine, ventilated, improved pit latrine (pit latrine with slab or composting toilet),” but only if these facilities “are not shared or are not public.” This means that India has to introduce more welfare policies for manual scavengers. The JMP advised people to avoid ‘human contact with human excreta.’ So it proved that all manual scavengers are working for bringing in *social hygienic* conditions, but they are themselves working in unhygienic occupations like ‘manual scavenging’. Indian society need hygienic conditions. So, the scavengers have been given the responsibility to perform that task, but the government has hardly recognised the fact that the scavengers are working in very unhygienic conditions.

#### **4.1.2. Contextualisation of experiences of Manual Scavenging in Three Municipalities.**

The only unclean occupation, where a degree of continuity exists, is that of manual scavenging. Though a large majority of those involved with scavenging work are the Arunthathiyars, people from other castes like Domban, Kattu Nayakkan and Murasar also work as scavengers. The traditional ‘structure of jajmani relations has almost completely changed’<sup>373</sup> in scavenging, since now, the cleaning of drains and toilets or the sweeping of houses is mostly done on a commercial basis. Until 1999, the *Arunthathiyar* community was solely engaged in the work of scavenging, since they perceived that the occupation was their secured domain for employment. Also, they had not contemplated that their own other caste groups and private agencies would enter into this occupation in the urban labour market. However, privatisation has since changed the employment situation to Arunthathiyars in this sanitary occupation. So far, the state and the local bodies employed people only from the Arunthathiyars caste. Three municipalities are also moved towards a private contract system where contractors from other caste groups are also entering the job market. The inflow of members of other caste groups in the occupation of scavenging is mainly found in the informal sector, especially in private hospitals, dispensaries, offices and institutions. They could be distinguished as cleaners, these workers are employed for cleaning and mopping of residential complexes and private bungalows. However, such

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<sup>372</sup> Cited from, WHO and UNICEF Joint Monitoring Programme Report – 2006.

<sup>373</sup> Jodhka, S. Surinder, *Sikhism and the caste question Dalits and their politics in contemporary Punjab*, ed. Dipankar Gupta, ‘Caste in question: Identity or hierarchy?’, (New Delhi: Sage, 2004), p. 183.

cleaners do not engage in cleaning of toilets within the same complexes, nor would they engage in sweeping and scavenging work on the street of households. Thus, the occupational change does not point towards a 'secularisation' of the occupation of scavenging. This is due to the general perception in the urban labour market regarding sanitary activities such as cleaning houses and offices, interior sweeping and cleaning private toilets. Like that these are more secular activities and largely separated from those traditional scavenging activities like carrying night soil, cleaning nuisance spots and cleaning public toilets, manhole cleaning, etc. Many persons have the bad habit of dumping all kinds of waste into drains. Such waste materials get stuck in the underground drainage lines and cannot be sucked out by machines. Thus a worker has no option but to dive in to remove the blockages,<sup>374</sup> and ensure uninterrupted flow of the drain. Therefore, these perceptions have led other caste group-persons to take up to sanitary activities of the first type and distance themselves from 'customary' scavenging activities. Urbanisation, thus, has closed the work of scavenging to the allotted community in a 'residual' form. Work, then, as an occupation or an act of doing, at a more fundamental level entails ideas of time, need, intention and creation.

Scavenger communities and the act of 'removal' 'gave birth' to a new space. The consequence of engaging manual scavenging has results from the experiences. It endows it with meaning of birth to the next generations. This same trajectory is traced, establishing a dialectic between getting the occupation available and pursuing the one due to customary rights<sup>375</sup>. In the context of experience, learning, embraces, and forces one to share it with others. Time and experience are constituent factors in the conception and making of scavengers, but it is related to their customary rights. The making of a work is tied to other factors: intention, intuition, solo availability occupation and process. These factors must exist for the realisation of any dehumanise occupation. The constituent elements necessary for the realisation of a study are not linear in time or nature, but are accumulative. This accumulated experience is very much an individual reality, and it creates a stance of knowing, questioning, and reason from which an artistic activity can continue. The revealing of intention and meaning of a given work is dependent on that work's materiality, on one's relationship to the work, and on its stance. These contractors may open the works

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<sup>374</sup> Borpujari, Priyanka, New law in India bans sanitary scavengers, *Aljazeera*, <http://www.aljazeera.com/indepth/features/2013/10/new-law-india-bans-sanitary-scavengers-2013102514214232684.html>, (27 October 2013).

<sup>375</sup> Mandal, Saptarshi, 'Through the Lens of Pollution: Manual Scavenging and the Legal Discourse', *Voice of Dalit*, Vol. 1, No. 1, (2008), p. 95.

to Arunthathiyars and other communities, thus providing them a relationship with its meaning of scavenging or they may not, depending on whether the work is of their own time or of the past. To think of time as linear, or as a series of discrete frames, is to address only the manufacturing and reproduction of a workplace - and not its essence. These attributes are integral in a work. They ascertain the presence of qualities that amplify the work and reveal its meaning and subtleties. These, in fact, suggest the power and vision are checked. The contractors have evaluated the past by measuring the meaning of Arunthathiyar's experiences - in and of themselves. This point can ensure that the linear classification of scavengers belongs outside the realm of actually creating, or even fully experiencing, at scavenging. The appreciation of work is not reserved for those of the time and the circumstances of its production, because it has been largely performed by members belonging to one caste only, from generation to generation. The fundamental relationship of idea to material and form is shown to be contained in the purpose of the scavenging. It is necessary that history be seen as part of an on-going reality that cannot be isolated or broken by an experienced construction of their life. The evolving meaning that results in the making of scavengers is part of their work's viability. The work is historically connected to its own making - not by time, but by meaning. They are energised by a work's inherent quality and position, quite than by its relationship to experience as historical factor. This brings out the viability of the scavengers and of their own stance alone in the caste hierarchy.

#### **4.2. Public Toilets and Their Relevance**

In the past, research and practice have found that public toilets have been a problematic method of increasing access to sanitation. The first latrines structure could be described as: 'the realm of filth and danger.'<sup>376</sup> The earliest forms of latrines, even in western countries, needed the services of manual scavengers as night-soil removers. In India, the earliest versions came to be known as *Bucket Latrines*. A scavenger had to remove excreta from one particular latrine used by a number of persons. Each latrine had a bucket beneath the squatting seat. The users would defecate into that bucket. The scavenger was required to empty that bucket regularly to prevent odour and the breeding of flies. The latrine was very near the street lane so it was easily accessible by scavenger. A study by the All India Institute of Hygiene and Public Health found that '60% of the

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<sup>376</sup> Bayless, Martha, *Sin and Filth in the Medieval Culture: The Devil in the Latrine*, (New York: Routledge, 2012), p. 3.

human excreta would get have collected into the bucket.<sup>377</sup> The rest would get spread within the latrine premises. The manual scavenger was required to remove that also. For emptying the bucket, the manual scavenger had to be called regularly - 'may be every day or twice in a week.'<sup>378</sup> Some parts of Singapore and Australia devised a 'improved bucket system'<sup>379</sup> with regular services to clean, cover the excreta and dump the same in proper compost pits.

However, in India, the focus was largely on removing the excreta from the latrines and thereafter dumping this into the nearest water bodies. Many places in the country did not have proper sewer lines. Nor did the concerned officials take proper interest in adopting sanitary measures. The next 'generation' were the *Pit Latrines*, which became one of the most widespread and simplest of the rural sanitation systems. In favourable circumstances, pits will have a long life and can be effective at a very low cost. However, poor construction can give the pit latrines a bad name. A poorly constructed pit can collapse, be flooded, be smelly, and plagued with insect infestations. Another version was the *Ventilated Improved Pit*<sup>380</sup> (VIP) latrine which, to some extent, addressed the issue of bad odour emanating from the pit. The *Reed Odourless Earth Closet* (ROEC) could be hailed as the first step towards modernising toilets across the globe. This pit was covered by slabs and had a unique squatting seat and septic tank for flushing the excreta out from the latrine pan. Such latrines are able to ensure better hygiene and sanitation. Foul-smelling and unhygienic pit latrines can be found all over the globe, because these have been 'constructed for communities previously accustomed to defecating in open places.'<sup>381</sup> Here, in India and other places, humans have to remove the human waste from those pits. They have been continuing this as a hereditary occupation. The less development of technology has forced many societies to explore alternative options for disposal of human waste. . Ecological considerations, like bad smell and public health, forced many developed countries to have a rethink about using such latrines. During the sanitary

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<sup>377</sup> Nath, K. J. and Chatterjee, P. K., 'Low cost Sanitation in India', *Proceedings of the 10<sup>th</sup> WEDC Conference: Water and Sanitation in Asia and the Pacific*, (Leicestershire: Loughborough University, 1984).

<sup>378</sup> Feachem R. G., Bradley, D.J., Garelick, H. and Mara, D.D., *Sanitation and Disease*, p.74.

<sup>379</sup> Kalbermatten J. M., *Appropriate Technology for Water Supply and Sanitation: A Planner's Guide*, (Washington: World Bank, 1980).

<sup>380</sup> Ministry of Panchayat Raj, Hand book on sanitation Gram Panchayat and Sanitation, 2014, (accessed: 29 Nov 2014), [http://www.panchayat.gov.in/documents/10198/456811/Sanitation Handbook.pdf](http://www.panchayat.gov.in/documents/10198/456811/Sanitation%20Handbook.pdf).

<sup>381</sup> Feachem R. G., Bradley, D.J., Garelick, H. and Mara, D.D., *Sanitation and Disease*, p. 97.

revolution of the 19th century, the template for 'public health engineering'<sup>382</sup> was established. So, people found an alternate, called *Composting Toilets*. It introduced the waterborne option to flush the human excrete into constructed septic tanks. However, in countries like India, limited financial resources and the general apathy of the municipal authorities proved to be stumbling blocks for the large-scale adoption of septic tank type of latrines. Evidently, conventional water facility toilet is not an affordable way of dealing with the sanitary crisis in low income communities. At this stage, it is difficult to visualise when this will become an affordable option throughout the globe.

In urban areas, where connecting the sewerage network to each and every household is a technically and legally complex process that can take decades, public toilets act as an important stop-gap measure to increase access to better sanitation. Moreover, public toilets can cater to more than just slum-dwellers. They also serve the needs of daily commuters, pavement dwellers, the homeless, and informal sector workers like vegetable vendors, day labourers, sweepers, sanitary workers and petty shop vendors. For many informal sector workers, the city's public spaces are their workplaces, and providing public toilets for them can be one of the most effective and easiest ways of improving their working conditions. In spite of their evident need, construction of public toilets is given very little priority by the authorities even today. In most cities, public toilets are not only very few in numbers and badly maintained, but are also located haphazardly, in places where they might not be actually needed. Generally, the toilets are owned and maintained by the individual households. However, the concept of public toilets will take quite some time before it takes root in rural areas of India, because of the 'low status accorded to those who perform tasks relating to the disposal of other people's wastes.'<sup>383</sup> It will generally be very difficult to ensure that operation and maintenance of these are satisfactory, and that the workers' health is protected. It is possible that social stratification, is one form of division, will be entrenched in users of public toilets. Due to maintenance and location problems, even the existing ones are generally being underutilised. Unused and badly maintained toilets give strength to the false argument by the authorities that public toilets are no longer needed in the city. In reality, open defecation is still widespread, and a comprehensive sewerage network is far from being a reality. For the concept of public

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<sup>382</sup> Black, Maggie, & Fawcett, Ben, *The Last Taboo: Opening the Door on the Global Sanitation Crisis*, (London: Earthscan, 2008), p. 5.

<sup>383</sup> Van Damme, Hans M. G., & White, Alastair, *Technology Choices for the Decade*, ed., Peter G Bourne, 'Water and Sanitation: Economic and Sociological Perspectives', (Florida: Academic Press, 1984), p. 159.

toilets to become popular, there is a need for a rigorous understanding of technological requirements involved for these. These include the means for safe disposal of the sewage and adopting the most optimum technological solutions.

The Union Ministry of Social Justice and Empowerment undertook a Survey of Manual Scavengers in Statutory Towns from 19<sup>th</sup> February 2013.<sup>384</sup> It emerged that in urban<sup>385</sup> Tamil Nadu,<sup>386</sup> and the insanitary latrines numbers have 1, 33, 535 households dropped night soil into open drains and that latrines in 17, 414 households had to be manually serviced. Particularly in the urban areas of Dindigul<sup>387</sup> district, 3, 086 households dropped the night soil into drains and 820 households had to be serviced manually. In rural Dindigul, 818 households dropped night soil into drains, and 596 households were serviced manually. Hence, a new form of manual scavenging is in existence. Even in modern constructions, a human is required to remove the excreta. Human excreta is, therefore, understood as an axiomatic and potent form of pollution. However, its hazardous nature conjoins the literal and the symbolic. This discourse makes even the cleanest of toilets, dirty spaces,<sup>388</sup> which should be ‘visited’ only when absolutely necessary. The existing scenario calls for serious reforms in the administration of public toilets in Tamil Nadu. The issues of shared toilets, community toilets and public toilets ought to be taken seriously by the authorities. The continuing importance of public finance for the development of sanitation can be seen in the actual policies being pursued by developing countries. These should focus on the growth of the urban population. India need ‘further investments on sanitation’<sup>389</sup> to reach all populations of the nation. However, greater spending on public toilets needs to be accompanied by careful attention to the governance system responsible for their continued operations and maintenance. In fact,

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<sup>384</sup> ‘The Ministry of Social Justice and Empowerment Survey of Manual Scavengers (MSJESMS)’, <http://mssurvey.nic.in/Home.aspx>, (accessed: 03 August 2015).

<sup>385</sup> Socio-Economic Caste Census 2011 by the Ministry for Rural Development already identifying manual scavengers in rural areas, because of that this survey for urban areas.

<sup>386</sup> MSJESMS - State/UT wise no. of Insanitary Latrines – Urban Areas, <http://mssurvey.nic.in/UI/StatewiseInsanitaryLatrine.aspx>, (accessed: 03 August 2015).

<sup>387</sup> ‘MSJESMS – District wise no. of Insanitary Latrines’, <http://mssurvey.nic.in/UI/DistrictwiseInsanitaryLatrine.aspx>, (accessed: 03 August 2015).

<sup>388</sup> Barcan, Ruth, *Dirty Spaces: Separation, Concealment and Shame in the Public Toilet*, eds., H. Molotch and L. Noren, ‘Toilet: Public Restrooms and the Politics of Sharing’, (New York: NYUP, 2010), p. 25.

<sup>389</sup> Hall, David, and Lobina, Emanuele, *Public Policy Options for Financing Sewerage Systems*, eds., José Esteban Castro and Léo Heller, ‘Water and Sanitation Services: Public Policy and Management’, (London: Earthscan, 2009), p. 111.

‘The Tamil Nadu District Municipality Act, 1920,’<sup>390</sup> urged every municipal council to have the public latrines cleaned daily and kept in proper order, and then take financial support from the Council.

### **4.3. Sanitation and Urbanisation in India**

The concern is that of manual scavenging which has not been eliminated in our country even though many Acts and Schemes have been introduced for rehabilitating the manual scavengers. The Ministry of Urban Development formulated *The National Urban Sanitation Policy* (NUSP) in the year 2008. This year was declared the *International Year of Sanitation* by the United Nations. The United Nations Development Programme’s (UNDP) Human Development Report, 2011,<sup>391</sup> said 2.6 billion people (about half of the world’s population) lack access to basic sanitation and 1.1 billion people defecate in the open. There is ongoing concern that governments, at many levels, are not devoting enough attention and resources to sanitation services, particularly when compared to spending on water supply and other infrastructure services. Additionally, the existing sanitation investments and service provision rarely place sufficient stress upon the distinct and urgent needs of the poor. A recent World Bank research<sup>392</sup> shows that this limited focus on sanitation is driven largely by political motivation in the context of competing demands for resources, and, to a lesser extent, by technical or economic considerations. A recent study brings out that the Indian sanitation scheme and urban basic service have been ‘monopolised by the urban middle class.’<sup>393</sup> So, large sections have been excluded from such benefits. Along with this, the middle class can solve their sanitation problems with the help of their ‘family, work or caste’ connections.<sup>394</sup> In this way, the urban middle classes are able to receive sufficient protection from communicable diseases. However, in urban slums, where the sanitation system needs to be significantly improved, such issues tend to become part of the election promises of political parties. Needless to state, such promises are seldom kept once the election results are out.

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<sup>390</sup> *The Tamil Nadu District Municipality Act, 1920*, [http://cma.tn.gov.in/cma/en-in/Downloads/The Tamil Nadu District Municipalities Act, 1920.pdf](http://cma.tn.gov.in/cma/en-in/Downloads/The%20Tamil%20Nadu%20District%20Municipalities%20Act,%201920.pdf), (accessed: 01 April 2013).

<sup>391</sup> Sustainability and Equity: A Better Future for All - UNDP-Human Development Report 2011, [http://hdr.undp.org/sites/default/files/reports/271/hdr\\_2011\\_en\\_complete.pdf](http://hdr.undp.org/sites/default/files/reports/271/hdr_2011_en_complete.pdf), (accessed 16 January 2012).

<sup>392</sup> *Ibid.*,

<sup>393</sup> Chaplin E., Susan, *Cities, Sewers and Poverty*, p. 146.

<sup>394</sup> Chaplin E., Susan, *Indian cities, sanitation and the state*, p. 62.

The World Bank attempts to systematically understand and then help practitioners to manage the pro-poor sanitation investments and provision of services. It aims to provide practical advice to World Bank Task Team Leaders and other sanitation practitioners to help them to have better manage stakeholder relations and effectively manoeuvre institutional relationships of the sanitation sector. The overall aim is to enhance the design, implementation, and effectiveness of operations that provide pro-poor sanitation investments and services. The World Bank and other international financial institutions provide support to municipalities to 'construct community toilets,'<sup>395</sup> so as to prevent defecation in the open, and adopt modern technologies for removing the waste. Three municipalities ultimate goal is to improve the health and hygiene outcomes.

#### **4.4. Government Policies for Urban poor in Three Municipalities**

The main reason for the increase in the numbers of the urban poor, especially due to migration, is the decrease in employment opportunities in rural areas. This is creating situations like low wages for unskilled workers, very few dignified jobs and no permanent occupations. Especially in municipalities many persons from low socio-economic backgrounds are facing these issues in urban areas, because they are desperate to enter any occupation. The caste structure also decides the kind of jobs for particular social groups, like the Dalits, who are largely engaged in sweeping and sewer cleaning tasks. Arunthathiyars and other community's economic condition have pushed them into such occupations. However, many social scientists who studied these conditions in India, revealed some 'multiple reasons in the caste system.'<sup>396</sup> These can help one to form an appraisal of the modern urban stratification, vis-a-vis the rural form. The same urban form of stratification has been analysed largely according to the parameters of qualities and attitudes shown to socially deprived individuals or groups. These people and groups are considered as representatives of particular castes - not as humans, simply as units whose esteem in elite eyes is judged from urbane perspectives. Therefore, the myopic urban scene has forced many to prefer anonymity, immobility and reduction of occupational preferences. However, some of them are still striving for human dignified occupations.

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<sup>395</sup> Burra, Sundar, Patel, Sheela and Kerr, Thomas, 'Community-designed, built and managed toilet blocks in Indian cities', *Environment and Urbanization*, Vol. 15, No 2, (2003), p. 17.

<sup>396</sup> Marriott, McKim, *Caste ranking and community structure in five regions of India and Pakistan*, (Deccan College Postgraduate and Research Institute, 1960), p. 39.

The prejudiced society is ‘displayed in its mode of structuration,’<sup>397</sup> which can be seen from the manner in which it reacts to the presence of outsiders, meaning the communities perform scavenging.

The frames of reference in the three municipalities are caste and economical, especially coming from outsiders and doing menial jobs. This have been continued in the rural caste stratification and become a lifestyle of urban elites. The caste structure and the hierarchy covers restraints of ritual dominance, relative standings of castes and the four encompassing Varnas. The newer national and urban hierarchy is based on education, individual social identity, independence and social dominance. This transformation in consciousness, operative ideas<sup>398</sup> and their transplantation into other social settings is always subjects to contingencies. Such a transformation cannot always be taken for granted. Factors impacting the social importance in urban areas Include: the high levels of education required for the entry into them and the real, or presumed, association with specialised knowledge and technical skill. Since such ‘specialised’ knowledge, due to its relationship with social status, is limited to the Arunthathiyar community, this becomes a characteristic of continuity from one generation to the next. This has become a ‘biological metaphor’<sup>399</sup> for social and cultural reproduction, in general. The new knowledge-based occupations are important in fields like professional administration and management. However, non-manual work is considered more important and valuable than skilled, semi-skilled and unskilled manual work. Therefore, the position of individuals in society is their social identity, their economic standing, their self-esteem – all of which are, to some extent, dependent on their occupation. For a large part of their young adult life, they are forced to do it, and much of their early life is a preparation for performing the forced jobs, which their elders have been doing.

According to Lévi- Strauss,<sup>400</sup> universal structures of reciprocity are the foundations for all social life. In the 1950s and 1960s, urban poverty came to be regarded as a temporary phenomenon of the disruptive process of industrial transition in cities. The role of the state is crucial since it has the responsibility of providing housing, both for the poor and for those primarily urban-based groups, earlier identified as pivotal in the class

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<sup>397</sup> Saberwal, Satish, *Wages of segmentation comparative historical studies on Europe and India*, (New Delhi: Orient Longman, 1995), p. 22.

<sup>398</sup> Saberwal, Satish, *Wages of segmentation*, p. 163.

<sup>399</sup> Béteille, André, ‘The Reproduction of Inequality: Occupation, Caste and Family’, *Contributions to Indian Sociology*, Vol. 25. No. 1, (1991), p. 13.

<sup>400</sup> Lévi- Strauss, Claude, *The Elementary Structures of Kinship*, (Toronto: Beacon Press, 1969), p. 490.

formation of under-developed societies. Urban development and the gross inequalities, characteristic of that development, epitomise the social dilemmas of under-development. It was broadly envisaged that the urban poor would eventually be assimilated into the formal labour markets. Initially, the urban development policies focused primarily on investments in the infrastructure for new urban dwellers housing like the formal workforce and their families. In the 1970s, it became clear that diverse urban labour markets were working to keep pace with urban growth, evident from expanding slums and increase in the number of urban informal workers. The discourse of international development began to shift towards 'basic needs',<sup>401</sup> with increasing attention being paid to topics such as access to primary healthcare and education. In recent decades, the state and central governments, with substantial international aid from agencies such as the World Bank,<sup>402</sup> have launched a number of welfare and schemes for accommodating the poor within the structures of urban life.

The social empowerment programmes for Dalits and proactive government efforts to 'generate employment and provide social services'<sup>403</sup> generally take the shape of policies designed to help the socio-economically disadvantaged people. The social policies have also included changes through small and medium enterprise development and microfinance initiatives like in Kirana shops and tailoring. However, due to the impact of job losses, many Dalits started resorting to menial jobs like scavenging, since this was an occupation that was easily available for them. The rising costs and the decreasing net family income forced many Dalit women into this occupation. There was also an increasing tendency to put more and more children in income-generating activities. Large scale urbanisation in India began some eighty years. Thereafter, urban centres started experiencing an exponential growth, due to the large influx of people to cities and towns. Between 1901 and 1991, the number of cities and large towns in India doubled, and their total population also increased phenomenally. Consequently, in order to address the pressure on urban areas, the Union Ministry of Urban Development launched initiatives like *Jawaharlal Nehru National Urban Renewal Mission (JNNURM)*, *Swarna Jayanti Shahri Rozgar Yojana (SJSRY)*, and the *National Urban Sanitation Policy (NUSP)* in 2008.

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<sup>401</sup> Beall, Jo and Fox, Sean, *Cities and Development*, (New York: Routledge, 2009), p. 119.

<sup>402</sup> Chatterjee, Partha, *The Politics of the Governed Reflections on Popular Politics in Most of the World*, (New York: Columbia University Press, 2004), p. 134.

<sup>403</sup> Chatterjee, Partha, *The Politics of the Governed*, p. 120.

The main objective of the *Rajiv Awas Yojana* (RAY), launched in 2009, was to make India slum-free within five years.

Policies such as those mentioned above show the government's resolve to implement sanitation programmes in the Indian cities, towns and rural areas to ensure good public health, sanitation and improved environment. Unfortunately, all of these appear to be aimed at improving the quality of life of people belonging to the mainstream society. In the process, the issues and concerns of the downtrodden people like manual scavengers do not appear to have been taken into consideration. The onus of maintaining the cleanliness and hygienic atmosphere, including removing human waste, continues to be on the manual scavengers alone.

Legislative attempts to end manual scavenging have been accompanied by administrative programmes, directed at converting India's sanitation system and at helping communities engaged in manual scavenging to seek alternate livelihoods. In 18<sup>th</sup> century London city, policies were put in place to reduce the gross urban pollution's 'sanitation issues, including collection of night soil from bucket latrines.'<sup>404</sup> Then, drastic urbanisation, across the world, led to different techniques being adopted for the disposal of human excreta. The focus has been on ensuring that machines replace human workers to perform this kind of work. The responsibility for implementing these schemes and policies rests with a number of government departments, which often do not coordinate their efforts.

The Urban Basic Services Programme (UBSCP)<sup>405</sup> was launched in 1985 then this was funded by the Government of India, state governments and UNICEF. Initially, this scheme was taken up as a pilot project in selected towns, with the aim of upgrading the quality of life of the urban poor. This programme was particularly designed to assist women and children by providing water and sanitation services, immunisation and other community welfare measures, and was contingent upon community participation. Then, in 1990, the National Commission on Urbanisation changed the core theme of the potential of the programme. The Commission also recommended that the UBSCP be fully funded by the central government and implemented nationwide. After the withdrawal of financial

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<sup>404</sup> Kalbermatten J. M., *Appropriate Technology for Water Supply and Sanitation: A Planner's Guide*, (Washington: World Bank, 1980).

<sup>405</sup> Cousins, J. William, 'Urban Basic Services in UNICEF: A Historical Overview', *UNICEF History Series Monograph XIV*, (New York, 1992).

support by UNICEF, this scheme was renamed as the Urban Basic Services for the Poor – UBSP. It was implemented in over 245 towns and cities. This scheme has delivered material benefits to many slums and especially women realise that they could overcome some of their problems. However, not much effort was made to incorporate it with the services of different development departments, and to involve non-government organisations with it. Successful implementation was further weakened by the severe financial constraints, since the state governments failed to issue funds on time and municipalities could not contribute their portion. The UBSP was discontinued in 1997 and replaced by a new scheme, the Swarna Jayanti Sahari Rozgar Yojana-(SJSRY). In the three municipalities, workers have been working under this scheme since 1998.

#### **4.4.1. Swarna Jayanti Shahri Rozger Yojana – SJSRY**

The Swarna Jayanti Shahri Rozger Yojana was launched on 01<sup>st</sup> December 1997 after subsuming the earlier three schemes for urban poverty alleviation, namely, Nehru Rozgar Yojana (NRY), Urban Basic Service for the Poor (UBSP), and Prime Minister’s Integrated Urban Poverty Eradication Programme (PMIUPEP). The main objective of the scheme was to provide gainful employment to the urban unemployed or underemployed by assisting them to set up self-employment ventures. Other objectives were:<sup>406</sup>

- Supporting skill development and training programmes to enable the urban poor to have access to employment opportunities opened by the market or undertake self-employment; and
- Empowering the community to tackle the issues of urban poverty through suitable self- managed community structures like Neighbourhood Groups, Neighbourhood Committees, Community Development Society, etc.

The delivery of inputs under the Scheme shall be through the medium of urban local bodies and community structures. Thus Swarna Jayanti Shahari Rozger Yojana has sought to strengthen these local bodies and community organisations to enable them to address the issues of employment and income generation facing the urban poor. Though these sanitation programmes, have been largely dominated by schemes that have attempted to empower or rehabilitate the scavengers and sweepers, still they are performing the basic sanitary services in society.

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<sup>406</sup> <http://mhupa.gov.in/pdf/guidelines-scheme/urbanemp-povallev/SwarnaJayanti/ReGuidelinesSJSRY.pdf> (accessed: 29 July 2014).

#### **4.5. Government Policies for Sanitation**

India has been developing new plans for investment in water and sanitation as part of the eleventh and twelfth Five Year Plans. Water and sanitation has been given priority in its urban infrastructure programme, and the new plans propose to nearly double the previous financial allocations from the central and state governments. The potential intersections between clean sewage sanitation policies and several other social policy sectors are closely linked to the specific institutional structures and organisation characteristic of different policy implementations. However, these sanitation schemes have not, yet succeeded in significantly transforming India's sewage disposal scheme. According to the latest data from WHO and UNICEF, India had over 792 million people without access to improved sanitation - nearly a third of the estimated 2.5 billion people without sanitation globally.<sup>407</sup> India also leads globally as the home to over half of all the people in the world who resort to open defecation, an estimated 597 million people.<sup>408</sup> Despite making good strides in increasing the number of people with improved access to water, India had lagged behind in meeting its Millennium Development Goal related to sanitation.<sup>409</sup> Parasitic diseases and infections like tuberculosis that are linked to poor sanitation, and particularly open defecation, moreover, contribute to stunting and cognitive deficits among children, and increase rates of child mortality<sup>410</sup>. Poor implementation at the local level is a significant barrier to putting into effect existing sanitation schemes. The conversion of dry latrines into ones with water facilities is easier said than done.

The continued practice of manual scavenging lessens the urgency in some communities of implementing these schemes. In fact, where people refuse manual scavenging work and are supported in doing so, household are forced to change their sanitation practices. Due to the absence of widespread political will to convert sanitation systems, people continue to defecate in the open and rely upon "insanitary latrines," defined under 'The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013,' as latrines that 'require human excreta to be cleaned or

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<sup>407</sup> World Health Organization and UNICEF, *Progress on Drinking Water and Sanitation, 2014 Update*, (2014), [http://www.wssinfo.org/fileadmin/user\\_upload/resources/JMP\\_report\\_2014\\_webENG.pdf](http://www.wssinfo.org/fileadmin/user_upload/resources/JMP_report_2014_webENG.pdf), (accessed: 03 August 2014).

<sup>408</sup> *Ibid.*

<sup>409</sup> *Ibid.*

<sup>410</sup> Harris, Gardiner, 'Poor Sanitation in India May Afflict Well-Fed Children with Malnutrition,' *New York Times*, [http://www.nytimes.com/2014/07/15/world/asia/poor-sanitation-in-india-may-afflict-well-fed-children-withmalnutrition.html?\\_r=0](http://www.nytimes.com/2014/07/15/world/asia/poor-sanitation-in-india-may-afflict-well-fed-children-withmalnutrition.html?_r=0), (accessed: 14 July 2014).

otherwise handled manually,' either from the toilet itself, or from 'an open drain or pit into which the excreta is discharged.'<sup>411</sup> Yet, emerging practice and managerial and evaluation tend to rank low in the scale of priorities set by the political and managerial practice in India. It appears that there is an almost status quo on the elimination of manual scavenging. This context came from the deficiencies in enforcement resulting from fragmented implementation of the schemes. Lack of recognition of the relevant options for scavengers, mainly in Tamil Nadu Arunthathiyars, is impeding their mobility from scavenging to other occupations.

#### **4.5.1. Sanitation and Hygiene Advocacy and Communication Strategy Framework 2012-2017**

It was estimated that the number people resorting to open defecation in India was more than 600 million. Though the access to improved sanitation has increased since 2000, the pace of change has been slow. If the current progress stays, it will be difficult for India to meet its Millennium Development Goal for sanitation. Thus, accelerating access to and use of toilets and hygiene practices have become a national priority.

The Ministry of Drinking Water and Sanitation, along with UNICEF and other partners, has developed the *National Sanitation and Hygiene Advocacy and Communication Strategy Framework for 2012-2017*.<sup>412</sup> The overall goal is to make sure that people have access to, avoid open defecation, use a toilet and practice good hygiene, including hand washing with soap after the toilet and before food.

The advocacy and communication strategy focuses on the following critical sanitation and hygiene behaviours:<sup>413</sup>

1. Building and use of toilets.
2. The safe disposal of child faeces.
3. Hand washing with soap after defecation, before food and after handling faeces of children.

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<sup>411</sup> The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *the Gazette of India*, No. 25 of 2013, Chapter IV, Section 11-12.

<sup>412</sup> UNICEF and Ministry of Drinking water and sanitation, Govt. of India, *National Sanitation and Hygiene Advocacy and Communication Strategy Framework for 2012-2017*, (accessed: 18 July 2013) [http://www.mdws.gov.in/hindi/sites/upload\\_files/ddwshindi/files/pdfs/NSHAC\\_strategy\\_11-09-2012\\_Final.pdf](http://www.mdws.gov.in/hindi/sites/upload_files/ddwshindi/files/pdfs/NSHAC_strategy_11-09-2012_Final.pdf).

<sup>413</sup> *Ibid.*,

4. Safe storage and handling of drinking water.

This framework document has been developed through a consultative process, to guide the execution of advocacy and communication efforts related to toilet construction and use and key critical sanitation and hygiene behaviours at the national, state and district level.

*“The strategy focuses on increasing knowledge and perceived importance of sanitation and hygiene practices, with the long term objective of changing the way society thinks so that open defecation is no longer acceptable in India.”*

The document is divided into these main sections, each with sub-sections. Selected excerpts are given below:<sup>414</sup>

1. Why a Sanitation and Hygiene Advocacy and Communication Strategy Framework
  - One section focuses on challenges and misconceptions - For example: “Construction of toilets is still seen as a government responsibility, rather than a priority that individual households should take responsibility for. As such, people prioritise buying a mobile phone or TV, rather than investing in, using and maintaining a toilet. The challenge is to motivate people to see a toilet as fundamental to their social standing, status and well-being.”
2. What is the focus of the Sanitation and Hygiene Advocacy and Communication Strategy Framework,
  - Changing an individual’s behaviour – “Evidence shows that the most effective approach leading to behaviour change is a combination of efforts at all levels – individual, interpersonal network, community and societal. For effective communication, different levels are reached with different communication approaches.”
  - Communication objectives – “The long term objective is to change social norms, making open defecation unacceptable and internalising the practice of safe disposal of faeces of children, hand washing with soap and safe storage and handling of drinking water among all.”
  - Communication approaches - These include: advocacy, interpersonal communication, community mobilisation, entertainment education, and social

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<sup>414</sup> *Ibid.*,

marketing, with overall multimedia support including folk media, mass media, digital media, and social media.

3. The three phases of the Advocacy and Communication Strategy
  - Communication activities at the national, state and district, block, village/Gram Panchayat (GP) levels. For example: Budaun district in Western Uttar Pradesh, was a polio ‘hotspot’ and headed the list of 25 worst-affected districts in India, with a staggering 52 cases reported during 2009. A survey by the district administration in Budaun revealed 49,000 dry toilets as the main cause for poor sanitation in the district. Converting dry latrines was also seen as an urgent priority for preventing the transmission of wild polio virus (WPV) in the district. A campaign to convert dry latrines into flush latrines was launched in October 2009 under the leadership of the District Magistrate and more than 47,000 dry toilets were converted to pour flush toilets in less than one year and 2,200 manual scavengers (mostly women) were rehabilitated. The core elements of the strategy were:
    1. Interpersonal communication and community mobilisation: Polio's Social Mobilisation Network, block & village level motivators and village pradhans were engaged to build awareness using interpersonal communication, which raised awareness on the purpose of the initiative, the need for the initiative and the associated health issues. They explained the technology of the new toilets and addressed the concerns of the community. Regular village level meetings were conducted by district and block level officials.
    2. Role model initiatives: All Government functionaries - at the grassroots level were asked to convert or build sanitary toilets in their houses.
    3. Convergence of Government Departments: Health, Panchayati Raj, Sanitation, Education and Food and Civil Supplies.
    4. Championing the cause by the District Magistrate and strong commitment of the district administration.
    5. Involvement of the media: Information sharing with local media. This resulted in a large number of stories and articles being printed in the local newspapers like *Dainik Jagran* and *Amar Ujala*.

6. Awareness building on Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
  7. Formal Ceremony to Celebrate Stoppage of Dry Latrines in the Village by burning the buckets of manual scavengers.
  8. Funding and linkages with other sanitation schemes.
4. How to implement the Sanitation and Hygiene Advocacy and Communication Strategy Framework
    - o Implementation framework<sup>415</sup>
    - o Guidance note for developing state-specific advocacy and communication strategies
    - o District Communication Plan Template<sup>416</sup>
  5. Monitoring and Evaluation Framework
    - o Suggested monitoring and evaluation framework.<sup>417</sup>

#### **4.5.2. Low Cost Sanitation (LCS) Scheme and Liberation of Scavengers (in Urban Areas)**

The World Bank initiated research to identify low-cost sanitation options, especially in the third world countries have a high proportion of many serious issues linked to poor or non-existent sanitation. The initial scheme Low-cost on-site disposal of excreta with pour-flush waterseal latrine (LCS) was introduced in India in the late 1950s as a special national programme in rural areas. Due to various constraints, it did not succeed to the desired degree. In 1960s, a few selected small towns, which were rural in character, were provided with LCS in a very limited way.<sup>418</sup> However, not much thought was given to develop this system as a solution to stop open defecation and replace bucket privies. As a result, the Government went in for another programme. Then, in 1978, UNDP launched a Global Project Low Cost Water Supply and Sanitation scheme. This has been renamed as UNDP Inter-regional Project Development and Implementation of Low Cost Sanitation Investment Projects from 1<sup>st</sup> January 1982. The provision of subsidies and loan assistance for low cost sanitation has to be backed by substantial work on designs and material relevant to each regional context, and by education, training and propagation in the basic

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<sup>415</sup> See Annex – 1, UNICEF and Ministry of Drinking water and sanitation, Govt. of India, *National Sanitation and Hygiene Advocacy and Communication Strategy Framework for 2012-2017*,

<sup>416</sup> *Ibid.*,

<sup>417</sup> *Ibid.*, See Annex – 3,

<sup>418</sup> Sulabh International, *Man and His Mission*, (Patna: Sulabh International, 1991), p. 160.

concepts of sanitation and hygiene. The World Bank became the executing agency for this project. The Indian government have long had a policy of providing sanitary latrines to improve public health conditions and to alleviate the social and working conditions of the scavengers. In June 1979, the government selected, in the first instance, '110 towns - (15 towns each) in the States of Assam, Bihar, Gujarat, Maharashtra, Rajasthan and Tamil Nadu and 20 towns in Uttar Pradesh.'<sup>419</sup> The government the Technology Advisory Group-India (World Bank) expert group to prepare a master plan report, including the preliminary engineering and feasibility studies, for these towns so that these could be used as models for preparing such projects for other towns in these States.

The centrally sponsored scheme of Urban Low Cost Sanitation for liberation of the Scavengers was started from 1980-81, initially through the Ministry of Home Affairs, and later on through the Ministry of Welfare. From 1980-90 onwards, it came to be operated through the Ministry of Urban Development (now renamed as the Ministry of Urban Affairs and Employment). The main objective of the scheme has been to convert the existing dry latrines into low cost pour flush latrines and providing alternative employment to the liberated scavengers. In so far as component relating to the rehabilitation of liberated scavengers is concerned, it is being dealt with by the Ministry of Welfare. Low Cost Sanitation was rightly seen as an important solution to the dehumanising practice of manual scavenging and its enforcement, in turn, strengthens the movement for installation of sanitary latrines in urban areas. The Low Cost Sanitation is also an appropriate solution where resources do not permit the provision of underground sewerage or septic tanks. This scheme covers all the households which have dry latrines and households having no sanitation facilities including households in slums and squatter colonies. The Ministry of Housing and Urban Poverty Alleviation has been assigned the responsibility of monitoring the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, because this Ministry has the responsibility for implementation of the Integrated Low Cost Sanitation Scheme in the urban regions. The other objective of the scheme is to totally eliminate manual scavenging involved in the cleaning of dry latrine or open defecation and convert/construct low cost sanitation units through sanitary two pit pour flush latrines with appropriate variations to suit local conditions. This would result in liberation of scavengers from manual scavenging and

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<sup>419</sup> UNDP/World Bank, *India Master Plan Report on Low Cost Waterseal Latrine Programme in 20 Towns of Andhra Pradesh*, Vol. I, (New Delhi: UNDP/World Bank Technology Advisory Group, 1984).

improve the overall sanitation in the concerned towns. The features of this scheme is the scavengers are liberated or their dependents would have to be rehabilitated under the scheme by the State Governments simultaneously with the help of funds provided by the Ministry of Welfare or with facilities available under Nehru Rozgar Yojana.

The Planning Commission of India formed a Committee<sup>420</sup> to tackle the issue of manual scavenging in India. The Committee estimated that there were 400,000 scavengers and 5.4 million dry latrines in urban areas in 1989, and manual scavenging was continuing in 3117 towns. The number of households without access to a proper system of removal of human excreta is bound to be much higher than the number of dry latrines estimated by the Committee, because the number of households in urban areas without even dry latrines was estimated to be 7.3 million. Therefore, the number of households in need of Low Cost Sanitation or community toilet facilities may be as high as 15 million - if not more. The Indian dry latrine system has been designed for manual handling and disposal of the noxious excrement. It is not safe for workers who operate to clean the human waste there.

The excreta disposal system consists of a specially designed squatting pan and gap with a twenty millimetre water seal connected to nearby sewer line. UNO's International Drinking Water Supply and Sanitation Decade, 1981-1990, had urged nations who lack accessibility to water and sanitation to provide these to their people within a decade on a priority basis. So Government of India had set some targets on sanitation '80% for urban and 25% of rural population with either sewer system, or sanitary toilets connected to safe disposal systems.'<sup>421</sup> This was the main target in that decade agenda and State Governments were required to formulate their VI Plan proposals for the water supply and sanitation sector with adequate provisions to achieve the decade targets by 1990 - 1991. Though these appeared to be modest in terms of population coverage, these were fairly 'unambitious targets'<sup>422</sup> which needed considerably heavy inputs.

The scheme by-laws speak about converting dry latrines to water flush with local government involvement. An officer of the local municipality is required to prepare and maintain a register of households containing information about the existing position of

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<sup>420</sup> The Basu Task Force Committee – Planning Commission, 1989, [http://planningcommission.nic.in/reports/publications/task\\_tacklingtheprob.pdf](http://planningcommission.nic.in/reports/publications/task_tacklingtheprob.pdf), (accessed: 17 April 2011).

<sup>421</sup> UNDP/World Bank, *India Master Plan Report on Low Cost Waterseal Latrine Programme in 20 Towns of Andhra Pradesh*, Vol. I, (New Delhi: UNDP/World Bank Technology Advisory Group, 1984).

<sup>422</sup> *Ibid.*,

latrine facilities, their types and the number of users etc. The rules also stipulate that while converting to water set toilets, the builders or occupier should have at least one water-seal latrine. In case the 'number of users within a household exceeds ten, at least two latrines'<sup>423</sup> should be provided. At times, due to improper maintenance, a human would still be required for cleaning these toilets. It has also be laid down that no new construction or addition or alterations in the existing building will be allowed, or a portion of the house rented, without a proper and separate sanitary latrine for each family. The responsibility for maintenance of this latrines should be with the owner – not the occupier of the house. It must periodically emptied by the owner or occupier at their own cost, either through a private agency, or the Municipal Board.

#### **4.5.2.1. M. K. Gandhi Centenary**

It is a very well-known fact that M. K. Gandhi laid a lot of stress on cleanliness of our surrounding areas. No wonder, the logo of the NDA government's Swachh Bharat Abhiyan is an image of the Mahatma's spectacles. In 1963, preparations for the Gandhi Centenary year (1869) began with the efforts to provide waterseal leach pit latrines, either for conversion of the dry latrines, or for providing new latrine. This was largely based on individual initiative. In 1963, different programmes were initiated by the Central, State and Local Governments throughout India for conversion of dry latrines into waterseal ones and connecting these to the nearby sewers or with onsite disposal through leaching pits. The Ministry of Home Affairs also lent support to the programme as a measure for ameliorating the lot of the scavengers engaged in the cleaning of dry latrines and collection of human excreta, including its disposal at the selected sites. It is reiterated that one of the aims of this scheme is the liberation of scavengers from this debasing occupation. The subsequent evaluation of this programme has brought out the large-scale 'conversion of dry latrines in the provinces of Bihar, Gujarat and Tamil Nadu'<sup>424</sup> and has had a very positive impact on the liberation of scavengers. In this context, it is pertinent to mention that, given the vast numbers, it may not be practicable to handle all the households in all the towns, either with conversion or construction of new water seal latrines due to constraints of space. One solution could be the construction of community latrines.

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<sup>423</sup> Low Cost Sanitation and Liberation of Scavengers scheme Guidelines, [http://mhupa.gov.in/pdf/guidelines-scheme/lcs\\_glines.pdf](http://mhupa.gov.in/pdf/guidelines-scheme/lcs_glines.pdf), (accessed: 05 February 2013).

<sup>424</sup> United Nations Development Programme (UNDP) and World Bank– Low Cost Sanitation Programmes, 1978.

#### 4.5.2.2. Implementation of Scheme in the Three Municipalities

Government institutions at the national, state and municipal levels each have distinct roles in the planning and implementation of the low cost sanitation schemes. All states should establish 'Sanitation Councils' to be in overall charge of supervision of the programme. The priority was given to towns with a high percentage of bucket latrines or no latrines, or with a wide spread of open-air defecation. A number of states have shown interest in arranging public-private partnerships in this sector. Such partnerships must be pursued prudently to enhance service quality and efficiency. The Low Cost Sanitation Programme needs a thrust as the sanitation problem has defied a solution so far. Participatory management is still a relatively novel concept as bureaucratic approaches tend to insulate public functionaries from public scrutiny or accountability. These are all areas that any programme of capacity building has to tackle. All government officials and the general public have to adopt proper sanitary measures. The dominant Indian social structure easily identified certain ethnic groups to undertake sanitary jobs. Then, it became a traditional occupation of these particular communities. The earlier interpretation of the caste structure has to be changed by adopting sanitary schemes in a well thought out manner; otherwise the rigid structure would continue to the next generation also.<sup>425</sup>

**Table 4.1: Overview of Agencies and their Responsibilities for Sanitation Programmes**

	<b>Planning</b>	<b>Implementation</b>	<b>Operation and Maintenance</b>
<b>Ministry of Urban Development</b>	-Determination of the number of towns to be reached by sanitation programmes. - Allocation of funds to different states for sanitation programmes. - Determination of funds covered by grants and funds available for loans.	-Loans channelled through the Town & Country Planning organisation and/or HUDCO. -Subsidy channelled through State Government agency.	
<b>Ministry of Welfare</b>	-Determination of policy for: <ul style="list-style-type: none"> <li>• Conversion of dry latrines.</li> <li>• Construction of new</li> </ul>	-Loans channelled through HUDCO and/or State Government agency.	

<sup>425</sup> Talbot, Marion, 'Sanitation and Sociology', *American Journal of Sociology*, Vol. 2, No. 1, (1896), p. 75.

	<p>latrines.</p> <ul style="list-style-type: none"> <li>• Liberation of scavengers.</li> <li>• Financing at State level.</li> </ul> <p>-Determination of overall and town wise targets for sanitation programme. -Preparation of guidelines for Implementation.</p>	<p>- Implementation through State or selected NGO. - Subsidy channelled through State Government agency.</p>	
<b>Housing and Urban Development Corporation (HUDCO)</b>	<p>- Preparation of guidelines for financing of:</p> <ul style="list-style-type: none"> <li>• Conversion of dry latrines.</li> <li>• Construction of new latrines.</li> <li>• Construction of public latrines.</li> </ul> <p>- Assess loans application from authorised Institutions. - Formulate loan agreements.</p>	<p>- Release of funds for Implementation. - Monitoring of progress and release of loan instalments If progress according to agreement.</p>	<p>- Ensure repayment of loan by Directorate of Municipal Administration or Municipalities.</p>
<b>Directorate of Municipal Administration</b>	<p>- Identification of towns for sanitation programmes. - Determination of allocation of funds (loan &amp; grants). - Directives for loan recovery - Planning for Implementation at the municipal level.</p>	<p>-Supervision of implementation through municipal authority or private organisation. - Monitoring of proper utilisation of funds.</p>	<p>- Release of funds for maintenance. - Ensure repayment of loan by municipality.</p>
<b>State Water and Sewerage Board</b>	<p>- Project planning. - Preparation of engineering details. - Preparation of budget.</p>	<p>- Responsibility for project Implementation. - Selection and supervision of contractors. - Technical guidance.</p>	<p>- After Implementation handing of responsibility for operation and maintenance to municipal authorities. - Ensure repayment of loan by municipality.</p>
<b>Municipal Authorities</b>	<p>- Planning of projects at local level. - Training of Staff - Selection of beneficiaries. - Planning for motivation and education of beneficiaries. - Preparation of bank agreement with beneficiaries.</p>	<p>- Implementation of work. - Selection of contractors. - Supervision of contractors. - Motivation &amp; education of beneficiaries - Site selection of public latrines. - Monitoring of Implementation.</p>	<p>- Provision of services for operation and maintenance of public latrines. - Provision of services for private latrines, if requested. - Provision of pit emptying services. - Recovery and repayment of loans.</p>
<b>Non-Governmental organisations</b>	<p>- Assist municipal authorities, State level organisations, in project planning. - Planning for motivation &amp; education. - Planning for training of</p>	<p>-Construction of latrines. -Technical guidance. - Selection of contractors. -Motivation and</p>	<p>-Provision of services for operation and maintenance (if maintenance period is included). -(Usually) handing over of responsibilities to municipal</p>

	local municipal staff & contractors.	education of beneficiaries. -Training of local municipal staff & contractors.	authority.
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**Source:** Operation and Maintenance of Sanitation Systems in Urban Low-Income Areas in India and Thailand, Human Settlement Management Institute.<sup>426</sup>

The scheme's core aim was the 'whole town approach',<sup>427</sup> so that implemented towns should become manual scavenging free places. The 'whole town approach' was the starting point of planning. It was envisaged that the target groups would convert their bucket latrines, or construct new waterseal ones. UNDP and World Bank were very keen to popularise this scheme all over India. For that purpose, they set up 'Project Management Cells'<sup>428</sup> for state or local government level of coordination. The cell has assisted the municipalities to make this scheme more approachable by any citizens and promoted health education through awareness campaigns. Although all municipalities were expected to carry out the awareness campaigns to motivate people for sanitation programmes, the problems encountered included shortage of trained staffs and less allotment of funds for this purpose. Such issues were used to avoid rehabilitation of manual scavengers and converting dry latrines to two pits latrines.

Since all the conversions and new constructions for the individual households are feasible, the Government of Tamil Nadu has been keen to complete the work expeditiously. The existing flush community latrines, duly renovated, are adequate and fairly well distributed to serve the needs of those households which still do not have latrines, until the project is completed. The existing dry latrines need to be closed and used for other remunerative schemes. Human excreta collected from the still existing dry latrines and community latrines is being taken to municipality dumping ground, where it is composted with the municipal garbage. Particularly the Palani and Dindigul municipalities

<sup>426</sup> Human Settlement Management Institute (HSMI), *et. al.*, *Operation and Maintenance of Sanitation Systems in Urban Low-Income Areas in India and Thailand: Report on a joint research programme, 1989-1993*, <http://www.ircwash.org/sites/default/files/Wegelin-Schuringa-1997-Operation.pdf>, (accessed: 20 September 2013).

<sup>427</sup> IRC International Water and Sanitation Centre, *Information Document on Conversion of Dry Latrines, Construction of Pour-Flush Latrines, Rehabilitation of Scavengers and Community and Public Toilets in India, 1993*, Vol. I, <http://www.ircwash.org/sites/default/files/822-IN93-11911-1.pdf>, (accessed: 05 February 2013).

<sup>428</sup> Nath, K. J. and Chatterjee, P. K., *Low cost sanitation in India*.

are using such compost for agricultural purpose.<sup>429</sup> They have named it as 'aatti', which means a mixture of wastes and soil. Many farmers are using manure in their agricultural fields. It is believed that with better operation, management and sales promotion of the digested pit contents as planned in the project, revenue from their sale would be substantially higher and more satisfactory. The crass assumptions made policy makers to talk about manual scavenging it has banned, but it prevails still in the society. Many householders tend to rely on manual scavengers for removing the human excreta, because of the likely contact with night-soil in the chamber. The main objective of elimination of scavenging, or liberation of scavengers, is 'foiled, apart from increasing the cost of maintenance.'<sup>430</sup> There must be no distinction between the states that have scavengers and those that do not have, because the programme is intended to prevent both manual scavenging, as well as open defecation. The Housing and Urban Development Corporation Limited (HUDCO) should establish state-wise units for the management of the programme to provide technical and organisational support.

Each Municipality has a separate cell, set up in HUDCO for the implementation of this programme. The regional offices the HUDCO are expected to get assistance from State Governments in the formulation of their proposals. Here, the three municipalities have separate Community Officers for dealing with the HUDCO proposals for municipal scavengers. The contract workers, as well as SJSRY scheme beneficiaries like sanitary workers, particularly in Palani and Dindigul municipalities, has been facing problems like not having the necessary documents to file through HUDCO. Hence, the low wage workers are facing financial insufficiency. So most of the contract and SJSRY workers and their family members are staying in small houses. The so-called 'permanent workers' are staying in government quarters in Arunthathiyar and Domban settlements, for which they are hardly paying rent house. In Kodaikanal, there are separate quarters for the scavenging workers. Most of these quarters are in front of the municipal office.<sup>431</sup> Thus, the ready availability of the scavenging workers is assured.

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<sup>429</sup> UNDP/World Bank, *India Master Plan Report on Low Cost Waterseal Latrine Programme in 20 Towns of Andhra Pradesh*, Vol. II, (New Delhi: UNDP/World Bank Technology Advisory Group, 1984).

<sup>430</sup> *Ibid.*,

<sup>431</sup> During field work the Kodaikanal Municipality has located opposite of scavenger's quarters now it moved to adjacent of Kodaikanal Lake.

### 4.5.3. The Process of Rehabilitation for Manual Scavengers

The programme of Low Cost Sanitation, which offers an affordable alternative technology, has made very little progress, despite being linked to the social problem of manual scavenging, which is prohibited by law. As part of this scheme for liberation of scavengers, it is imperative that the scheme regarding the rehabilitation of the scavengers is also given due importance and implemented simultaneously. This scheme has provided changes from the 'older and traditional system of service latrines'<sup>432</sup> to another system. The programme for rehabilitation of manual scavengers who will be relieved from their present occupation of manual scavenging should also ensure that such persons do not suffer any financial loss due to such a 'liberation'. The implementation agency should furnish the list of scavengers and their dependents liberated under the scheme to the State Coordination Committee, along with the data regarding their social, educational and economic status. The implementing agency should recommend rehabilitation schemes which would be appropriate to the areas and skills needed. Services of reputed voluntary organisations could be utilised for this purpose. The State Coordination Committee should take a decision on the rehabilitation schemes forwarded by the implementing agencies and consider taking these up under the various schemes available for the development of Scheduled Castes and Scheduled Tribes. HUDCO would ensure that the implementing scheme does not ignore the rehabilitation aspect. In case Central assistance is found essential, the same could be recommended to the Monitoring Committee for taking up with the Ministry of Welfare for rehabilitation or funding under Nehru Rozgar Yojana (NRY) of the Ministry of Urban Development.

**Table 4.2: Achievements of Integrated Low Cost Sanitation Scheme**

Year	No. of Units Sectioned	Central Subsidy Released to States (Rs. in crore)	Central Subsidy Utilised by States (Rs. in crore)
2009-10	42,662	62.50	51.40
2010-11	30,418	99.43	56.56
2011-12	69,296	53.23	5.95
<b>Total</b>	142,376	215.16	113.91

**Source:** Standing Committee on Social Justice and Empowerment, Thirty Second Report - 2012-13.

<sup>432</sup> Phatak, Bindeshwar, *Road to Freedom*, (New Delhi: Motilal Banarsidass, 1991), p. 4.

Uniquely all municipalities in Tamil Nadu issue the licenses to technicians, contractors and plumbers in good numbers from and through the Municipal Board. The approval would come from their skills and capabilities particularly the idea of converting the dry latrines into the prescribed water-seal latrines. The Municipal Board should maintain a register thereof for the convenience of the persons constructing the water-seal latrines. Only licensed contractors should be allowed to construct water-seal latrines. Initially, both the Municipal Board and the licensed contractors enter into an agreement on this issue. The historian Lecky<sup>433</sup> had posited that most of the triumphs of sanitary reform are perhaps the brightest page in the history of our century, in 19<sup>th</sup> century. Such reforms annihilated communicable diseases in the past centuries. Similarly, scavengers are forces to clean wastes quickly to avoid hygienic problems.

#### **4.6. Conference on Water and Sanitation in Africa, Asia and the Pacific – 1983 and 1984**

Loughborough University's research unit 'Water and Engineering and Development Centre' organised a conference on water and sanitation in Asia and the Pacific at Singapore. There, they held discussions about India's sanitation policies, particularly abolition of open defecation because of spreading diseases and health issues about method of cleaning the human excreta from bucket and dry latrines. These conferences did not talk about manual scavengers who have been cleaning it, because of their customary rights, birth rights and/or caste-based occupation. The impugning of manual scavenger or municipalities the 'night-soil buckets are emptied into road side ditches or water bodies'.<sup>434</sup> Without focusing much on manual scavenging, those Conferences talked about sanitation and health issues. Apart from that, the Conferences made suggestions to implement Low Cost Sanitation Scheme. Those recommendations also suggested ways to abolish manual scavenging. The suggestions are listed below:<sup>435</sup>

1. Conversion of old bucket latrines and construction of new sanitary latrines, which include pit pour flush type, should be made obligatory for the local bodies.

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<sup>433</sup> Lecky, W. E. H., *The Map of Life Conduct, and Character*, (New York: Longmans, Greens & co, 1904), p. 14.

<sup>434</sup> Nath, K. J. and Chatterjee, P. K., *Low cost sanitation in India*,

<sup>435</sup> *Ibid.*,

2. Legal provision should be made so that no new building could be constructed or any extension of existing building taken up, unless the owner or the occupier agrees to provide excreta disposal facilities approved by the Municipalities.
3. Open air defecation should be legally prohibited not only in public streets and public places, but in any open space public or private.
4. Empower Municipalities to recover the loan amounts given to the beneficiaries for conversion of latrines through distraint taxes.

These recommendations have been implemented in India to improve the system of collection of excrete from dry latrines, without analysing the issue of abolition of manual scavenging. It appears that the policy makers are more strongly focused on the idea that the larger society needs better sanitation than abolishing manual scavenging.<sup>436</sup> An earlier Conference on 'Sanitation and water for Development in Africa', 1983, had discussed about the costs involved in implementing technologies as the alternative for scavengers. The Conference suggested that, due to high costs, developing countries must evolve an indigenous technology for solid waste management based on the quantity and character of the wastes. It was pointed out that municipalities spend a sizable portion of their annual budget for waste management, but, due to the 'absence of adequate planning and management',<sup>437</sup> failed to implement technologies. Technological developments are inequitably distributed, resulting in tremendous waste, on one hand, and deprivation, on the other. Despite all the technological developments, it does not seem possible that even the present population can sustain a quality of life, even at the minimum expected level. These Conferences made huge impact on rehabilitation of manual scavengers from inhuman occupations. After the sanitation and water decade, the Government of India implement schemes and Acts to eliminate manual scavenging from India. The 1993, Employment of Manual Scavenger and Construction of Dry Latrines (Prohibition) Act, spoke about abolishing manual scavenging. This Act failed to rehabilitate most of the manual scavengers. No wonder, this occupation is still very much in existence. The following chapter explores the impact of 1993 Act on socio-economic conditions of manual scavengers in three municipalities.

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<sup>436</sup> Feachem R. G., Bradley, D.J., Garelick, H. and Mara, D.D., *Sanitation and Disease*, p. 48.

<sup>437</sup> Nath K. J., *et. al.*, 'Urban Solid Waste: Appropriate Technology', *Proceedings of the 9th WEDC Conference: Sanitation and water for development in Africa*, (Leicestershire: Loughborough University, 1983).

This chapter will deal with the impact of the 1993 Act on socio-economic conditions of scavengers in three municipalities of the state of Tamil Nadu. The nature of the impact comprises the rehabilitation and empowerment of manual scavengers. The 1993 Act's most urgent reforms have carefully identified and described the major constraints in improving the socio-economic position of the scavengers by measures such as their rehabilitation in other occupations. Besides politicians policymakers and implementing officials may also had deal with hierarchical relations between the makings rely on divided into diluting the strong opposition of manual scavenging. According to Bezwada Wilson, especially the 1993 Act's draft have modified around 13 months in each official departments to removed or weaken their nocuous elements which was punish their respective Ministries.<sup>438</sup> These consequences made the 1993 Act as receptacle of rehabilitation for manual scavengers. The politics of policy implementation is seen as an interactional process, during which the policy is transformed from a paper plan to one having a differential impact on various socio-economic groups. So the policy makers failed to form the framework have used to the complexities relating to analysing various level of realities. But after 1993 Act some serious efforts were made to abolish manual scavenging. Meanwhile, recruiting in the name of manual scavenging appears to have stopped, but other ways of scavenging are still prevalent. During the field survey, it emerged that some permanent municipal workers are not ready to engage directly in manual scavenging. Instead, they are utilising young substitutes to do that job for them. Even the municipalities seem to turn a blind eye to such arrangements. In this way, the younger generation is being inextricably drawn into the occupation of manual scavenging. The government and private sanitary institutions seem to have a bias towards youngsters, who they feel can do more work that relatively older workers. Also, these youngsters would come under the category of temporary workers.

### **5. 1. Action Plans for Prohibition of Manual Scavenging in India**

Then this chapter will talk about the 1993 Act's impact and highlight the failure of the social policies for abolition of manual scavenging. Before this Act the Government of India initiated couple of policies to empower the scavengers and their dependents. Those schemes are tried to elevate their economic conditions through financial support. If those schemes have addressed clearly to abolish the reasons of existence of manual scavenging that might

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<sup>438</sup> Bezwada Wilson, Inaugural Address delivered in Seminar on '*Scavengers Communities: Problems, Dynamics & way Forward*', organised by Tata Institute of Social Sciences, Mumbai, September 16&17, 2013, (unpublished).

have provided the alternative occupation to scavengers. For the sake of livelihood option still scavengers are continue this occupation by generations.

### **5.1.1. National Safai Karamcharis Finance and Development Corporation (NSKFDC)**

The NSKFDC was established on 24<sup>th</sup> January 1997 under Section 25 of the Companies Act, 1956. During the 1990s, National Commissions were set up to protect the interests of deprived sections like SCs, STs, OBCs, religious minorities. The organisations of Safai Karamcharis have also been staking their claims before the respective State Commissions.<sup>439</sup> The NSKFDC has been set up to act as an apex institution for rendering financial assistance for the socio-economic uplift of Safai Karamcharis, scavengers and their dependents, and to promote income-generating and rehabilitation measures. The major objective of the NSKFDC is to trigger economic development, self-employment and rehabilitation of safai karamcharis, besides providing training in technical and entrepreneurial skills, and extending loans to students from the community to pursue higher education.<sup>440</sup> The NSKFDC also coordinates and monitors schemes and programmes implemented through the authorised State Finance Development Corporations (SFDCs) and UT administrations. Scavengers hailing from the most marginalised communities are the target group. Such persons are wholly, or partially, employed in the manual handling of human excreta. At the state level, administrative set-ups exist although there are considerable variations across the states regarding the nature of the organisations. Generally, most states have separate ministries for SCs. Such ministries are responsible for formulating policies, developing programmes, implementation, monitoring, rehabilitation and evaluation, etc. Tamil Nadu has a Tamil Nadu Adi Dravidar Housing and Development Corporation Ltd (THADCO). The state has also set up Commissions for SCs and STs on the pattern of the central government. The programmes/schemes for the welfare of SCs/STs/Other Backward Castes (OBCs) at the state, division, and district and, in many cases, Taluka levels are generally implemented through a special department. Since 2007, this department has been monitoring the overall national Self Employment Schemes for the Rehabilitation of Manual Scavengers.

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<sup>439</sup> de Haan, Arjan, 'Rescuing Exclusion from the Poverty Debate: Group Disparities and Social Transformation in India', *Working Paper No. 517*, (The Hague: International Institute of Social Studies, 2011).

<sup>440</sup> National Safai Karamcharis Finance and Development Corporation, <http://nskfdc.nic.in/content/about-us/objectives>, (accessed: 29 January 2011).

Dindigul district has four revenue divisions that assist the NSKFDC through THADCO regarding the Self- Employment Scheme for Rehabilitation of Manual Scavengers. In Tamil Nadu, two types of training are being imparted for persons belonging to the deprived sections of society. These are:

- Vocational training of six to 12 months duration to individuals to acquire self-employment potential. Due to such a training, a number of persons in Dindigul district have secured employed as Electricians.
- Training programme for self-help groups to empower them to take up a wide variety of income-generating activities. Tailoring and coir making were allotted to Dindigul district. This training has enabled a number of persons, both males and females, to set up their own ventures.

Even though many permanent workers have benefitted, majority of the temporary scavengers did not get any benefits from this corporation. According to research findings, respondents from the category of permanent workers benefitted and got bank loans, ranging from Rs 1 lakh to 1.5 lakh. However, the loan scheme was not applicable for temporary workers. However, it emerged that many ‘beneficiaries’ had to pay a bribe of almost 20 percent to the municipal authorities and area councillors to get the loan amounts.

### **5.1.2. National Action Plan for Total Eradication of Manual Scavenging by 2007\_ Planning Commission proposal to eradicate scavenging**

The then Prime Minister, in his Independence Day Address, in August 2002, announced Government’s intent to amalgamate the schemes and speed up the liberation and rehabilitation of scavengers.<sup>441</sup> The Planning Commission was requested to take the lead in this regard, so it created a action plan to eradicate the manual scavenging in India. The programme of liberation and rehabilitation of scavengers incorporates the following issues:

- (1) ‘The Employment of Manual Scavengers’ and Construction of Dry Latrines (Prohibition) Act, 1993, specifically prohibits the construction of dry latrines and engagement of manual scavengers;

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<sup>441</sup> National Action Plan for Total Eradication of Manual Scavenging By 2007, *PUCL Bulletin January 2004*, <http://www.pucl.org/Topics/Dalit-tribal/2004/scavenging.htm>, (accessed: 02 August 2009).

- (2) The alternative scheme ‘Centrally Sponsored Scheme of Low Cost Sanitation Scheme for Liberation of Scavengers’ will replace the dry latrines in the form of low cost sanitation units for which loan and subsidy are provided under the Act; and
- (3) Improve and monitor ‘The National Scheme for Liberation and Rehabilitation of Scavengers and their Dependents’ 1992 for training and rehabilitation in alternative occupations. There is a unique scheme of scholarships for children of families practicing unclean occupations, under which children of families engaged in manual scavenging are eligible for pre-matric school scholarships. This should ensure that such children would pursue their studies and not take up scavenging as their occupation. Despite these provisions, the programme has not achieved success in totally removing the practice of manual scavenging.

The following formed part of the National Action Plan for Total Eradication of Manual Scavenging by the year 2007, which would amalgamate the schemes of various departments of Central Governments and deal with issues necessary for successful implementation of the Plan.

1. **Identification of manual scavengers:** There is uncertainty regarding the number of manual scavengers, as defined in the Manual Scavenging Prohibition Act. Proper identification of manual scavengers is necessary, both for purposes of their liberation and rehabilitation, and for knowing the magnitude of the problem and progress in its alleviation.
  - Identification of manual scavengers, as defined in the Manual Scavenging Prohibition Act, and issue of photo-IDs should be completed within three months, and an authentic register of the identified persons should be maintained at the District level, and each ULB be supplied copies of such lists. The assistance extended to each identified manual scavenger, and the state of liberation/rehabilitation, should be monitored in the register. District Collectors should be made responsible for the identification work, and the cost should be met out of the funds available with HUDCO for implementation of the Low Cost Sanitation programme (LCS).
  - It has been pointed out that, in several States, municipal employees are still performing manual scavenging. This should be stopped forthwith, and the employees continued on the municipal payroll to perform other civic services.

- Other Safai Karamcharis, who are not manual scavengers, as defined in the 1993 Act, should be given a different identification, and not clubbed with manual scavengers.
2. **Legislation:** The Act of 1993 does not prohibit dry latrines and manual scavenging in a direct fashion. It can become operational only after the concerned State Government issues a notification fixing a date for enforcing the provisions prohibiting employment of manual scavengers and dry latrines in the specified area. The notification itself can only be issued after issuing a notice of ninety days, and only where ‘adequate facilities for the use of water-seal latrines in that area exist.’
- The Act should be adopted by all States where manual scavenging exists. States may be informed that failure to adopt the Act may result in reduction or withholding of Central assistance towards their Annual Plans.
  - The States should lay down a date, say, six months, or a maximum of one year from the date of notification, to convert all dry latrines into water seal latrines in all urban areas. After the six months/one year period, penal action should follow. Notifications on these lines should be issued by all states by 31<sup>st</sup>- December 2002. This should be given wide publicity, so that householders take action to convert dry latrines.
  - Exception may be made only in the case of the urban BPL households identified by State Government under the SJSRY programme, who may be assumed to require the subsidy and loan assistance under the scheme. In the case of urban BPL households, the date of conversion may be determined based on the progress of the subsidy-cum-loan scheme of HUDCO.
3. **Low cost sanitation programme - conversion of dry latrines:** This is the key to removing the practice of manual scavenging. The present subsidy scheme has been found to be inadequate.
- Instead, subsidy should only be given to BPL households who may have dry latrines, and the subsidy should be fixed at 50% of the cost of a standard Twin-Pit-Pour-Flush latrine, for which HUDCO should prepare the cost estimate. The subsidy is likely to be around Rs.2500 to Rs.3000 per unit.
  - Other households may avail of loan from HUDCO but will not be eligible for the subsidy. Further, all nationalised and scheduled banks also should be instructed by the Ministry of Finance to provide loans for the purpose of conversion of dry

latrines. Subsidy should be available to eligible households irrespective of the source of the loan.

The Act makes it the duty of HUDCO to extend, in suitable cases, financial assistance for the implementation of such schemes for construction of water seal latrines. HUDCO, while bound by this provision, is also exercising care to give loans only where State Governments stand guarantee. States, have not fully accounted for subsidy amounts released to them and are unwilling to stand guarantee to loans. Ministry of Urban Development (both Department of Urban Employment and Poverty Alleviation (UEPA) and Department of Urban Development) should inform the States that, unless satisfactory performance under the LCS programme, and especially utilisation and accounting of subsidy/loan funds is reported, assistance under other urban development schemes may also be withheld. The States should be made to provide guarantee and avail of the HUDCO loan assistance for this purpose. The annual programme for each State under the LCS should be determined by the MoUD, which should then be insisted upon for release of Central assistance to the urban sector programmes of the State.

4. **Involvement of NGOs:** The scheme, whether in enforcement of law or identification of manual scavengers and their rehabilitation, or conversion of dry latrines, does not specifically envisage the leadership or participatory role of NGOs.
  - Given that it is a social evil, motivation of both owners of dry latrines and of manual scavengers themselves, propagation of concepts of proper sanitation and creation of awareness about the inhumanity of carrying of night-soil, there is need for NGOs to be brought in. This should be done in the following manner:
    - The Centre should constitute an Inter-Ministerial Group on Manual Scavenging consisting of all concerned Departments and agencies, as well as NGOs. There should be representation of State-nominated NGOs and a few national level NGOs.
    - States should also form State Sanitation Councils with the participation of NGOs in the field.
    - The function of these Councils, in which there will be representation for all concerned Ministries and Departments at Central/State levels and NGOs, will be to coordinate the roles and efforts of the different agencies and ensure effective implementation. The Councils will monitor the progress of the

programme of conversion of dry latrines and liberation/rehabilitation of manual scavengers as per this Action Plan. The Councils will determine the role to be performed by NGOs in different States and Cities. The councils will chalk out publicity and awareness-building measures.

- The NGOs should be given the option to adopt whole towns, or in the case of large cities, specific areas of cities, for the implementation of the scheme as envisaged in Section 6 of the Act. The NGOs should be given the task of motivation, education, as well as actual conversion. They should also take the responsibility of the rehabilitation of the identified manual scavengers by training and support for enterprise development. There should be financial provisions meeting to costs incurred by the NGOs. For conversion of dry latrines, a flat rate of 15% of the project cost has been recommended. If the cost is Rs. 5000 per household, the NGO will receive Rs. 750 for each unit installed. This should be met out of the subsidy funds provided under MoUD Plan Budget for LCS, along with the subsidy paid to the beneficiary. Apart from NGOs, building centres and institutions, having technical expertise, may be involved in implementing the programme of conversion of dry latrines.
  - It would be expected that the NGOs would provide entrepreneurial assistance, and engage the liberated scavengers themselves wherever possible in the employment generated in the conversion of dry latrines management of pay-and-use, and community toilets, operation of sanitary marts, and other avenues of alternative employment for which there is provision in the economic rehabilitation programme.
  - Wide publicity to the problem and the legal position relating to the dry latrines and manual scavenging, the alternative forms of sanitation, assistance available to BPL and other households, should be arranged through electronic and other media. This will draw the attention of the general public to this issue, and establish the seriousness of the effort to alleviate the condition of manual scavengers while improving sanitation in general.
5. **Incentives for implementation:** Urban Local Bodies should be given incentives for achieving 100% conversion of dry latrines, and total liberation and rehabilitation of manual scavengers. The verification of the progress achieved should be done by the State Sanitation Councils. The amount of incentives should be linked to the

magnitude of the work involved, such as number of dry latrines to be converted, and the number of manual scavengers to be rehabilitated, and may be determined by the Inter-Ministerial Group at the Central level. The incentive scheme should be widely publicised.

6. **Nodal ministry at the centre:** It is recommended that the entire programme of liberation of manual scavengers be implemented by the Ministry of Urban development, through the Department of Urban Employment and Poverty Alleviation. This will involve transfer of the National Scheme of Liberation and Rehabilitation of Safai Karamcharis and their Dependents, presently under the Ministry of Social Justice and Empowerment, to the Department of Urban Employment and Poverty Alleviation, along with the budgetary allocations for training and economic rehabilitation of manual scavengers.
7. **Other measures:** Urban Development and Rural Development Ministries should ensure that building by-laws make it obligatory to have water seal latrines, and that the provision is enforced to prevent coming up of dry latrines in both rural and urban areas.

Cleaning of septic tanks is also a form of manual scavenging. In both urban and rural areas, flush latrines are connected with septic tanks, or rather pipes joined with underground sewage lines so, both are usually emptied by sanitary workers. The Central Public Health and Environmental Engineering Organisation should advise States on the types of machinery which are suitable for cleaning of septic tanks in large and small municipal areas, taking into account the cost, space requirement for movement of equipment, and other factors. Funds under IDSMT, Mega City and other schemes should be made available for procuring such machinery. The practice of manual scavenging may not be common in rural areas, where use of latrines itself is not common. However, the Ministry of Rural Development should arrange for a survey to be conducted on the existence of dry latrines and manual scavenging in rural areas of all States and take remedial measures.

### **5.1.3. Arunthathiyar's Special Reservation Act, 2009**

Following the recommendations of the one-man Committee, headed by Justice M.S. Janarthanam, the Government of Tamil Nadu enacted the Tamil Nadu Arunthathiyar Special

Reservation Act, 2009.<sup>442</sup> The Act brought together the seven sub-castes of Arunthathiyars (Chakkliyar, Madari, Madiga, Pagadai, Thoti and Adi Andhra).<sup>443</sup> Under this Act, out of the total reservation of 18.0% for the SCs, 3.0% was allotted Arunthathiyars for admission to educational institutions and recruitment to government services. However, the Arunthathiyars demanded 6.0%, so they began movement to achieve their demand. In the absence of suitable candidates from among the Arunthathiyars, the reserved posts were to be filled by other SCs. The 18 per cent reservation for the 76 sub-castes in the Scheduled Castes was being enjoyed by certain communities. However, many sections, particularly Arunthathiyars, known as Chakkliyars in local parlance, had not benefited from it.<sup>444</sup> Arunthathiyars are, both, economically and socially at the bottom of the caste structure. They work as landless agricultural labourers in western Tamil Nadu, apart from in the most degrading caste preferred occupations like manual scavenging, leather work in tanneries and elsewhere, and tending pigs. In urban areas, the scavenging work is almost their caste ‘monopoly’<sup>445</sup> occupation. In his address to the State Legislative Assembly in 2008, the Governor referred the Arunthathiyars as “the untouchables among the untouchables.” Since 29<sup>th</sup> April 2009 this Act came to action of availing the inner reservation for Arunthathiyars in the state.

The implementation of the Act did benefit the 56 Arunthathiyars who joined medical colleges in the year 2009-10. Also, 1, 165 were pursuing their engineering degrees. These are not small figures because these highlight the upward educational mobility of students from the deprived castes. The Aathithamizhar Peravai submitted a report to the Justice Janarthanam Committee that only 126 Arunthathiyar students were admitted to medical colleges in the period 2000-01 to 2007-08.

As regards employment, significant improvements could be seen. For instance, the ‘Tamil Nadu Public Service Commission had notified 254 positions for Arunthathiyars during the period of May 2009 to April 2010. In the same period, the Tamil Nadu Teachers Recruitment Board notified 149 posts for them as teachers in government schools and the

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<sup>442</sup> Tamil Nadu Government Gazette, ‘The Tamil Nadu Arunthathiyars (Special Reservation of Seats in Educational Institutions including Private Educational Institutions and of Appointments or Posts in the Services under the State within the Reservation for the Scheduled Castes), Act’ 4 of 2009, No. 70.

<sup>443</sup> ‘Quota for Arunthathiyars as they are “untouchables among untouchables,”’ *The Hindu*, <http://www.thehindu.com/2010/11/19/stories/2010111964390300.htm>, (accessed: 21 November 2010).

<sup>444</sup> ‘Peravai Seeks Reservation’, *The Hindu*, <http://www.thehindu.com/2007/10/11/stories/2007101160340400.htm>, (accessed: 17 November 2009).

<sup>445</sup> Pandian, M. S. S., ‘Caste in Tamil Nadu – III: Denying Difference’, *EPW*, Vol. 48, No. 8, (2013), p. 19.

Tamil Nadu Uniformed Services Recruitment Board recruited 127 Arunthathiyars as sub-inspectors of police, or as constables.’

However, the other Dalit communities opposed the reservation to candidates from the Telugu speaking community. It was pointed out that, in Tamil Nadu, the mother tongue of Nayakkars, Naidus and Chettiyars is Telugu, but they are benefitting from the state’s reservation policy. But not even single question asked their reservation benefits perhaps due to they all are not Dalits. The Arunthathiyar Special Reservation Act continues to be contested by the other SCs political parties in the state. The matter reached a boiling point in the all-party meeting held on 23 January 2008 convened by the Tamil Nadu government. K Krishnasamy, the leader of Puthiya Tamilagam (PT),<sup>446</sup> staged a walkout protesting against this Act. Similarly, the Republican Party of India (RPI), predominantly a Paraiyar political party, opposed the Act during the budget session of the Tamil Nadu State Assembly in 2011. The RPI claims that special financial package will be enough to ameliorate the conditions of the Arunthathiyars.<sup>447</sup> Initially, another Paraiyar political party, the Viduthalai Chiruthaigal Katchi (VCK), also opposed the Act, but they have changed their view and supporting this Act. However, the PT alone has challenged the Act in the court of law and the verdict is awaited.

## **5.2. Tardy Implementation of Schemes for the Welfare of Scavengers**

The initiative for the abolition of the occupation of scavenging should logically draw support from all sections of society. However, by and large, the support has been restricted to the rehabilitation of scavengers.<sup>448</sup> Each time, the review committees have discussed the new approaches for abolition of manual scavenging. But those approaches have not taken cognisance of the need to empower manual scavengers and have lacked ideas on how to create awareness on this issue among general public as well as scavengers.

A related issue is that of modernise the process of cleaning the sewer lines and septic tanks, by introducing proper equipment for that. The Central Monitoring Committee under the Chairmanship of the Cabinet Secretary at its meeting held on 31<sup>st</sup> August 2012 for

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<sup>446</sup> Madhivannan, M., *Uloothikkidu Thodarum Vivadham*, (Serial Debates on Inner Reservation), (Chennai: Karuppu Prathikal, 2012), p. 59.

<sup>447</sup> Madhivannan, M., ‘Dhirpu Surukkugalodu Ull Odhuggidai Turathi Varum Sathiyathin Varalaru’, (The History of caste opposition hides the Arunthathiyar’s Inner Reservation Judgements), *Vellaikkuthirai*, Issue 2, (2011), p. 8.

<sup>448</sup> John E., Mary, ‘The Problem of Women’s Labour: Some Autobiographical Perspectives’, *Indian Journal of Gender Studies*, Vol. 20, No. 2, (2013), p. 204.

reviewing the implementation of the “Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993”,. That recommended the ‘Scheme on Assistance for Mechanical Cleaning of Sewers and Septic Tanks,<sup>449</sup>’ formulated by the Union Ministry of Urban Development, envisages to switch over from manual cleaning to mechanical cleaning of sewers & septic tanks with the objective of eliminating the need for engaging sanitation workers for the hazardous cleaning of sewers and septic tanks manually.<sup>450</sup> The proposed scheme envisages a provision of 100 percent financial support to the municipalities for procuring mechanical devices for cleaning of sewers and septic tanks for the five years period ending 2017.<sup>451</sup> The Ministry of Urban Development is acting on the directions of the Hon’ble Supreme Court regarding the need for proper equipment, adequate protection and providing safety gears to sewer workers who enter into the manhole for cleaning blocks. The Ministry have also proposed that the State Governments should constitute State Level Sanctioning and Monitoring Committees. The “Scheme of Assistance for Mechanical Cleaning of Sewers and Septic Tanks (SAMCSS),” envisages the following clauses:<sup>452</sup>

- The Municipal authorities should provide immediate suitable machines to the workers so that they would not have to clean the sewers manually.
- Even if a worker loses his/her life while on duty, soothe government should give full compensation to his/her family. Also, all work-related accidents should be investigated and accountability fixed.
- Comprehensive safety training must be given to workers on the use of modern equipment for cleaning.
- A mechanism should be create for encouraging the workers to speak out about safety problems.
- The better infrastructure can help in be preventing accidents. Also, improvements and regular maintenance are required.
- The general public should be made more aware about how they can help maintain sewers. Laws should be enforced those illegally dumping waste into the sewers.

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<sup>449</sup> Press Information Bureau, *Government working towards mechanical cleaning of Sewers & Septic tanks*, <http://pib.nic.in/newsite/PrintRelease.aspx?relid=101668>, (accessed: 15 January 2014).

<sup>450</sup> Press Information Bureau, *Government Initiates Move to Eliminate Hazardous Manual Cleaning of Sewers*, <http://pib.nic.in/newsite/mbErel.aspx?relid=98991>, (accessed: 10 September 2014).

<sup>451</sup> Sathyaseelan, Samuel, ‘Mediating Technology Hampering the Rights of the Sewage Worker’, *Bodhi Commons*, <http://beta.bodhicommons.org/article/mediating-technology-hampering-the-rights-of-the-sewage-worker>, (accessed: 16 May 2015).

<sup>452</sup> Seventh Report, *Standing Committee on Urban Development on Demands for Grants 2014-2015*, Sixteenth Lok Sabha, Ministry of Urban Development, (New Delhi: Lok Sabha Secretariat, 2015).

The New Urban Development Mission and the Mission Smart City for 500 cities proposes to provide financial assistance for procurement of modern machinery and equipment for cleaning of sewers and septic tanks, as well as construction of septage treatment facilities and for training of sanitation workers and for awareness generation. However, this scheme is facing hurdles due to financial instability. Then nationwide survey<sup>453</sup> in 2013 taken to look the conditions of them and implement the further necessary rehabilitation packages from survey results. Despite focus on abolishing manual scavenging ‘Indian State behaves with stunning and infectivity’<sup>454</sup> if it fails to generate awareness then a human have to be force to do all inhuman occupation.

### **5.2.1. Awareness about the 1993 Act**

Many welfare schemes in the past did not achieve the desired degree of success, because most of the intended beneficiaries were not aware of these. There have been a number of instances, where the funds were left unspent. The Table below depicts the level of awareness of the respondents in the three municipalities are the 1993 Act.

**Table 5.1: Awareness about the 1993 Act**

<b>Municipality</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Palani	29 (23.4)	71 (40.3)	100
Kodaikanal	47 (37.9)	53 (30.1)	100
Dindigul	48 (38.7)	52 (29.5)	100
<b>Total</b>	121 (41.3)	176 (58.7)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parentheses are percentages**

It was rather shocking to note that in all the three municipalities, the proportion of those who were not aware about the Act (71.0% in Palani, 53.0% in Kodaikanal, 52.0% in Dindigul and 58.7%, overall) was much more than those who knew about it.

<sup>453</sup> Ministry of Social Justice and Empowerment, *Standard Operating Procedure for Survey on Manual Scavengers in Statutory Towns, Government of India*, <http://socialjustice.nic.in/pdf/operatingprocedure.pdf>, (accessed: 05 May 2013).

<sup>454</sup> Kusal, Sunil, *Manual Scavenging National Shame*, ed., Harsh Dobhal, ‘Combat Law Anthology’, (New Delhi: Human Rights Law Network, 2011), p. 146.

In the 1990s, only Dindigul came under municipality category. At that time, Palani and Kodaikanal were town Panchayats. The government of Tamil Nadu enforced the Act in corporations and municipalities only in 2005, following massive protests and demands from the stakeholders. Up to that time, the government had been denying that manual scavenging was still continuing in the state. The few workers, learnt about the Act, shared the information with their colleagues only. Another important reason was that the Tamil translation of the 1993 Act was not available. Thus, those who were not conversant in English, but knew only Tamil did not know about this Act, and hardly any efforts were made to widely disseminate information about the Act. However, since the Tamil translation of the 2013 Act was speedily made available. No wonder, this created ripples among the scavengers in the state and they are now demanding more wages and refusing to clean insanitary latrines anymore.

Most of the civil society did not take any steps to create awareness in 1993, because that Act's rules came on 1995 up to that no initiation from government side. So the manual scavengers did not get any awareness about 1993 Act up to that manual scavenging was prevalence heavily and protest erupted in 2005 in Tamil Nadu. In the 1990s all the workers were permanent. At that time, the dilemma before them was whether to continue in this inhuman occupation or leave their permanent jobs. Such a dilemma also impacted the upward occupational mobility of the scavengers. There was also the issue of bitter experiences during training and in the alternative occupations. No wonder, many such persons wanted to continue with sweeping and other sanitary works, if the government gave them the assurance that they would not be asked to do manual scavenging. The particular two divisions of Palani municipality have more youngsters, majority of whom did not know about this Act. This means that Act is very complicated to understand, or has loopholes to escape from punishments. Because if any authorities faced such legal punishments for forcing workers to manual scavenging, after that only 1993 Act would have divulge. So government failed to disseminate welfare policy to their own workers. These results leads to examine how the scavengers have looked at this Act and whether they were looking at the provisions of interest to them. Another issue was the transition from traditional to modern methods of removal of sewage – and the inevitable ‘fear of the unknown.’ Because in initial days of this Act not enforced to prohibit manual scavenging so the workers did not feel about abolition of scavenging. So workers were believed that it could not eliminate the manual scavenging so they did not know this as illegal occupation according this Act. But no serious action was

against to eliminate scavenging so it was prevalence among those days and now. On their part, many municipalities have stopped direct recruitment for the posts of the name of manual scavengers. Instead, the workers are given a little more dignified nomenclature of sanitary workers and sweepers. Otherwise, it is generally a case of ‘business as usual’ in so far as the nature of work is concerned.

It is rather unfortunate to note the lack of political unity among the manual scavengers. These workers are affiliated to different political parties, which tend to work at cross purposes. In the bargain, the issue of the actual abolishing of manual scavenging has taken a back seat. There is also a strong feeling that only pressure tactics like a general strike would force the concerned authorities to wake up from their slumber and take meaningful action to implement the 1993 Act in letter and spirit. It must be clarified here that modernisation of the techniques for removing the sewage entails making the task more efficient – and not to institutionalise caste antagonisms. It is also pertinent to mention here that the low-investment in rehabilitation of scavengers probably reflects the continuing ‘social apathy and policy neglect’<sup>455</sup> of these caste groups. It is clear that the traditional methods, per-se, cannot remove either the cause or effects of scavenging.

Widespread awareness can be generated only by a sustained long term action, which should begin with a scaled series of reforms that genuinely seek to empower the scavengers. Such awareness should not be confined to only persons of some community alone. It has also been mentioned that the ‘Self Employment Scheme for Rehabilitation of Manual Scavengers’ 2007, meant for rehabilitating the manual scavengers, generally benefitted persons from the Arunthathiyar community only. But who work as manual scavengers from Arunthathiyars are still continues, less had been benefitted by this scheme, and most of the non-scavengers benefitted more. Because, during the field study, the researcher also heard allegations that a number of non-scavengers were able to manipulate the municipal authorities to fraudulently obtain the benefits meant only for scavengers. Yet another allegation raised was that the municipalities have a vested interest in keeping people in the dark. Once the persons who are today engaged in manual scavenging know that this practice is now banned under law, they may refuse to do that work. Once that happens, there would be no person available to clean the human excreta.

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<sup>455</sup> Nagraj R., *Introduction*, ed., R. Nagraj, ‘Growth, Inequality and Social Development in India: Is Inclusive Growth Possible?’, (Geneva: UNRISD, 2012), p. 7.

Another dimension to the lack of awareness of the 1993 Act is the overwhelming number of non-scavengers (belonging to the same caste of the scavengers) attending the training programmes intended for the rehabilitation of the existing scavengers. There is also the issue of the low motivation of the authorities for enrolling persons for the training programmes. These training programmes should aim at enabling persons to explore other employment options more confidently. As it is, many of such persons do have a very less educational background and most of them may not be hailing from families following traditional occupations like carpentry, masonry and weaving. The rehabilitation training should logically be for such persons who may otherwise be left with almost no livelihood options once the 1993 and 2013 are strictly implemented. It emerged during the field survey that the training courses are being imparted only to permanent employees. The intention behind this is to make them eligible for bank loans to start their own ventures on successful completion of the training. One cannot fully understand the reason behind leaving out part-time and temporary workers from the training scheme. It may be possible to relocate permanent workers in other departments where jobs carrying almost similar pay scales are available. Also, experience tells us that it is very difficult to summarily terminate the services of a permanent employee, in view of the lengthy legal procedure involved. Most of the other categories of workers would not have such legal and ‘trade union’ protections once they are informed that their services are ‘no longer required.’ The government must, therefore, consider including such persons also in its training programmes. Many temporary workers would be in the younger age bracket. Their interests and future need to be secured.

### **5.2.2. Various Training Programmes for Rehabilitating the Respondents**

‘In service training’ has become a reasonably popular concept in many government organisations. Under this scheme, the existing government employees are sent out for training to appropriate training institutes so as to sharpen their skill sets. The whole intention behind this initiative is to ensure that the employees are able to perform better in their existing organisations. The rehabilitation on the job it has already been established that the main purpose of providing training to this category of workers is to empower them to take up alternative occupations. The obvious reason must have been the diffidence to enter a new occupation and uncertainty whether such an occupation would be financially viable. The Table below

**Table 5.2: Various Training for Rehabilitating the Respondents**

<b>Municipality</b>	<b>Tailoring</b>	<b>Household Wiring</b>	<b>Handling Machines</b>	<b>No Training</b>	<b>Total</b>
<b>Palani</b>	11 (39.3)	18 (58.1)	0 (0.0)	71 (29.8)	100
<b>Kodaikanal</b>	0 (0.0)	7 (22.6)	3 (100)	90 (37.8)	100
<b>Dindigul</b>	17 (60.7)	6 (19.4)	0 (0.0)	77 (32.4)	100
<b>Total</b>	28 (9.3)	31 (10.3)	3 (1.0)	238 (79.3)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

A mention has already been made of the apathetic attitude of the authorities towards sending the existing sanitary workers on any type of training. This is reflected by the fact that 71.0% of the respondents in Palani; 90.0% in Kodaikanal and 77.0% in Dindigul had not attended any rehabilitation training courses. Of the total of 238 respondents who had not attended any training capsules, 54 were in the age group of 20–30, even though they were working as manual scavengers.

Then schemes and Acts have been implemented because of a lot of discussions between the state and welfare organisations for scavengers. Most of the younger respondents, working under the SJSRY scheme, said that their employment position has to be renewed every 79 days in by municipalities. It was very disturbing to learn during the field study that, out of the total of 28 respondents (in the three municipalities, taken together), who attended the course on tailoring 15 had reverted to the task of removing human excreta in open places, as well as insanitary latrines.

An interesting fact that emerged from the study was the relatively high popularity of the course on household wiring overall, 31 out of the total 62 respondents in the three municipalities who attended the training courses. This included one woman. As regards machine handling, only three male respondents (that too from Kodaikanal) attended the course. The low attendance in training programmes can be attributed to the fact that these

programmes are open only for permanent workers. Another reason is the reluctance of both the municipal and private contractors to admit that they are still engaging manual scavengers. If these contractors persuade the government to allow these workers too to attend such courses, there could be a manpower shortage for performing scavenging tasks. All this leads to the conclusion that the concerned authorities should have a fresh look at the issue and also devise better and more meaningful programmes so that the objective of rehabilitation of manual scavenging is met in a more effective manner.

One fact that needs to be borne in mind is that all the three towns draw a lot of visitors - Palani is a pilgrimage centre, Kodaikanal, a hill station and Dindigul, an industrial town. It is therefore imperative that such towns present a neat look. Introduction of modern technologies for garbage clearance can be of great help for this purpose. For that, the sanitary workers have to be encouraged to overcome their 'fear of the unknown' and made proficient in handling machines about which they have no prior knowledge. Due to unique tourists' destination so the government have to implement the technologies quickly or else have to recruit temporary workers more and do manual sanitary works. Another interesting reason is mostly Kodaikanal municipality have more governmental higher official visitors to monitor the sanitation. So the municipality has to avoid manual way of works and implement new technologies for sanitation, Otherwise there is the risk of workers would feel inclined to do the cleaning work manually. If that happens, the new machines would only end up like – gathering dust, occupying valuable money and falling into disuse. On the other hand they asks workers to use complicated machines, because of that workers have afraid to work with those machines, so they like to work as manually because of avoid the blame of damaging machines. Also the train programmes have failed to address the issue to rehabilitate the scavengers because if machine under repair then there is availability of human work force could do the manually clean the toilets. If the municipality take long time to repair the machines due to lack of fund, so that scavengers have to engage all sort of manual scavenging up to the machines to resume works. So those policies have to address this query from the scavengers and consider their demands. Its wake a trail of problems arise the conflict of modern and traditional way of working.

According to the 'Self Employment Scheme for Rehabilitation of Manual Scavengers' has implemented in 2007, from that Dindigul district 288 manual scavengers have attended training programmes. The tenure of the training period was five months. Already mentioned

in Dindigul and Palani municipalities scavengers were attended tailoring and household wiring. Only in Kodaikanal municipality has given the training programme to handling machines to scavengers. Training to manual scavengers in other vocations has mostly had very poor outcomes and has generally ‘remained a plan on paper.’<sup>456</sup> The programmes also have to encourage to avoid the manual cleaning and should be give ideas about to work with machines. Unplanned training can only be a waste of effort.<sup>457</sup>

The increasing articulation of the rights of manual scavengers is not restricted to India alone. For instance, in Sri Lanka, the Tamil speaking Arunthathiyars are refusing to carry this occupation forward to their next generations. They are increasingly focusing on ‘providing better education to their children.’<sup>458</sup> Government got more success to Arunthathiyars because they mechanised in most towns the fact was manual scavenging abolished through technologies in Sri Lanka. There was cumulative effect of a series of gradual reforms were they introduced over a long period.

Voices are being heard that the Government generally does not follow-up the outcomes of the training programmes. Yet another area of concern is the relatively short duration of the courses, due to which it may not always be possible to attune the trainees towards entering unfamiliar occupations. The almost non-existent financial incentives and very little access to financial institutions are deterring many temporary scavengers, even when they are very keen, to enter alternative occupations.

### **5.3. Failure of New Technologies to Reduce dependence on Manual Scavengers**

After the 1990s, the increasing trend towards urbanisation has led to more and more underground drainage lines being laid in the cities. However, due to the lack of proper equipment, sewage workers are being required to enter manholes to clean the blocked sewage lines. Two issues are hampering the introduction of modern equipment in a systematic way. One is the lack of financial sources and the other, the reluctance to spend money for procuring

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<sup>456</sup> Manual scavenging: A blot on India, *Deccan Herald*, <http://www.deccanherald.com/content/489704/manual-scavenging-blot-india.html>, (accessed: 19 July 2015).

<sup>457</sup> Pickford, John, *Training People to Meet the Global Need*, ed., Peter G Bourne, ‘Water and Sanitation: Economic and Sociological Perspectives’, (Florida: Academic Press, 1984), p. 207.

<sup>458</sup> Mahroof, M .M. M., ‘A Conspectus of Tamil Caste Systems in Sri Lanka: Away from a Parataxis’, *Social Scientist*, Vol. 28, No. 330-331, (2000), p. 42.

safety equipment.<sup>459</sup> Here too, even if the municipalities do procure such equipment, this is used only by the permanent workers.

A number of innovative technologies have been tried in developing countries to address this problem. These have achieved varying degrees of success. The 1993 Act has opened the field for contractors, most of whom are not keen to provide safety gear for their workers.<sup>460</sup> Institutional arrangements which encourage mismanagement and waste must now be replaced by others which force their managers to serve the public interest, rather than their own.

The vacuum machine is a useful technology, because it is able to access the bottom of the pit, and obviates the risk of human contact with the contents of the pit. This machine is also very efficient for excavating sludge. The lack of adequate facilities may result in indiscriminate, or illegal, disposal of sludge in rivers, open drains, the sea or any open space. There is also the issue of the mode of transporting the waste materials to the dumping sites. The tricycles may not have adequate capacity for accommodating the waste materials. There is, thus, the risk that a substantial portion of the waste gets spilled over onto the roads during the process of transportation. The technologies and methods used for emptying the septic tanks and cleaning the seasonal insanitary latrines vary in terms of cost, efficiency, operation and maintenance requirements. For instance, manual emptying is extremely slower, but a lot cheaper than vacuum tankers, which also need substantial maintenance requirements. The issue thus boils down to balancing the method that is most suited to the local conditions and the available resources. Any technology must be capable for working consistently throughout its design lifetime. It should also be convenient to use, affordable and be socially acceptable. Already, there are some small-scale equipments, based on vacuum pump technology, but operated manually rather than automatically. Compared to manual septic tank emptying, such kinds of technologies need more advanced patterns that may improve the efficiency and safety and suction of the emptying processes. The small septic tankers have been tested by the municipalities to determine the limit of density and viscosity and the maximum space between the pit and tanker for removing the gunk from the septic tanks.

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<sup>459</sup> Karthikeyan, D., 'Manual scavenging must not be reformed, but abolished', *The Hindu*, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/manual-scavenging-must-not-be-reformed-but-abolished/article1960977.ece>, (accessed: 24 May 2010).

<sup>460</sup> Gowhar, Imran, 'Manual scavenging rears its ugly head in Bengaluru', *The Hindu*, <http://www.thehindu.com/news/cities/bangalore/manual-scavenging-rears-its-ugly-head-in-bengaluru/article7554560.ece>, (accessed: 21 August 2015).

There are also problems in the use of long hoses regarding the settled mud and excreta, which have to be washed out periodically by the owners or appointed workers. For removing blockages in the underground drains, the workers have to work within the time frame fixed by the private contractors. Hardly any attention is paid to the safety measures, including the risk of contamination, during the entire process. A unique disadvantage of vacuum pumps is their inability to deal satisfactorily with certain pit contents, like, heavy sludge or objects such as stones, sticks, and other rubbish.<sup>461</sup> This depth depends on the density and viscosity of the sludge, as well as the height of the tank above the ground. Also, tankers are not suitable for low-income and slum areas, because of issues like narrow streets and high population density. No wonder, even today, many people prefer to defecate in the open and not construct flush toilets in their houses. It needs to be stressed here is that the technology is simple and does not require equipment or skill to build and maintain. Major maintenance is typically carried out on the bearings, suction tube or valves of the pump and the bearings or maintenance of tires. If expensive parts become non-functional, these could be substituted by local spare parts. The well-known reason already explained here requires to convey one more time, the lack of idea about the priority list by the institution due to the disintegration from the government, because those technologies must be satisfied in the developing country in sustainable contexts of 'technically and financially.'<sup>462</sup>

The Safai Karmachari Andolan (SKA) had estimated that there were as many as 12 lakh manual scavengers employed in the country. In 2003, the SKA filed a petition in the Supreme Court, pointing out that Indian Railways is the biggest violator of the 1993 Act. In its reply, filed in September 2004, the government stated that a proposal to fit totally sealed toilet systems is under consideration. An assurance was also given that techniques such as biological/vacuum/filtration would be tried out. However, no firm dates or time frame were mentioned by the government. A Controller and Auditor General (CAG) report, issued in June 2007, revealed that since 2004 there has been some progress. Yet, only 261 coaches with retention tanks are currently in use- a tiny fraction of the nation's 40,000 coaches.<sup>463</sup> The CAG report also revealed: "Non-availability of washable aprons, compounded by the

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<sup>461</sup> Harvey, P. A., *Excreta disposal in emergencies: A field manual*, (Loughborough: Loughborough University Water Engineering and Development Centre, 2007).

<sup>462</sup> Thye, Y. P., Templeton, M. R., Ali, Mansoor, *A Critical Review of Technologies for Pit Latrine Emptying in Developing Countries*, p. 1817.

<sup>463</sup> Spencer, Ben, 'When The Trains Stop', *Tehelka*, Vol. 4, Issue 48, (2007), [http://archive.tehelka.com/story\\_main36.asp?filename=cr151207When\\_The.asp](http://archive.tehelka.com/story_main36.asp?filename=cr151207When_The.asp), (accessed: 05 May 2011).

inadequate water supply, restricted the use of machines for cleaning. Consequently, the night soil and waste collected near the tracks had to be disposed of manually, even though manual scavenging is banned.”

The Railway Ministry has been taking to plea of shortage of funds for modernising the trains and stations. This implies that manual scavenging is the only option. At least the workers employed directly by the Ministry of Railways earn Rs. 6,500 regular monthly salary, and have some job security. The dignity and welfare of scavengers obviously isn't as important as projecting an image of a modern India. Clearly, the issues are, it is not the lack of funds but the lack of political will and government opened the private sectors to handle the manual scavenging issues to avoid the blames. The new way recruiting workers to manual scavenging have been unnoticed, because they are working with name of sanitary workers and other different names.

### **5.3.1. Authority under which the Respondents were Working**

The respondents were found to be working under different authorities and schemes. Manual scavengers are continuing to be employed by municipal authorities to clean sewers in the name of sanitary workers but actually they were removing human excreta. The Table below depicts the details of the employers of the respondents.

**Table 5.3: Authority under which the Respondents were Working**

<b>Municipality</b>	<b>Municipal</b>	<b>SJSRY SHG's</b>	<b>Under Contract</b>	<b>Seasonal Workers</b>	<b>Total</b>
Palani	36 (25.4)	64 (74.4)	0 (0.0)	0 (0.0)	100
Kodaikanal	50 (35.2)	0 (0.0)	5 (18.5)	45 (100)	100
Dindigul	56 (39.4)	22 (25.6)	22 (81.5)	0 (0.0)	100
<b>Total</b>	142 (47.3)	86 (28.7)	27 (9.0)	45 (15.0)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

It could be seen that the SJSRY/SHGs were very prominent in Palani (64.0%) and Dindigul (22.0%). Municipal workers too were very noticeable in numbers – 36.0%, in Palani; 50.0% in Kodaikanal and 56.0% in Dindigul. Seasonal workers were found only in Kodaikanal (45.0%); obviously in the tourist season. Contract workers were interviewed to have a presence in Kodaikanal (5.0%) and Dindigul (22.0%).

In fact, manual scavengers are continuing to recruit by municipal authorities use them to clean sewers in the name of sanitary workers but actually they perform to clean human excreta. The right to get livelihood is an important face of the right to live with social dignity. In municipalities, as well as the private sector, the scavenging occupation has almost become a monopoly for a particular Dalit community. In Tamil Nadu, as mentioned, Arunthathiyars forced do manual scavenging, which continues to be regarded as their hereditary occupation Arunthathiyars spend their energy each day for maintaining cleanliness in order to make a living. They blame the dominant caste system for forcing them to earn their living in such a degrading manner. The contractual workers are the most exploited lot since they are forced to work under conditions of despotism which make it difficult for them to quit this occupation. Unlike the other kind of workers, their role in the production process is essentially a passive one. The scavenger fulfils the primary function in a complicated and highly organised process of production, whether under the caste system, or the modern municipality system. Workers have to be focused on the vision, strategies, activities and projects to be carried out by the municipalities to enhance the sanitation service delivery.

Most of the temporary workers are being sent by their employers perform scavenging tasks in the required places. For instance, Palani municipality is recruiting more scavengers as seasonal workers in festival periods, under SJSRY scheme. For this neighbour municipalities are sending their scavengers to Palani. In 2004, large parts of Tamil Nadu were badly hit by the tsunami. Many municipalities were asked to send their workers to assist in the relief operations. There, most of the disaster management employees and volunteers were not ready to clean rotten carcasses. No wonder, sanitary workers were involved as like manual scavengers in the ‘tsunami clean-up operations’<sup>464</sup> to remove human and animal carcasses. They performed these tasks ‘without gloves, gumboots and any other safety gears.’<sup>465</sup> An almost similar story was repeated during the floods in northern Tamil Nadu, especially Chennai and Cuddalore in 2015. Here too, the Government asked other

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<sup>464</sup> Gill, Timothy, *Making Things Worse*, Dalit Network Netherlands, (2007).

<sup>465</sup> Dutt, Barkha, *This Unquiet Land: Stories from India’s Fault Lines*, (New Delhi: Aleph, 2016), p. 262.

municipalities to send their sanitary workers for ‘mopping up operations.’ The Dindigul district administration selected 154<sup>466</sup> workers to render sanitary services in Chennai and other affected areas. Research found that those sanitary workers have to remove carcasses where no one had interested to perform. In Chennai, 78<sup>467</sup> men from the Dindigul municipality camped there. The workers faced a shortage of gumboots, gloves, masks and soap or oil. On the other hand, while all policemen and firemen were having proper gumboots and other safety equipment, the sanitation workers were forced to perform ‘hazardous and filthy activities without any protective gear.’<sup>468</sup> In 2014, the National Human Rights Commission (NHRC) issued notices<sup>469</sup> to the Chennai Municipal Corporation that the workers were cleaning manholes, despite legislation prohibiting their employment as manual scavengers without any safety gears. However, no lesson was learnt from the strictures from the NHRC and workers continued to perform hazardous work, without proper protective gear, during the 2015 floods.

According to the ‘Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013,’ not giving proper protective equipment to a sanitation worker constitutes a crime. The Act also says that if the worker engage without any safety gears, that means perform like manual scavenging. Government itself is promoting manual scavenging and is putting to blame on non-availability of technology. Sanitary workers who are suddenly switched to manual scavenging are prone to psychology depression due to remove the rotten dead bodies and lack of awareness about the work. There have been news reports that ‘Chennai Corporation workers were removing human excreta’<sup>470</sup> by hands because the public toilets were dismantled due to flood.

The Government of India launched a rationalised poverty alleviation scheme, SJSRY, on December 1997.<sup>471</sup> The scheme was it revamped in 2009 for addressing the issues being

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<sup>466</sup> ‘Flood Relief Undertake tasks 154 Cleaning Staff,’ *Daily Thanthi*, <http://www.dailythanthi.com/News/Districts/dindugal/2015/12/08231214/FloodReliefUndertake-tasks--154-Cleaning-Staff--Chennai.vpf>, (accessed: 11 December 2015).

<sup>467</sup> Mondal, Sudipto, ‘Flooded Chennai’s dirty secret: Dalits clean rotting mess’, *Hindustan Times*, <http://www.hindustantimes.com/analysis/flooded-chennai-s-dirty-secret-dalits-clean-rottingmess/story-nyqoydzM32dnCoR9C1wZQI.html>, (accessed: 13 December 2015).

<sup>468</sup> Tellis, Ashley, ‘Chennai and the Politics of Shit’, *Sify News*, <http://www.sify.com/news/chennai-and-the-politics-of-shitnews-columns-pmmqiEjabggib.html>, (accessed: 15 December 2015).

<sup>469</sup> ‘NHRC notice to TN on manual scavenging’, *Deccan Herald*, <http://www.deccanherald.com/content/442425/nhrc-notice-tn-manualscavenging.html>, (accessed: 25 November 2014).

<sup>470</sup> Mondal, Sudipto, ‘Flooded Chennai’s dirty secret.’

<sup>471</sup> <http://mhupa.gov.in/pdf/guidelines-scheme/urbanemp-povallev/SwarnaJayanti/ReGuidelinesSJSRY.pdf>, (accessed on: July 29, 2014).

faced by the urban poor. The majority workers are from temporary, contract and SHGs that under the Swarna Jayanti Shahari Rozgar Yojana (SJSRY) scheme. Second majority of respondents are 28.7% working under SJSRY scheme, in overall population wise, majority of them belongs to Domban community.

The Self Help Groups, with a membership of 20-25, are eligible to register themselves with the nearby municipalities and undertake sanitary works. Under this scheme, persons from any urban economic backward background can form the SHGs. However, on the ground, it is only persons from socially backward backgrounds are forming such SHGs. Members of the Domban community started performing scavenging tasks in the Palani municipality since 2008, due to poverty and lack of job opportunities. Certain municipalities are renewing their contract agreements with the SHGs after every 79 days. The municipal scavenger's rules are applicable to workers under this scheme also too. In Palani Municipality the SHGs are working under the SJSRY scheme, for doing sweeping and scavenging in the bus stand, town entrance and vehicle parking of devotees. And the division VI, have three SHGs working with 75 members here comparatively they have to perform more hours in scavenging because temple entrance, temple premises and parameters, main streets to nearby temple comes under this division. During the festival periods in January and April, the Palani municipality alone recruits 348 non-scavengers for sweeping and scavenging for all its divisions. Each division gets 45-50 workers in each festival period. Furthermore, the special workers are performing these tasks due to factors like poverty, jobless, and the blind belief that scavenging denotes service to the deity. Also the festival workers are temporarily come under the SJSRY scheme.

All the divisions are facing the shortage of workers. On special occasions, the number of persons inducted by the municipalities have to put in long hours of work.. The municipality is allotting wages of Rs. 177 per day for the special workers during the Palani festival. On the other hand, the remaining regular workers get regular day wages of Rs. 165 only. The workers have been demanding more wages on festival days. Such agitations occur almost every year before the festivals, but the municipality is not willing to increase their wages.

The wages for special workers were hiked because from 2009 onwards, the revenues of Palani temple revenues had increased due to the large influx of devotees. The government raised the wages of special workers, while simultaneously increasing their working hours.

The health condition and poverty of the workers are hardly being taken into consideration by the municipalities when deciding on issues like wage hikes and improving their other socio-economic conditions.

Such a state of affairs is not confined to Tamil Nadu alone. For instance, in Maharashtra, many devotees,<sup>472</sup> make an annual pilgrimage on foot to the deity's temple at Pandharpur in Solapur district. There, due to the lack of flush toilets, despite the court's direction,<sup>473</sup> the district authority get dry toilets installed and recruit manual scavengers to clean the human excreta. It is rather encouraging to note that for the ensuing Kumbakonam Mahamaham, in Tamil Nadu the municipality has ambitious plans for constructing water flush toilets and bio-toilets connected with underground drainage channels.<sup>474</sup> The state government promised to tackle the deficits and build more than 200 bio-toilets are being connected with underground drainage installed to make sure that there would be no manual scavenging in 2016.<sup>475</sup>

As already mentioned, there have been persistent demands from the SJSRY workers for a hike in their wages, especially in festival periods. However, the government is not conceding their demands. The divisional sanitary inspectors are in-charge of allotting works to scavengers and payment of month wages. If a worker needs leave, he/she has to get permission from him, otherwise the absence will lead to loss of pay. Sometime, due to pressing circumstances, a worker may be unable to report for work (but still needs the wage amount. One option adopted is to send the children to 'depute' for him/her during the period of absence.<sup>476</sup> The SJSRY scheme is giving a measure of economic support to the urban poor by providing them at least a temporary occupation. However, it is also minimising the options for securing permanent jobs for the urban poor, especially the Dalits. Employees'

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<sup>472</sup> 'Bombay HC wants to know which law justifies rituals on riverbank', *Dna*, <http://www.dnaindia.com/mumbai/report-bombay-hc-wants-to-know-which-law-justifiesrituals-on-riverbank-2064166>, (accessed: 25 Feb 2015).

<sup>473</sup> Gaikwad, Rahi, 'Sanitary workers dread Pandharpur festival', *The Hindu*, <http://www.thehindu.com/news/national/other-states/sanitary-workers-dread-pandharpurfestival/article7441174.ece>, (accessed: 20 July 2015).

<sup>474</sup> 'Keep Mahamaham 2016 Free of Manual Scavenging, Urges NGO', *The New Indian Express*, <http://www.newindianexpress.com/cities/chennai/Keep-Mahamaham-2016-Free-of-Manual-Scavenging-Urges-NGO/2015/08/15/article2975242.ece>, (accessed: 16 August 2015).

<sup>475</sup> 'No manual scavenging during Mahamaham: Municipality', *The Times of India*, <http://timesofindia.indiatimes.com/city/trichy/No-manual-scavenging-during-Mahamaham-Municipality/articleshow/48970407.cms>, (accessed: 17 September 2015).

<sup>476</sup> Macwan, Martin, *Lesser Humans: Scavengers of the Indian Republic*, (Ahmedabad: Navsarjan, 1998), , p. 54.

provident fund is one of the largely available social security instruments in India for many workers. However, the benefits under this scheme are not available to scavengers.

The Arunthathiyars have a monopoly status on this that gives them economic consistency. But this is not wellbeing for Arunthathiyars, because ‘economic condition comes at the price of the most savage and extreme’<sup>477</sup> conditions because of social degradation. In municipality wise, 15% of the seasonal scavengers are working in Kodaikanal. Here, there is seasonal recruitment twice a year. The first occasion is the summer vacations from April to June. The second is the flower’s season from September to November. On both occasions, there is a huge rush of tourists. All the 75 permanent scavengers in Kodaikanal municipality belong to the Arunthathiyar community. These workers are not enough to meet the seasonal sanitation needs. Hence the municipality recruits 60 workers each season. Most of them are the relatives recommended by the existing scavengers. Their wages are fixed every year in the district collector’s Kodaikanal season budget. The municipal permanent workers also work along with them on their normal salaries. The municipality is recruiting workers who are less than 45 years old so they could be made to work for more than eight hours per day. The supervisors and other municipal officers additionally call for seasonal workers from neighbour municipalities or village Panchayats. All such workers have eight hours shift in daily. Respondent’s rationales are endowed with moral qualities and the distribution of responsible works in the society is seen as just and natural for Dalits.

The ‘under contract’ scavengers, inducted by the contractors, are all from the Arunthathiyar community. They are working more than eight hours per day. Dindigul and Kodaikanal municipalities have contractors who engage workers for scavenging tasks. The contractors associated with the Palani municipality undertake tasks like sweeping and garbage collection. In the overall population, 9% of the respondents come under contract job. The 1993 Act had provided for ‘licensing of contractors for construction of water-seal latrines’<sup>478</sup> and running those toilets. The original intention behind inducting contractors was that they would also help in abolishing manual scavenging, but now, the contractors themselves are appointing manual scavengers, without any fear of legal action. Rules and regulations are in place, but contractors are still able to flout these with impunity. In Dindigul Municipality, for ensuring efficient administration and for day-to-day operational purposes,

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<sup>477</sup> Shah, Ghanshyam, et. al, *Untouchability in Rural India*, p. 112.

<sup>478</sup> Full text ‘*Employment of Manual Scavenging and Construction of Dry latrines (Prohibition) Act*’ 1993.

the ‘Urban Local Body’<sup>479</sup> has been divided into fifteen divisions. The public health division has 16 sanitary Inspectors, 17 supervisors and 451 sanitary workers. Apart from this, approximately 105 workers are engaged in collection and transportation of waste in the wards managed by private contractors. Presently, collection of garbage waste is being done by municipal sanitary workers and private contractors. A 2007 case study in Gujarat<sup>480</sup> revealed that privately employed scavengers usually get paid five rupees per month. In Dindigul municipality, some households are still giving leftover food as “salary” to the scavengers. Interestingly, contract manual scavengers in Dindigul go early morning in nearby streets and clean human excreta in open defecation places. Their houses are located at night, so quickly they can reach the work sites in the early morning so their habitus<sup>481</sup> begin from there, that is their daily life.

From the 1990s onwards,<sup>482</sup> the unorganised sector has expanded rapidly since more contractual jobs emerged, especially for the socially backward communities. The jobs in the unorganised include: scavenging agriculture labourers and workers at construction sites. Most of the seasonal workers in Palani and Kodaikanal are primarily agricultural and construction workers. Scavengers in Kodaikanal clean sewers and unclog blockages with their bare hands, with the rope being their only protection from falling into the drain. Private hotels have their own underground drainage facilities. However, contractors and municipal scavengers are roped in to unclog the sewers. The contractors are making their employees to work for ten to twelve hours per day. However, unlike the industrial worker, the scavenger is seldom given proper credit for his work output – which is a clean environment in this case. As a producer of cleanliness, the scavenger has her/his hands steeped in filth. On top, he/she has been subjected to all sorts of discriminations.

### **5.3.2. Whether Respondents were asked to Clean Human Excreta**

However, the government agencies are themselves the biggest offenders since funds are being allotted for construction (and thereafter, demolition) of dry latrines for special

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<sup>479</sup>Tamil Nadu Urban Development Fund (TNUDF), *City Corporate and Business Plan - Dindigul Municipality*, Final Report, Government of Tamil Nadu, (2007).

<sup>480</sup>George, Rose, *The Big Necessity*, p. 46.

<sup>481</sup>Bourdieu, Pierre, *Outline of a Theory of Practice*, (Cambridge: Cambridge University press, 1977), p.163.

<sup>482</sup>Sakthivel. S, and Joddar, Pinaki, ‘Unorganised Sector Workforce in India: Trends, Patterns and Social Security Coverage’, *EPW*, Vol. 41, No. 21, (2006), p. 2019.

occasions. Below table explain the respondents were asked to clean human excreta even that banned by legally.

**Table 5.4: Whether Respondents were asked to Clean Human Excreta**

<b>Municipality</b>	<b>Yes</b>	<b>No</b>	<b>Total</b>
Palani	69 (37.9)	31 (26.3)	100
Kodaikanal	59 (32.4)	41 (34.7)	100
Dindigul	54 (29.7)	46 (39)	100
<b>Total</b>	182 (60.7)	118 (39.3)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parentheses are percentages**

It makes for rather clear reading that, in all the three municipalities (Palani, 69.0%; Kodaikanal, 59.0%, Dindigul, 54.0% and overall, 60.7%) the majority of the respondents confirmed that they were being forced to physically remove human excreta. The issue obviously becomes more acute during the festival and other seasons, when a large number of dry latrines are set up to cater to the needs of large number of outstation visitors. Such sanitary workers are mostly municipal employees and those inducted under the SJSRY scheme. In this issue is not confined to the three municipalities, but can be found all over the state. In fact, the Tamil Nadu Conservancy Workers Federation, Vice President, Sakthivel, said that Arunthathiyar people, employed as ‘sanitary workers, cleaned human wastes in several villages.’<sup>483</sup> The general notion is that the majority of devotees, or the general population, are less educated, so open defecation will be common. This is leading to the construction of temporary dry latrines in various places. Instead of preventing defecation in the open, the municipalities are setting up dry latrines for special occasions and later getting these demolished by the same workers. In Dindigul 29.7% respondents said they have asked to clean dry latrines by the municipality, but government authorities proclaimed no dry

<sup>483</sup> Kannan, Kaushik, ‘Made to Clear Human Waste with Hands’, *The New Indian Express*, [http://www.newindianexpress.com/states/tamil\\_nadu/Made-to-Clear-Human-Waste-withHands/2014/07/07/article\\_2318285.ece](http://www.newindianexpress.com/states/tamil_nadu/Made-to-Clear-Human-Waste-withHands/2014/07/07/article_2318285.ece), (accessed: 10 July 2014).

latrines in that district. But each municipality asked their sanitary workers to clean dry latrines in under festival and seasonal periods.

Unless the ban on manual scavenging is sincerely implemented, scavenging will exist under different names. According to, ‘Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act’, 1993, constructing the dry latrines in India is legally punishable. Of the total of 182 respondents, who confirmed that they were being forced to remove human excreta, 165 were in the 20–50 years age group. They are generally able to do any physical work, without bothering about the health hazards involved in that. Since such persons are inducted as sanitary workers, the municipalities are able to ‘circumvent’ the law on the employment on manual scavengers. On top, these municipalities are not even providing safety gear to such workers, mostly, Arunthathiyars and Dombans. However, these workers don’t have any rights to speak up their health issues and have to pretend they are enjoying. It is rather unfortunate that issues like the health condition of scavengers is not being taken included even by the National Family Health Surveys.<sup>484</sup>

Of the respondents who stated that they were not asked to clean dry latrines (118) in recent times mentioned that they were well experienced in cleaning dry latrines and water flush toilet complexes. After the workers reach a certain age, say, 45 years, the municipalities ask them to do other chore of sanitary works like sweeping streets and open drainage cleaning. A possible reason for not ‘targeting’ workers of the older age groups is that most of them are permanent employees. The temporary workers, majority of whom were youngsters, also brought out that due to their previous experience as proxy scavengers, they were easy targets for the municipalities for being asked to clean dry latrines.

#### **5.4. Suppositions for Permanent Scavengers in Three Municipalities**

The functional specialisation of cities has different degrees of scope for ‘socio-economic growth and occupational involvedness.’<sup>485</sup> Supposition is a temporary agency employment within an informal setting, a kind of proxy from young or unemployed workers. Here, the particular permanent worker comes daily signs and leaves. His or her work is actually performed by a different person. This does not mean that all permanent workers have

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<sup>484</sup> Ramaiah, Avatthi, ‘Health Status of Dalits in India’, *EPW*, Vol. L, No. 43, (2015), p. 73.

<sup>485</sup> D’Souza, S. Victor, *Scheduled Castes and Urbanization in Punjab: An Explanation*, eds., Paramjit S. Judge, ‘Towards Sociology of Dalits, Readings in Indian Sociology – Vol. 1’, (New Delhi: Sage, 2013), p.69.

substitutes for their tasks like cleaning human excreta, manual removing of blockages in manholes and manual septic tank cleaning. For such jobs, the municipalities are deputing the same workers. On special occasions like festivals, all the workers have to perform various types of scavenging. The services of ‘*pathelees*’ are generally utilised for the remaining days.<sup>486</sup>

Most of the existing workers started working as *pathelee* for their relatives during their teenage days, even though the amount earned was quite less. It is largely the permanent workers of the municipality who resort to the *pathelee* system. There are also some municipal workers who are no longer able to bear the physical strain involved in the task of scavenging. On top, there is the question of social dignity. This method of employment is placed within the context of a shift towards informal sector ‘employment - with due consideration to the conceptual and measurement issues involved.’<sup>487</sup> Such an arrangement represents a considerable departure from the standard employment model in many respects. The complexities of the unemployment have increased, as human beings became increasingly interdependent and more complex institutional structures emerged to capture the potential gains from the substitution method. The work is irregular and unpredictable, because some permanent workers may want the full wage on a particular day. On such occasions, the *pathelees* have to look for other income earning options.

Despite carrying out the ‘dirty work’ of many permanent workers, most *pathelees* continue to face stigmatisation for forcing the workers to offer that day’s job to them. The established workers are maintaining their ‘higher status by means of stigmatisation and exclusion of the substitutes.’<sup>488</sup> The employment structure need not coagulate into a lifetime of exclusion and stigmatisation. *Pathelees* are branded as low-skilled groups, so they face exclusion in the labour market. Also most of them render more hours of service than the permanent workers. The provisions of a job to *pathelees* have ‘experienced unemployment does not ensure longer-term employability.’<sup>489</sup> Social exclusion is driven by multiple

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<sup>486</sup> It is a colloquial term used by scavengers in all three municipalities.

<sup>487</sup> Burgess, John, and Connell, Julia, *International aspects of temporary agency employment: An overview*, eds., John Burgess and Julia Connell, ‘International Perspectives on Temporary Agency Work’, (London: Routledge, 2004), p. 1.

<sup>488</sup> Bosmans, Kim, ‘Temporary agency workers as outsiders: an application of the established-outsider theory on the social relations between temporary agency and permanent workers’, *Society, Health & Vulnerability*, Vol. 6, (2015), <http://www.societyhealthvulnerability.net/index.php/shv/article/view/27848>, (accessed: 05 Nov 2015).

<sup>489</sup> Gallie, Duncan, *The Quality of Working Life in Welfare Strategy*, eds., Gøsta Esping-Andersen, et al., ‘Why We Need a New Welfare State’, (New York: Oxford, 2002), p. 119.

components, among which labour market instability is the major one in the Indian context. Some permanent workers even bargain with the *pathelees*, due to the dependent and unemployed status of the latter.

In a wider context, the *pathelee* system has been taken up for study due to its implications for the nature of work, including remuneration and security, as a means for improving their financial condition to some extent. This concept may have evolved due to the fact that many permanent workers are required to work in multiple workplaces, without ‘adequate’ compensation. In many temporary and *pathelee* workers face the assignment of responsibilities attached to employment is difficult to ascertain within eight hours. This employment model has taken roots through collective action, political action and the perceived need for the provision of regular, ongoing and regulated employment arrangements within the community. Specifically, it appears that temporary *pathelee* employment is growing in all three municipalities. However, most of the *pathelees* have to work on low wages and for long hours. Many *pathelees* who were forced to enter manholes or septic tanks,<sup>490</sup> died due to suffocation, or faced severe health problems thereafter. Due to the unorganised nature of work, there are hardly any protective mechanisms or labour regulations to safeguard the interest of such persons, or their families. The provisions regarding rehabilitation courses, or access to bank loans for becoming self-employed are not applicable to such temporary and ‘informal workers.’

The Second National Commission on Labour, under the chairmanship of Ravindra Varma, which submitted its report in 2002, had suggested<sup>491</sup> rationalisation of the existing laws relating to labour in the organised sectors. It also said that there should be at least a minimum level of protection to workers in the unorganised sector. It is noteworthy that this Commission has paid due attention to the unorganised sector. However, still most of the unorganised workers have not been able to benefit much from the Commission’s recommendations. *Pathelees* without training can only end up as unskilled workers. In case the government accords a more permanent status to the *pathelees* and others, they would

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<sup>490</sup> Perier B, Bagalavan, ‘Teen Manual Scavenger Dies in Sewer’, *The New Indian Express*, [http://www.newindianexpress.com/states/tamil\\_nadu/Teen-Manual-Scavenger-Diesin-Sewer/2016/01/23/article3240123.ece](http://www.newindianexpress.com/states/tamil_nadu/Teen-Manual-Scavenger-Diesin-Sewer/2016/01/23/article3240123.ece), (accessed: 23 January 2016).

<sup>491</sup> Jhabval, Renana, ‘Unorganised Workers Bill: In Aid of the Informal Worker’, *EPW*, Vol. 40, No. 22/23, (2005), p. 2228.

become eligible for rehabilitation training.<sup>492</sup> The nature of this employment arrangements has the potential to render the relationship ambiguous and with it, the assignment of employment rights and responsibilities. The growth in this substitution is posing obvious challenges for trade unions, because it is not without its problems for the user organisations. It seems that there are societal implications from the elaboration of such employment arrangements. At the same time, the regular employment system has tended to collapse. This has led to a growth in temporary and seasonal work.

One of the causes for concern for temporary workers, in terms of their quality of work, is the often problematic relationship with their permanent colleagues. Earnings also depend on each individual's skill levels and/or ability and motivation to gain more skills at his/her own expense and in his/her own time. Municipal workers have managed to maximise inclusion of modern technologies with more sanitary workers and minimise the manual scavenging by adopting mechanised equipment.

This phenomenon has been linked to power differences between the two categories of workers. For instance, the current permanent workers are suggesting to the government that if fresh permanent workers are recruited, the *pathelee* system should be allowed to continue. Such an arrangement would unofficially provided work to the *pathelees*, without their being regarded as employees of that organisation. This can impact the earnings and career development of *pathelee* workers since the contracting municipalities may occasionally utilise the services of *pathelees* and other temporary workers to fill the temporary positions. The social gap processes within the same work can create the risk of social exclusion of some categories of workers. Hence, the government must introduce new policies to improve the quality of jobs to all. So many hurdles facing by sub level of workers.

### **5.5. Changing context of Abolition of Manual Scavenging**

The notion of 'caste dignity and politics, based on caste identity, reveals complex form of inequality'<sup>493</sup> in the case of caste hierarchy as well. It must also be understood here that cleaning one's own house is different from cleaning the houses of others. Even the Dalits among the Dalit castes are facing more untouchability. Castes like Arunthathiyars, Mala,

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<sup>492</sup> Bates H., Robert, *Social Dilemmas and Rational Individuals*, eds., John Harriss, Janet Hunter & Colin M. Lewis, 'The New Institutional Economics and Third World Development', (London: Routledge: 1995), p. 30.

<sup>493</sup> Satyanarayana, K., 'Social inequality and human dignity', *Seminar*, No. 672, [http://www.india-seminar.com/2015/672/672\\_k\\_satyanarayana.htm](http://www.india-seminar.com/2015/672/672_k_satyanarayana.htm), (accessed: 16 September 2015).

Madiga, and all Bhangi castes, and so on, are not considered part of the Dalit identity. As such, scavengers are regarded as impure. The burden of disposal of human waste has led to their degraded status in society and condemned them to a life full of ‘ambiguities and uncertainties.’<sup>494</sup>

This social construction from cleaning human excreta and waste management, therefore, bears the tentacles of “purity and pollution”. The linkage with ethnic groups and occupation, combined with Indian society’s hierarchical arrangement, appears through caste among them. In the current scenario, empower movement of the Dalits has shaken up the existing social structure. Here, one has to examine the context of ‘annihilation of manual scavenging’, because the government want to abolish it quickly to show that its hands are not dirty.

According to the Safai Karmachari Andolan, some states, including Tamil Nadu, have agreed to abolish manual scavenging quickly.<sup>495</sup> Such statements help the concerned states to easily claim that they are scavenging free. Unfortunately, such a claim is not entirely correct, because, on the ground, in states like Tamil Nadu, still manual scavenging exists and workers are dying while clearing underground drains. Many sanitary workers are agreeing to do manual scavenging, probably because it enables them to earn some money.

### **5.5.1. Type of work being allotted to the Respondents**

It has already been brought out that, despite official claims to the contrary, manual scavenging continues to exist in various forms. Although the Central and State governments have undertaken many reforms, many persons have remained excluded and marginalised from the Indian society as a whole. Many of them do not like their job but have to stick with their family responsibilities and they do not have any other option. In short, they have sacrificed their hedonistic inclinations, given up good times, expended their energy and resources in order to achieve and maintain their present tenuous hold on respectability and lower status. Now in such a situation to suggest that scavenging Dalits be equalised and the lower orders raised and one’s own hard earned status given to them as a right and not a reward for effort,

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<sup>494</sup> Sarbin R., Theodore, *The Poetics of My Identities*, eds., George Yancy & Susan Hadley, ‘Narrative Identities: Psychologists Engaged in Self-Construction’, (London: Jessica Kingsley, 2005), p. 16.

<sup>495</sup> ‘Determined NGO helps end scourge of scavenging’, *The Sunday Guardian*, <http://www.sunday-guardian.com/investigation/determined-ngo-helps-end-scourge-ofscavenging>, (accessed: 10 November 2010).

seems to be unacceptable to the exploiter classes. A recent *Times of India* report<sup>496</sup> brought out that, in Tamil Nadu, there were 87,792 insanitary latrines in corporations and municipalities and 19,269, in town Panchayats. The extreme form of exploitation inherent in the caste system has made a mockery of modern India's labour laws and international conventions on the rights of the workers

The Table below will depict the type of work being allotted to the respondents, euphemistically known as sanitary workers.

**Table 5.5: Type of Work being Allotted to the Respondents**

Municipality	Toilet Complex Cleaning	Septic Tank Cleaning	Sweeping Streets	Unclogging Drains	Removing Human Excreta	Removing Animal Excreta	Insanitary latrines	Total
Palani	15 (30.6)	9 (25)	4 (11.1)	15 (26.8)	16 (37.2)	6 (50)	35 (51.5)	100
Kodaikanal	13 (26.5)	9 (25)	20 (55.6)	22 (39.3)	14 (32.6)	6 (50)	16 (23.5)	100
Dindigul	21 (42.9)	18 (50)	12 (33.3)	19 (33.9)	13 (30.2)	0 (0.0)	17 (25)	100
<b>Total</b>	49 (16.3)	36 (12)	36 (12)	56 (18.7)	43 (14.3)	12 (4)	68 (22.7)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

It can be seen that respondents in all the three municipalities did not mention the same type of duties largely allotted to them. For instance, the maximum proportion of respondents (35.0%) in Palani mentioned cleaning of insanitary latrines. Obviously, the maximum workload is at the time of temple festivals. On the other hand, only 16.0% of the respondents in Kodaikanal and 17.0%, in Palani mentioned this as the task generally allotted to them. The next largest proportion of respondents (16.0%) in Palani mentioned “removal of human excreta.” This was followed by “cleaning of toilet complexes” and unclogging drains (both,

<sup>496</sup> Narayanan, ‘How Swachh Bharat can help TN end manual scavenging’, *The Times of India*, <http://timesofindia.indiatimes.com/city/chennai/How-Swachh-Bharat-can-help-TNend-manual-scavenging/articleshow/49864295>, (accessed: 22 November 2015).

15.0%). Such high proportions in Palani Municipality can also be attributed to the festivals season. Surprisingly, the ‘employers’ in this municipality did not seem to accord a very high priority to sweeping of streets and cleaning of septic tanks. Removing of animal excreta did not appear to be very high on the priority list of tasks allotted to the respondents in any of the three municipalities.

Since Kodaikanal is a hill station, attracting a large number of tourists, it was not very surprising to note the high priority accorded to unclogging drains (22.0%), and sweeping streets (20.0%). In Dindigul, the ‘top three’ priority tasks were: cleaning toilet complexes (21.0%), unclogging drains (19.0%) and cleaning of septic tanks (18.0%).

As regards septic tank cleaning, all the overall 12.0% of the respondents put on this task were males. This task is particularly undertaken by fairly experienced persons since they are reasonably aware about how to enter the tanks and clean these. Still, the *ibid* Times of India report mentioned that, in Tamil Nadu alone, 48<sup>497</sup> workers died in the process of cleaning the septic tank. As mentioned most of the septic tanks are being manually cleaned since the use of mechanised equipment has been found to be expensive.<sup>498</sup> Manual method requires a human have to go down the tank and take septage. In tank Either the mechanical method entails the use of tanker lorry with pumping motor, tube, tri-cycle with plastic barrel and motor, etc. In a majority of cases, the father with son or their relatives are working together and assisting each other. Hence, this occupation is being continued down the generations. One justification for this system is that the money earned is staying within the family itself. There could also be occasions when the ‘proxy’ person has to be from a different caste. Such a person undertakes the tasks for monetary considerations, even though he may feel reluctant to work under an Arunthathiyar. Many of the deaths in septic tanks have occurred when workers have entered the tanks to save the lives of their co-labourers. It is rather enigmatic that the authorities use machines to recover the dead bodies from the tanks, but are averse to use these for normal cleaning purposes.<sup>499</sup> A large number of such accidents have occurred all over the country, due to reasons like asphyxiation by the poisonous gases in

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<sup>497</sup> Press Trust of India, ‘Pleas for compensation to family of deceased scavengers filed’, *Business Standard*, [http://www.business-standard.com/article/pti-stories/pleas-for-compensation-to-family-of-deceased-scavengers-filed-115020601785\\_1.html](http://www.business-standard.com/article/pti-stories/pleas-for-compensation-to-family-of-deceased-scavengers-filed-115020601785_1.html), (accessed: 02 August 2015).

<sup>498</sup> Bathran, Ravichandran, ‘First clean up the caste and sanitation equation’, *The Tribune*, <http://www.tribuneindia.com/news/comment/first-clean-up-the-caste-and-sanitationequation/166815.html>, (accessed: 05 December 2015).

<sup>499</sup> ‘3 labourers die while cleaning septic tanks in Moga village’, *The Tribune*, [http://www.tribuneindia.com/article/news\\_print.aspx?story\\_id=131974&catid=40&mid=53](http://www.tribuneindia.com/article/news_print.aspx?story_id=131974&catid=40&mid=53), (accessed: 13 Sep 2015).

the septic tanks. However, the government seems to be keener on counting the number of dead bodies, instead of introducing safety measures and giving proper training for the workers.<sup>500</sup>

The task of sweeping streets is being performed either by a single person, or by groups of persons. As a departure from the tasks like cleaning septic tanks and unclogging drains, a very large proportion of the respondents belonged to the relatively older age group, 50-60 years. Obviously, the municipalities know that old age people cannot perform strenuous tasks and sweeping streets is comparatively easy. Also, the workers can take rest, at periodic intervals. This task has been generally institutionalised to the Arunthathiyar community. However, new Dalit communities are also undertaking this task now. The main duty of employees is to maintain proper cleanness in the streets. Most of the respondent's stated that their first occupation was manual scavenging. Later, they graduated to sweeping streets – mostly as supervisors in municipalities. Here also, the issue of caste identity is playing a huge role for Arunthathiyars. The institutions are so devised as to perpetuate the dispersal and isolation of Dalits, especially the Arunthathiyars and Dombans, who are not able to assert their collective power over the manual scavenging in the society. Some of the respondents also spoke about the moves to disturb unity among the workers. On the other hand, the supervisors complain that some sweepers are sweeping and making small heaps in the streets, and another set of workers pick up that up in handcarts or tricycles. The lack of coordination between sweepers and waste collectors is leading to many heaps being left unattended, thus creating unsanitary conditions. These arrangements leads to mismanagement and waste collection now must be replaced by the area supervisors to serve the public interest rather than their own. Many of the respondents acknowledged that such a situation is occurring due to the shortage of sweepers. However, the heaps are being collected on the next day itself. The workers are blaming the municipal authorities for not providing appropriate tools to perform their duties effectively. Municipal authorities in three municipalities are unconcerned about this matter, provides them to less number of tools to perform more hours of work. A number of studies in India have brought out that most of the 'handcarts and tricycles are not adapted to the secondary collection system, often resulting in deposition of waste on the ground.'<sup>501</sup>

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<sup>500</sup> 'Manual scavenging is a result of India's caste divide', *IBN Live Discussion*, <http://ibnlive.in.com/news/manual-scavenging-is-a-result-of-indias-caste-divide/272427-3.html>, (accessed: 20 July 2012).

<sup>501</sup> Zhu, Da, et. al., *Improve Municipal Solid Waste management in India*, p. 21.

During the Palani temple festivals and Kodaikanal seasonal holidays, seasonal employees are working as scavengers for removal of excreta from public places, including insanitary latrines. Respondents in both municipalities spoke about the large number of temporary dry latrines. Due to the absence of a regular occupation, the socio-economic conditions of most respondents are forcing them to do any job. The new pattern of forces, or rather no pattern of forces, is static to the new dynamics of struggles made possible by the changed occupation. Thus, a social policy of gradual reform cannot be conceived simply in terms of giving other options, which too come under the ambit of manual scavenging. The promulgation of a string of reforms by make-shift coalitions have not been able to address all possibilities of rehabilitation. This was one of the mystifying practised by the government. The dry latrines conversion strategies in India aimed at the immediate establishment of dry latrine's through water flush conversion schemes. So it looked for the immediate achievements of reforms or directly incompatible with the survival of the caste system.

The choices of occupations has not been able to liberate many persons from the task of manual scavenging. In Palani, during the temple festivals, the municipality is constructing temporary latrines in various places. These do not have any water facilities. Only squat pans have been placed on a stack of cement slabs. The users have to bring their own water for cleaning themselves after defecating. The municipal scavengers have to remove the excreta from the squatting pans. The poured water is led by pipe lines to open places. Thereafter, the human waste is dumped in the nearest garbage dumping place. A specious plea made by the municipal authorities in Palani is that the workers are clearing garbage – not human excreta. A very amazing statement made by the municipal authorities was that workers in the 30-50 age group have skills to handle human excreta better than others. So the government wants to clean excreta through with Dalit's experiences to shows there skill is very important with undignified way. This practice has been continuing in lack of substance of social policy that launched out for direct into reform.

A unique situation could be found in Kodaikanal, especially during the tourist season. Many visitors like to enjoy horse rides. Some workers are specially deputed to periodically remove the droppings of the horses. Palani was not far behind in this respect, since a number of horse carts become available for pilgrimages. In this case too, a number of workers are inducted to ensure that sanitation is not disturbed due to the droppings of the horses. On their part, the festival workers think this is service to God *Murugan*. The government has been

taking the plea that the available technologies would not be able to meet the sanitation needs of massive crowds. Hence, there is no option but to utilise manual labour for such purposes.

The toilet complexes have water facilities. Still, the municipality is utilising workers to clean the privies regularly. Interestingly, an overwhelming number of workers engaged on this duty are females. Those toilet complexes are meant solely for females and children below five years of age, so majority of female workers have appointed. This idea came from Total Sanitation Campaign scheme that one female toilet complex be constructed in each gram Panchayat. To prevent males from defecating in the open, there is a need for construction of male toilet complexes.<sup>502</sup> A question may be asked why 49 workers are needed in water facility toilet complexes because scavengers have to clean these once on normal days. However, if there are more users, the complexes have to be cleaned even thrice on a single day. If the water pipes to the toilet complexes are under repair, either the scavengers have bring water from outside, or the municipality will keep the toilet complexes locked till the water supply is restored. In such situations, defecation in the open would again be resumed and the authorities would be required to depute more workers to remove the human waste. But there is a permanent disgust with wastes especially from human body urine and faeces all of which show that humans are not always clean, they can be unclean too. The disposal of human waste by manual means seeks to reduce the latter to the level of dirt, so scavengers want a more dignified generic identity.<sup>503</sup> Municipalities are need basic loyalty and commitment to the reform that closely bound up with the requisite of social policies.

A policy could be introduced to direct the government to exercise control over the machinery and technologies of social accumulation and distribution. A significant proportion of the overall respondents (18.7%) mentioned that they were unclogging drains. The majority of them are in the 30–50 age group. The obvious reason for choosing persons in this age bracket is the inexperience of those in the younger age groups to unclog drains. Again experience is adequate to perform this work, because there are no respondents from the age group of 20–30 because they are inexperience, so municipalities have them to do manual scavenging. A better waste management system may help in obviating many of the evils present in the present system. A comprehensive strategy for the struggle against manual scavenging is necessary because the survival system is now imperilled by the achievement of

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<sup>502</sup> Kumar, Alok, *Squatting with Dignity*, (New Delhi: Sage, 2010), p. 113.

<sup>503</sup> Guru, Gopal, *Rejection of Rejection Foregrounding Self-respect*, ed., Gopal Guru, 'Humiliation: Claims and Context', (New Delhi: OUP, 2009), p. 222.

even partial reforms. It is for the few scavengers who have become politicians to campaign for the overall development of all people.<sup>504</sup> Persons who have been rehabilitated in more dignified occupations, including politics need to have an identity, because they had been ostracised for many years. Such persons should also ensure a better quality of life for their erstwhile peers.

Rehabilitation programmes can greatly contribute to the liberation of scavengers. The accent should be on bringing in changes in the means of livelihood, social status and social relationships. In a caste-based society, there has been a tendency to associate each caste with a particular occupation and every individual born into that caste was expected to pursue the occupation of his or her own caste. Thus, the scope of occupational mobility in the traditional caste-based social order was virtually non-existent. Liberation of scavengers from traditional unclean occupation implies improvement in their social status and change in the notion of pollution associated with removal of night soil. The scavengers who have been liberated want to be given a higher status when compared those who are yet to be liberated. This tends to give rise to class-cleavages and social tensions and changed relationships between the two groups of scavengers – the erstwhile and the existing ones. It results in the averaging out of a multiplicity of scavenging options registered in the secrecy of the scavengers in Arunthathiyars and Dombans. So the convergence of their aspirations does not provide an opportunity to them to organise and unite in order to fight together for securing their rights.

### **5.5.2. Contractors and Privates involvement in sanitary services**

In recent times, sub-contractors have emerged as major players in the sanitary services sector throughout the country. In the process, they too have become guilty parties in the process of continuance of manual scavenging, even though this practice is legally banned now. On paper, permanent workers have a degree of access to devices like suction pumps. However, such a facility is not readily available to workers under the SJSRY and contract systems.<sup>505</sup> The government has been making lofty claims that no manual scavengers are appointed by any government agencies like corporations and municipalities. One escape route adopted by the government is to assign the sanitation tasks to private contractors, who

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<sup>504</sup> Mendelsohn, Oliver, 'A 'Harijan Elite? The Lives of Some Untouchable Politicians', *EPW*, Vol. XXI, No. 12. (1986), p. 504.

<sup>505</sup> Rajendra, Y. J., 'BWSSB has contract workers for manual job', *The Times of India*, [http://articles.timesofindia.indiatimes.com/2011-09-12/bangalore/30144595\\_1\\_contract-workers-bwssb-night-soil](http://articles.timesofindia.indiatimes.com/2011-09-12/bangalore/30144595_1_contract-workers-bwssb-night-soil), (accessed: 04 May 2012).

later delegate this responsibility to sub-contractors, and plead ignorance about what is happening there. The non-achievement of many social goals, including actual abolishing of manual scavenging, can be largely attributed to the lack of social cooperation between the various agencies involved in the entire process of social development. For instance, when a private worker die in a manhole or other worksites, the government generally does not step in to take legal action against the concerned sub-contractors. Such employment sanctions on the basis of undocumented contracts not only subjects the workers to ‘excessive workload and exploitation at the hands of contractors’,<sup>506</sup> but also brings about much competition and uncertainties with respect to the availability of work. Instead of taking effective steps towards the abolition of manual scavenging, the authorities, by grounding it in consent with sub contractors, are tending to ridicule the conventional bias of law and morality. The contractors may include provisions from government regulations regarding compensation, but the question arises, who would be the beneficiaries, because most contractors are recruiting workers from their own caste. Hence, the caste bias operates in two ways – first, inducting workers from their own castes and, two most victims of such accidents are from the traditional manual scavenging communities. Most importantly, the sub-contractors postulate moral and rational constraints upon conduct that are merely the result of preferences, but these are not consolidated or applied uniformly to all the contractual workers.

The scavengers have a vital part to play in improving the sanitary conditions of the places in which they work. The common perception of manual scavenging is that it is an unskilled task that has necessarily to be performed by persons belonging to certain castes alone. The process of subcontracting of sanitary works has become a way for the government to evade its responsibility and bringing about long-term occupational<sup>507</sup> changes that can meaningfully end the practice of manual scavenging. Logically, sanitary workers should be recruited on a permanent basis by the local municipality. This would make them eligible for regular salaries, retirement benefits, social security benefits for workers as well as their dependents, and proportionate compensation to them or their families at the time of worksite accidents.

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<sup>506</sup> Praxis Institute for Participatory Practices and Nidan, *A Legacy of Stench*, (New Delhi: Praxis & Nidan, 2011), p. 23.

<sup>507</sup> Praxis Institute for Participatory Practices, *Down the Drain*, (New Delhi: Praxis, 2014), p. 9.

### **5.5.3. Apodictic Survey for Manual Scavengers in Three Municipalities**

In 1991, the National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents was undertaken to rehabilitate the scavengers, as well as their relatives. The target was to eliminate the manual scavenging within the Eight Five Year Plan 1992-1997, due to failure of conceptual framework still this inhuman occupation continues. The survey found that five crore of dry latrines were daily cleaned by six lakh manual scavengers. In Delhi alone, there were 8500<sup>508</sup> persons cleaning night soil through their hands. Other studies also found that approximately same numbers of scavengers were cleaning human excreta daily in Delhi. It was clear that the issue of properly identifying the manual scavengers and their dependents for rehabilitation was not taken up seriously.

As a follow up of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, the state of Tamil Nadu has started its survey of manual scavengers in urban areas. The survey will cover 12 municipal corporations, 124 municipalities and 528 town Panchayats. It will adopt two ways of finding manual scavengers. The first would be the submission by the workers themselves through declaration forms in the offices of urban local bodies. Next, these claims are to be verified by the concerned officials. This would be followed by the enumeration of any left-out manual scavengers. These findings are then to be submitted to the Union Ministry of Social Justice and Empowerment for working out a rehabilitation package. Along with this survey, attempts are also required to be made to ascertain whether dry latrines still exist and the progress in converting these into sanitary latrines.

A problem arises regarding the interpretation of the term sanitary latrines. Most of the community toilet complexes are being maintained and cleaned by female workers. The existing water flush sanitary toilets can become unhygienic in the absence of sanitary workers and a large number of persons use these without proper flushing. A sanitary worker who cleans such community toilet complexes with a broom and water was not considered as a manual scavenger in the survey undertaken in the aftermath of passing of the 2013 Act.

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<sup>508</sup> Singla, Pamela, *National Scheme of Liberation and Rehabilitation of Scavengers and their Dependents (NSLRSD): A Failure of Conceptualization*, ed., A. K., Lal, 'Social Exclusion: Essays in Honour of Dr. Bindaeswar Pathak', (New Delhi: Concept, 2003), p. 266.

In the recent years, all the three municipalities have been spending liberally to address the issue of open defecation,<sup>509</sup> by creating under sewer infrastructure and generating greater awareness. However, Tamil Nadu is trying to make the survey a mutual affair, because it continues to maintain that ‘it neither engages manual scavengers nor promotes the practice.’<sup>510</sup> Recent developments in the state’s urbanisation have shown that state have large resources for constructing new underground drainage facilities. In case the survey is able to bring out the actual number of scavengers, the government will be able to come up with an effective mega rehabilitation package for the scavengers. As it is, the International Dalit Solidarity Network estimates that there are 1.3 million<sup>511</sup> manual scavengers in India.

Tamil Nadu state did not agree with the census findings about 1.64 lakh insanitary latrines from ‘House Listing and Housing Census, 2011’ in urban parts of the State. State’s has 89.3 lakh urban households. The 2011 Census that night soil from 1.33 lakh houses was being disposed into open drains. As already mentioned, the Tamil Nadu government have dismissed these findings. However, the authorities have said that the data will compiled from the entries made by the public and with factual numbers.

The new Manual Scavengers survey in 2014 has explored how the ex-scavengers are likely to participate in it, because of the bank loans. This survey establishes manual scavengers have legal rights consistent with their natural sociability, and the mutual recognition and protection of their moral rights. The good intentions of the government to help the needy stand on their feet have, at times, been exploited by unscrupulous bank officials who took money from some applicants before releasing their loan amounts. This sort of scam already exposed in 2007 scheme, that kind of scam prevailed in this survey. Even few state activities<sup>512</sup> believed this survey also not much efficient to annihilate scavenging, so that all the state are not ready to reveal the actual scenario of manual scavengers. The government is still not sure about the number of manual scavengers because, there can always

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<sup>509</sup> ‘Dindigul Maavatta Nagarpura Valarchikga Dhiranthaveli Mala Kallippu Thavirthal Velipunarnu Muggam,’ (Dindigul District Urban Development Awareness programme of open defecation campaign), *SJSRY-Urban Community Development Network*, Dindigul District, Tamil Nadu, (2011).

<sup>510</sup> Ramakrishnan T., ‘Survey of manual scavengers begins in urban areas’, *The Hindu*, <http://www.thehindu.com/news/cities/chennai/survey-of-manualscavengers-begins-in-urban-areas/article626289.ece>, (30 July 2014).

<sup>511</sup> Bhalla, Nita, India's low castes still forced to clean human excreta, says HRW, *Thomson Reuters Foundation*, <http://in.reuters.com/article/manual-scavenging-india-who-idINKBNOGQ09K20140826>, (accessed: 30 August 2014).

<sup>512</sup> ‘New Survey to Identify Manual Scavengers: Anjaneya’, *The New Indian Express*, <http://www.newindianexpress.com/states/karnataka/New-Survey-to-Identify-ManualScavengers-Anjaneya/2014/05/31/article2255403.ece>, (accessed: 05 June 2014).

be vast variations between the actual situation on the ground and the figures mentioned in government data. Activists working on issues concerning manual scavenging are still not able to convince the government to do a proper survey so that rehabilitation can reach all manual scavengers.

It has become quite customary for the government to provide data on the number of manual scavengers in the country and for the social activists to strongly contest the figures. For instance, in a recent submission before the Rajya Sabha, the Minister of State for Social Justice and Empowerment mentioned that manual scavengers are found in 13 states in the country. He, then, provided state-wise data, which has been contested by activists who asked why only 12,753 manual scavengers were identified in India and that the remaining workers should also be included in the that data. Questions were also raised about only 979 manual scavengers reflected in urban Tamil Nadu.<sup>513</sup> It was explained that no data was available about rural Tamil Nadu. The conclusion that could be drawn from all this that, either the state had not conducted the survey, or did not do it properly. Tamil Nadu's Annual Budget speaks about allotting Rs. 6.5 crore for machines and Rs. 22<sup>514</sup> crore for rehabilitation purposes and providing loans for the scavengers to pursue alternative occupations. As a departure from its earlier claims that there were no manual scavengers, the state government declared its resolve to ban manual scavenging from 15 March 2015 onwards. Unfortunately, the government of India has been reducing funds for the rehabilitation programmes. For instance, in 2011, Rs. 65 crore had been allotted for the survey. In March 2013, the allotment was scaled down to Rs. 10 crore. Bezwada Wilson<sup>515</sup> has spoken about this survey's budget and the government's apathy towards the rehabilitation of manual scavengers. The Arunthathiyar's generations falling into scavenging because of this kind of progress, and the rehabilitation schemes not established their future. The benefits of alternative jobs and social integrity can constitute a bond in the society so that the traditional occupation can stop in their life.

### **5.5.3. Judicial involvement for abolition of manual scavenging in Tamil Nadu after 1993**

This section will examine the implementation of legal provisions to prevent manual scavenging within the social fabric of Tamil Nadu in the past decades. It became established

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<sup>513</sup> Khandekar, Nivedita, 'Manual scavenging-free India' still a distant dream', *TwoCircles.net*, <http://twocircles.net/2015apr04/1428145879.html#.VnQ8qIKyrwq>, (accessed: 15 April 2015).

<sup>514</sup> Arasaanai Alla Thirvu (GO is not a solution), *Dinamani*, <http://www.dinamani.com/editorial/2015/03/13/அரசாணை-அல்ல-தீர்வு/article2710689.ece>, (accessed: 13 March 2015).

<sup>515</sup> Khandekar, Nivedita, *Manual scavenging-free India still a distant dream*.

civil society constitutes a legal community consonant with citizen's sociability, and ordered with the mutual acknowledgment and protection of moral rights to all citizens of the country. The provisions in the Constitution of India have totally 'reduced the purity and pollution' concepts which had tended to vitiate the Indian society.<sup>516</sup> In 2005, while passing orders on a petition from the Safai Karmachari Andolan and others, a Bench consisting of Justice S. N. Variava and Justice H. K. Sema, observed that the practice still continued, despite a 1993 law banning it. 'Clearly there was a lack of will to implement the Act.'<sup>517</sup> The government passed the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2012. The then Minister of Social Justice<sup>518</sup> defined, the objectives of the Acts as: aiming to outlaw employment of manual scavengers and to provide retraining and help for their families. She said, "The obligation to keep our agreements is a consequence of living in civil society, but the necessary measures are already there under the natural law of our rationality and sociability." However, 30 sanitary workers died since February 2012. The 2013 Act appears to reiterate the government's resolve to eradicate the abominable practice of manual scavenging.<sup>519</sup> In Tamil Nadu, a fourteen member special committee was formed in 2009, following a demand from the Tamil Nadu Conservancy Workers' Federation (TNCWF) and the directions of the Madras High Court in 2008 to suggest measures to eradicate the practice of manual scavenging.

NGO like 'Change India' have been fighting against manual scavenging for the last three decades in Tamil Nadu. Its founder, Mr. Narayanan, wanted the government to make necessary changes in the 2013 Act, otherwise a solution should not be stopped. He cited the directions issued by the High Court, aimed at providing social justice to manual scavengers in Tamil Nadu. As per the High Court directions, the state Assembly passed a unanimous resolution on September 10, 2011 calling upon the Union of India to enact suitable amendments to the 1993 Act by modifying certain clauses, including the scope of definition

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<sup>516</sup> Devakumar. J, 'Caste and Dalits Rights Violations in Tamil Nadu', *Social Scientist*, Vol. 35, No. 11, (2007), p. 39.

<sup>517</sup> 'Last chance to end manual scavenging: Supreme Court', *The Hindu*, <http://www.hindu.com/2005/05/04/stories/2005050404331500.htm>, (accessed: 26 September 2010).

<sup>518</sup> 'India lawmakers ban 'dehumanising' manual scavenging', *Fox News*, <http://www.foxnews.com/world/2013/09/07/india-lawmakers-ban-dehumanising-manual-scavenging>, (accessed: 10 September 2013).

<sup>519</sup> Kolappan B., New law no relief to manual scavengers, *The Hindu*, <http://www.thehindu.com/news/national/tamil-nadu/new-law-no-relief-to-manual-scavengers/article5117512.ece>, (accessed: 15 September 2013).

of manual scavenger.<sup>520</sup> It was suggested that this Act should also provide the mechanism for eliminating the practice of manual scavenging through democracy, law, governance and sustainable development, social status and human equality in India.

According to Kant, a legitimate authority can give legal punishments because that can secure the ‘implementation of some moral rules.’<sup>521</sup> Due to mounting pressure of this legal point, in March 2013, the Central Government announced a nationwide survey of manual scavengers. However, this survey was confined only to 3546 statutory towns and did not cover rural areas.<sup>522</sup> Meanwhile, the Supreme Court highlighted the findings of surveys conducted by some organisations, which estimated that there were over 12 lakh manual scavengers. The official statistics issued by the Ministry of Social Justice and Empowerment for the year 2002-2003 put the figure of identified manual scavengers at 6, 76, 009.<sup>523</sup> Almost forty percent of the manual scavengers were not taken into account in this survey. Thus, the planning for rehabilitation of scavengers will only be piecemeal. The government’s concern agenda manifests in two forms: ‘i) social reform and political intervention and ii) legal measures.’<sup>524</sup>

The Madras High Court has consistently rejected the plea that there is no manual scavenging in the state. Instead, it has been calling for a primary analysis of the social investigation. As a result of the directions of the High Court, on 26 November 2014, the government expressed its seriousness to prevent the entry of sanitary workers into sewer lines.<sup>525</sup> The intention was to take stringent action against the offending government or private contractors, and improving the contractor liability clauses. Thereafter, Chief Justice, M. Yusuf Eqbal, and Justice T. S., Sivagnanam, issued orders on a Contempt of Court

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<sup>520</sup> Venkatesan. J., Change in scavenging Act soon, court told, *The Hindu*, <http://www.thehindu.com/news/national/change-in-scavenging-act-soon-court-told/article3007002.ece>, (accessed: 19 March 2012).

<sup>521</sup> Williams, Howard, *Kant on the social contract*, eds., David Boucher and Paul Kelly, ‘The Social Contract from Hobbes to Rawls’, (London: Routledge, 1994), p. 136.

<sup>522</sup> *Safai Karamchari Andolan vs Union of India*, The Supreme Court of India, *Writ Petition (Civil) No. 583 of 2003*, <http://supremecourtindia.nic.in/outtoday/wc583.pdf>, (accessed: 12 August 2014).

<sup>523</sup> ‘Treat sewage workers as manual scavengers, pay Rs 10 lakh as compensation to kin of the dead since 1993:

Supreme Court’, *Counterview.org*, <http://counterview.org/2014/03/31/treat-sewage-workers-as-manual-scavengers-pay-rs-10-lakh-as-compensation-to-kin-of-the-dead-since-1993-supreme-court>,

<sup>524</sup> Ramaiah, Avatthi, *Laws for Dalit Right and Dignity: Experiences and Response from Tamil Nadu*, (Jaipur: Rawat, 2007), p. 2.

<sup>525</sup> ‘Manual scavenging: officials appear in court’, *The Hindu*, <http://www.thehindu.com/news/states/tamil-nadu/article936059.ece>, (accessed: 08 December 2010).

Petition<sup>526</sup>, appointing a special committee comprising senior officers since it was observed that the government was not taking the issue of manual cleaning of sewers seriously and that no concrete decisions had been taken in the matter. The Madras high Court also decided to monitor the steps taken by the Metro water and Municipal Administration department to do away with the practice of manual cleaning of sewers in Tamil Nadu.

Investigations revealed that at least ten sanitary workers had died in and around Chennai<sup>527</sup> in the last fourteen months, due to scavengers inhaling noxiously gases while entering manholes and septic tanks. In such circumstances, the government involvements have quite different connotations. And may not be morally relevant, it establishes a fair agreement situation between recognition and equal compensation of the incidents.<sup>528</sup> The real problem for the state government lies so much in justifying a particular form of data from the perspective of their dignity but in giving a defensible account of the moral decisions and deliberation of research studies are found out the actual picture. Government should not ignore the scavengers particular agonise in response to solutions are from moral circumstances. Despite protestations to the contrary, in Tamil Nadu, manual scavenging still exists. However, now the families are seeking legal support to get their kin death compensation.<sup>529</sup> Also, the State government's actions on this issue are under the scanner of the Madras High Court. However, this is not enough for achieving the objective of abolition of manual scavengers, because the government does not fully understand the picture of intangible scavengers with a very specific social and cultural inheritance.

#### **5.5.4. International Organisation's Paradigm shifts on Manual Scavenging**

Initially UNO and other international organisations initiated serious action to improve the sanitary conditions in rural and urban areas of the various countries in the 1970s. Since then, the Indian government have been giving more focused attention on the issues of defecation in the open and manual scavenging. It may be mentioned here that the period 1980

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<sup>526</sup> 'HC to monitor steps taken to abolish manual cleaning of drains', *The Times of India*, <http://timesofindia.indiatimes.com/city/chennai/HC-to-monitor-steps-taken-to-abolish-manual-cleaning-of-drains/articleshow/6230178.cms>, (accessed: 30 July 2010).

<sup>527</sup> Yamunan, Sruthisagar, 'Manual scavenging: Activists seek strict enforcement of court order', *The New Indian Express*, <http://newindianexpress.com/cities/chennai/article564583.ece>, (accessed: 13 July 2012).

<sup>528</sup> Mathew, Pheba, 'Scavenging for a life: Wives of workers who died cleaning a septic tank await help for 9 years', *The News Minute*, <http://www.thenewsminute.com/article/scavenging-life-wives-workers-whodied-cleaning-septic-tank-await-help-9-years-37677>, (accessed: 15 January 2016).

<sup>529</sup> Imranullah, S., 'Mohamed, Kin of victims of manual scavenging go to HC', *The Hindu*, <http://www.thehindu.com/news/cities/Madurai/kin-of-victims-of-manual-scavenging-go-tohc/article7953690.ece>, (accessed: 07 December 2015).

to 89 had been declared as the UN sanitation Decade. Most of the third world countries started regarding manual scavenging as a social problem and cleaning human excreta from dry latrines as a health and sanitation problem. This concept emerged from developing countries that bad sanitation conditions can have serious health and environmental consequences. It was also being increasingly realised that failure, or breakdown of the sanitation systems ‘subsequently contributed to diarrheal, cholera, and high infant mortality, especially in slums and poor, unplanned areas.’<sup>530</sup>

From the early 1980s, Studies by international organisations started giving a lot of prominence to sanitation issues in India. However, even after the findings of such studies were released, dry latrines continued to exist in large numbers in this country. However, one positive outcome of these studies was that manual scavenging came to be increasingly regarded as a social evil, because it has been continuing by solemnly unique Dalit in all over India. Through Planning commission of India got global pressure on manual scavenging and sanitation issues. So it had plan to abolish the manual scavenging first action to rehabilitate the manual scavengers. Because manual scavenging is a social problem, not sanitation issue

In 1992, the Planning Commission of India<sup>531</sup> conducted a nationwide survey to identify the manual scavengers so as to device rehabilitation and empowerment programmes for the existing scavengers and their dependents.<sup>532</sup> The task was complicated by the fact that manual scavenging was existing in various forms. A cynical view of the 1993 Act is that it only brought about a change in the nomenclature of manual scavengers to sanitary workers. The nature of job continued to largely remain the same. Yet, as picture has been projected that manual scavenging has abolished and the benefits of rehabilitation are now available to the erstwhile scavengers, as also their dependents. One of important components of the ‘Millennium Development Goals’ was that all nations should ensure sanitation for all their citizens. One issue before India has been to simultaneously tackle the twin issues of ensuring sanitation and rehabilitating the scavengers. Both these issues have social as well as economic dimensions. One possible solution for the failure to meet the set targets has been to keep extending the deadlines. Had this been done in a more rational manner, many of the strengths of the present initiatives could have been consolidated and the weakness shored up.

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<sup>530</sup> Parkinson, J., ‘Improving servicing of on-site sanitation—a neglected issue for the UN Year of Sanitation’, *Water21 December*, (2008), p. 40.

<sup>531</sup> Report of The Task Force for Tackling the Problems of Scavengers and Suggesting Measures to Abolish Scavenging with Particular Emphasis on Their Rehabilitation, 1989.

<sup>532</sup> See full text, ‘National Scheme for Liberation and Rehabilitation of Scavengers (NSLRS), 1992.’

Also, not much attention seems to have been made to take inspiration from success stories in this regard in other places – both within the country and in other countries. It is reiterated that such initiatives cannot be taken up in isolation. The positives from other places can always be suitably adapted to meet the local conditions.

A major after-effect of globalisation has been the increase in the pace of urbanisation, which has brought about a lot of sanitation issues. Sanitation is not only about keeping the place neat and tidy. It also entails periodically removing the garbage, which could otherwise serve as breeding grounds for various types disease-causing organisms. While sweeping a street or road if workers come across human waste they have to remove it. This is not manual scavenging. If worker often removing excreta on particular place then concern authority appoints a worker to deal with that matter. But the worker comes under the name of sanitary worker, but this should be consider as manual scavenging.

#### **5.6. Demolition of Dry Latrines buildings after 1993 Act**

A dry latrine is one in which there is no water for flushing the human excreta from the receptacle in which the excreta is collected. The term dry latrine was changed to insanitary latrine after 2000. Since such latrines not have proper water flushing facilities, or septic tanks, these need to be emptied on a daily basis. The scavengers manually collect the excreta into wicker baskets and dispose this on the outskirts of the town, or in special dumping places. In all the three municipalities, such dumped material is later allowed to decompose into compost. This is later sold as a fertiliser for coconut farms. Municipalities were earning a reasonable revenue through such sales. Rather enigmatically, human excreta, which is regarded as something filthy and impure, loses its ‘bad reputation’ once it decomposes. Thereafter, it is used as a fertiliser for the very food items which humans consume. A social angle to this issue is that while human excreta acquires some commercial and social value after about 15 days, the persons who handle this continue to be regarded as unfit for social interaction, even by persons belonging to the same caste, but pursuing occupations other than scavenging.

As already mentioned, the 1993 Act placed a ban on manual scavenging. It was also laid down that the existing dry latrines should be converted into water flush ones. The Act did not immediately bring about overnight revolutionary changes in the sanitation scenario. For instance, the government of Tamil Nadu took two years to Act on the 1993 Act. Even

then, the initial accent was on dry latrines in public toilets – not in individual households. It was only after 2005 that Government ordered all households to convert the existing dry latrines into water flush ones.

In Dindigul town, the conversion process did not achieve the desired degree of success since many households cited financial reasons. Hence, the municipality came with the offer of bank loans. This helped in improving the scenario clearly and significantly reduced the instances of defecation in the open. But in narrow streets like old town, there took plenty of time to change their attitude towards use water facility toilets. A major challenge before the municipal authorities was that of homeless people, or who did not have toilets in their houses. For them, defecation in the open was the only available option.

Palani is a Selection Grade Municipality in the Dindigul District. This category has been allotted based on annual income and population in that town. It was a town Panchayat up to 1995. Thereafter, as a follow up of the 1993 Act, the then local administration took up action for demolition of the existing dry latrines. The task was hampered because the awareness campaign in this regard was not conducted properly. No wonder, the demolition drive was strongly opposed by the public. Also, the cost of conversion of the existing dry latrines into water flush ones was beyond the reach of many low income households. Even today, some dry latrines can be seen within Palani municipal limits. The concerned households are removing the excreta either themselves, or are using workers for that purpose.

Kodaikanal is also a special grade Municipality, because most of the revenue comes from tourism. Hence, it is very essential to maintain proper sanitation here. Local bodies themselves routinely run dry toilets, and employ people of specific castes to clean these manually. Before 1992, people preferred to defecate in open places and not in the few community latrine complexes that existed in the municipality. Consequent to the enactment of the 1993 Act, the municipality had to demolish the existing public dry latrines infrastructure.<sup>533</sup> Despite its small population, Kodaikanal has various caste groups that differ in terms of culture, language and backgrounds. Each of them have had different perceptions regarding the toilets. No wonder, the conversion process took some time. In course of time,

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<sup>533</sup> Kathikeyan, D., 'Dry latrine at Seithur town panchayat demolished', *The Hindu*, <http://www.thehindu.com/todays-paper/tp-national/tp-tamilnadu/dry-latrine-at-seithur-town-panchayat-demolished/article2215372.ece>, (accessed: 12 July 2011).

most of the citizens came to realise that dry latrines are fundamentally inappropriate in an urban context.<sup>534</sup>

In December 1993, Parliament passed the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, prescribing imprisonment of up to one year for hiring people to clean dry toilets, besides making provisions for employment aid for former workers. States were required to convert the existing dry toilets into flush ones within a period of six months. Clearly, nothing much happened in controlling open defecation, especially in the tourist season. On such occasions, the municipalities have to arrange temporary mobile water flush toilets, but it meant only for women and children below five years of age. Many men have been taking the plea that since they are not entitled to use the temporary mobile flush toilets, they have no option but to defecate in the open.

As already indicated, the 1993 Act declared that employment of scavengers or the construction of dry latrines to be an offence punishable with imprisonment for up to one year and a fine of two thousand rupees. But the central, state and local governments have been very lax in implementing this law, and almost no one has been punished under this law in the last twenty five years. It may be mentioned here that the nationwide Manual scavenging survey had mentioned that about still 68 per cent of the dry toilets are still to be converted into flush toilets. It is pertinent to mention here that there must be a degree of synergy between a survey and the conversion process. Otherwise, there are always chances of a mismatch between the actual figures. All the states had to finish the survey and ensure zero insanitary latrines,<sup>535</sup> said by Ministry of Drinking Water and Sanitation in 2014.

A recent survey highlighted that Tamil Nadu had 27659 dry latrines.<sup>536</sup> Most of these were found nearby temples and old towns that did not have proper urban planning. The changeover of dry latrines construction has been changed like user have to flush the waste then it pass through the pipeline accumulate it there scavengers collects and transfer it into

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<sup>534</sup>Morales, M. del Carmen., Harris, Leila & Öberg, Gunilla, 'Citizenshit: the right to flush and the urban sanitation imaginary', *Environment and Planning A*, Vol. 46, No. 12, (2014), p. 2823.

<sup>535</sup>Singh, Darpan, 'Scraping dry toilets with their bare hands: Survey shows 1.56 Lakh rural households ignore ban on manual scavenging', *Mail Online*, <http://www.dailymail.co.uk/indiahome/indianews/article-3253905/Scavenging-horror-Survey-exposes-widespread-use-people-clean-toilets-pigs-let-loose-eat-human-waste.html>, (accessed: 30 September 2015).

<sup>536</sup>Deshetti, Shashi, 'Number of Dry Latrines in Various States in India – Manual Scavenging in India', *Factly*, <https://factly.in/manual-scavenging-in-india-8-pc-manual-scavengers-are-in-uttarpradesh/number-of-dry-latrines-in-various-states-in-india-manual-scavenging-inindia/#prettyPhoto/0>, (accessed: 15 May 2015).

vehicle. Because government cannot construct dry latrines so instated of installs Asian type squatting pan to defecate so it seems full water flush toilets. This kind of latrines spring up at the time of famous temple festivals. On their part, the municipalities are not much concerned about providing proper mechanised sanitation facilities in such places. Social activists have been opposing the emergence of the new forms of manual scavenging.<sup>537</sup> They have been asking the local administration to put an end to such stop-gap arrangements for temple festivals. On its part, the government has been giving assurances that such things will not happen in the future temple festivals.<sup>538</sup> However, social activists insists that the authorities will initially induct persons as sanitary workers for such festivals and thereafter force them to undertake manual scavenging.

### **5.7. More Male than Female Workers in Scavenging**

The point being stressed however the stark occupational and gender discrimination prevalent in the three municipalities. Before the passing of the 1993 Act, generally female scavengers used to clean the dry latrines in households where a noticeable number of women were using the latrines. Such female workers could the ladies in these households for leftover food or for some money on festive occasions. This task was considered to be a highly gender segregated, since generally only females undertook it. Male workers generally attended to tasks like lifting human excreta in baskets, taking this accumulated waste in carts to the dumping sites, and other ‘outdoor’ activities. When the government ‘legally’ banned manual scavenging, many permanent female scavengers became sweepers. The caste based women labourers have to simultaneously maintain two roles in terms of ‘monetary compensation and social status’<sup>539</sup> within society and the family. The ‘lower caste’ women, with low education and few skill endowments, were further marginalised in the labour market after globalisation in India.<sup>540</sup> With the emerging alternative of water flush toilets emerging to replace the existing dry latrines, and construction of septic tanks, many female scavengers lost their jobs. These innovations required humans to remove the filled tanks and blockages in the tubes. Such tasks started being performed mostly by males. The relevant issue of concern for

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<sup>537</sup> ‘Keep Mahamaham 2016 Free of Manual Scavenging, Urges NGO’.

<sup>538</sup> ‘No manual scavenging during Mahamaham: Municipality’, *The Times of India*, <http://timesofindia.Indiatimes.com/city/trichy/No-manual-scavenging-during-Mahamaham-Municipality/articleshow/48970407.cms>, (accessed: 17 September 2015).

<sup>539</sup> Gopal, Meena, ‘Caste, sexuality and labour: The troubled connection’, *Current Sociology*, Vol. 60, No. 2, (2012), p. 224.

<sup>540</sup> Madheswaran, S and Attewell, Paul, ‘Caste Discrimination in the Indian Labour Market: Evidence from the National Sample Survey’, *EPW*, Vol. 42, No. 41, (2007), p. 4151.

‘policy intervention determinates the employment absorption’<sup>541</sup> in the context of gender differentiation. Still, it cannot be denied that a large number of women continue to clean the dry latrines in urban and rural areas. However, almost all of them are contractual workers - and not permanent employees of the municipalities. Even today, many of them are undertaking scavenging and sweeping tasks in public and private establishments. Municipalities are tending to avoid taking the blame for such a state of affairs. Instead, they prefer to pass the onus onto the contractors and make the lofty statement that government would like to help them to get financial assistance to choose an alternate occupation. This means that the organisation and structure of jobs are not independent of the structure of sex segregation<sup>542</sup> in society. Women only usually clean dry toilets, men and women remove excrement from open defecation sites, gutters, and drains, and men are called upon to do the more physically demanding work of cleaning sewers and septic tanks. Practically all activities in which women are engaged are not only time consuming and back-breaking, but also ones which cannot be mechanised.

Scavengers are employed to do the cleaning work on a private basis, even where there are wet latrines. According to Vishav Raksha, “Women scavengers are employed to clean the toilets, clubbing it with the work of sweeping and mopping the house, washing clothes and, to some extent, cleaning utensils.”<sup>543</sup> Women do not go down the drain, but often it becomes the responsibility of women workers to clean the waste which the sewerage workers bring up from the drain. All these works have to handle without any protective gears and also it is harmful to women’s health.<sup>544</sup> It may be safely concluded that the abolition of manual scavenging led to the abolition of jobs reserved for women scavengers. This means that these horrible, but comparatively well-paid, jobs depend on official patronage and discretion more than ever before. Harriss-White says, ‘The municipal labour force is becoming more male than ever and the disposal of ‘wet waste’ is now men’s work.’<sup>545</sup>

Now, the erstwhile woman scavengers largely have the option of sweeping streets. Here too, the contractors are tending to engage persons from their own from mostly Dalit and

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<sup>541</sup> Neetha N., ‘Crisis in Female Employment Analysis across Social Groups’, *EPW*, Vol. 49, No. 47, (2014), p. 52.

<sup>542</sup> Jonung, Christina, *Occupational Segregation by Sex and Changeover Time*, eds., Inga Persson & Christina Jonung, ‘Women’s Work and Wages’, (London: Routledge, 1998), p. 38.

<sup>543</sup> Raksha, Vishav, *Excluded and Marginalized*, p. 149.

<sup>544</sup> Praxis Institute for Participatory Practices, *Madan*, (2014), p. 17.

<sup>545</sup> Harriss-White, Barbara, ‘The politics of waste management’, *The Hindu*, <http://www.thehindu.com/todays-paper/tp-opinion/the-politics-of-waste-management/article7731955.ece>, (accessed: 08 October 2015).

non-Dalit communities are recruited by contractors' from maximum their own communities. While persons belonging to other communities may not have objections to taking up sweeping tasks, they still continue to nurture the notion that the scavenging tasks are the monopoly of certain castes only. The Tamil Nadu government constructed a number of toilet complexes for females in each town and village panchayats – but no toilet complexes for males. However, the government now plans to construct male toilet complexes too.

Many of the female workers, though termed as sweepers, are removing the excreta in open defecation fields. But still, 676,009<sup>546</sup> people are working as Safai Karamcharis throughout India. Most of them are women who are working in the railways. However, the municipalities can take the plea that since there have very few female workers, none of them are being made to do manual scavenging. Thus, more male workers are symbolically creating a picture of manual scavenging. However, social activists continue to contend that 98.0% of the scavengers are women.<sup>547</sup> As already mentioned, despite claims to the contrary, female workers continue to work in dry latrines, or are removing excreta in open defecation areas. Also, nowadays, due to urbanisation, more underground drainages and septic tanks are being cleaned solely by male workers. This is nothing but another form of manual scavenging.

There have been a few success stories of the Maila Mukti Yatra during its Abolition of Manual Scavenging Nationwide Movement in 2013. A number of ex-sanitary workers, who left manual scavenging, have spoken about their successful empowerment. Lad Kunwar from Madhya Pradesh, ex-manual scavenger regained self-respect three years ago through an alternative job. A number of female scavengers, who earlier had to clean 50 houses every day for the wage of Rs. 5 a month and had a rotten roti being thrown at them, now work as farm labourers and daily wages of earn Rs. 200.<sup>548</sup> These stories must serve as an encouragement to current manual scavengers.

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<sup>546</sup> Eradication of manual scavenging, *Indian odyssey*, [http://www.indianodyssey.org/Manual\\_Scavengers.html](http://www.indianodyssey.org/Manual_Scavengers.html), (accessed: 20 October 2015).

<sup>547</sup> Singh, Abhimanyu, 'Reality of Clean India? 1000s still Forced to Pick up Human Excreta: An Interview that tells it all', *Youth Ki Awaaz*, <http://www.youthkiawaaz.com/2016/01/interview-with-national-convenor-safai-karmachariandolan>, (accessed: 07 January 2016).

<sup>548</sup> 'Manual scavenging is slavery, not a job', *The Hindu*, <http://www.thehindu.com/todays-paper/tpnational/tp-karnataka/manual-scavenging-is-slavery-not-a-job/article4267409.ece>, (accessed: 19 January 2013).

According to C. P. Sujaya,<sup>549</sup> “Untouchability, caste biases, illiterate backgrounds of parents and families, poverty, learning disabilities etc. are examples, which, compounded with vulnerabilities of being females. The real and complex face of discrimination against women and girls still continue. For them, there is neither the escape from the social evil of untouchability, nor the freedom from the manual scavenging. The problem of manual scavenging is considered the most despised and defiling activity that still continues to be part of their vocations. Women engaged as manual scavengers face pressure from the community and family to continue this practice because their households have few other options for livelihoods. The social policy-wise, social exclusion, family poverty and gender equality are closely linked. The links all boil down to women's work, so improving the resources of women is indispensable for improving the welfare of families and of society at large. They female scavengers need more and special rehabilitation schemes to analysis their status in behaviour of own house members, working place and society.”<sup>550</sup>

### **5.7.1. Gender Distribution of the Respondents**

An occupation describes a human being fulfilled level in society with dignified job, but everyone hasn't got to that point. Within that, gender bias have been playing a huge role to fix an occupation and who performs the most dignified job. “The Hindutva’s main conquest is put all castes and genders in a system with hierarchical order. It puts Dalit workers at the lowest level, with ‘Dalits and Adivasis even below that and women below men.’”<sup>551</sup> It has already been brought out that one of the fall-outs of the 1993 and 2013 Acts has been the decrease in the official figures in respect of female scavengers. It has also been mentioned that social activists have always been contesting the claims of the officials. The Table below depicts the situation in the study area.

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<sup>549</sup> Prasad, Jitender & Kundu, Satish, *Scourge of Untouchability and Social Deprivation of Scavengers*, ed., Sulabh International Social Service Organisation, ‘National conference on Sociology of Sanitation’, (New Delhi: Sulabh, 2013), p. 106.

<sup>550</sup> Prasad, Jitender & Kundu, Satish, *Scourge of Untouchability and Social Deprivation of Scavengers*, ed., Sulabh International Social Service Organisation, ‘National conference on Sociology of Sanitation’, (New Delhi: Sulabh, 2013), p. 106.

<sup>551</sup> Hensman, Rohini, *Labour and Globalization: Union Responses in India*, eds., Paul Bowles & John Harriss, ‘Globalization and Labour in China and India’, (Hampshire: Palgrave Macmillan, 2010), p. 191.

**Table 5.6: Gender Distribution of the Respondents**

<b>Municipality</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Palani	59 (33.9)	41 (32.5)	100
Kodaikanal	71 (40.8)	29 (23)	100
Dindigul	44 (25.3)	56 (44.4)	100
<b>Total</b>	174 (58)	126 (42)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

It can be seen that, overall, 58.0% of the respondents were male. It was only in Dindigul that the female respondents (56.0% of the total) outnumbered their male counterparts. On the other hand, in Kodaikanal, as high as 71.0% of the respondents were males. It is noted that gradually the number of females in decreased in comparing with the male population.

Kodaikanal municipality have three sanitary divisions there are Bus stand, Kodaikanal Lake and behind Bryant Park. These are more tourist attraction places in every two seasons. The municipality put importance to these places. So municipality have to provide sanitation facility like temporary toilet complexes. Each season municipality put these complexes in particular places to avoid open defecation but people prefer to open. Because tourists are inconvenienced with multi-users toilet complexes, regular issue is those are not maintained properly. A group of workers have to take care it with shifts in daily basis and cleaning the also have to clean squat pan if not cleaned by commuters.

Kodaikanal municipality has 74 permanent workers (71 males and 3 females). Each year, the municipality recruits 60 more workers in the seasonal periods - April - June and September-October. The municipality had recruited 45 seasonal workers (20 males and 25 females) during the study period. All the seasonal female workers have to clean water-set toilets and open defecation sites in most tourists gathering places. The seasonal male workers

are sweeping streets, cleaning septic tanks and unclogging the drains. The municipality has understood that most of the women tourists use temporary toilet complexes, so they put female workers as in-charge as well as they can maintain it without any other human support. Kodaikanal municipality have three sanitary divisions there are Bus stand, Kodaikanal Lake and behind Bryant Park. These are more tourists attractive places in every two seasons. The municipality put importance to these places. So municipality have to provide sanitation facility like temporary toilet complexes. Each season municipality put these complexes in particular places to avoid open defecation but people prefer in open. Because tourists are inconvenienced with multi-users toilet complexes, regular complain issue is those are not maintain properly. Group of female workers have to take care it with shifts in daily basis and cleaning the also have to clean squat pan if not cleaned by commuters.

Dindigul has cotton mills and tannery industries that are providing jobs for males. Therefore, there are more female municipal scavengers in this municipality. Just as in other places, women are engaged for the relatively easier tasks like sweeping of streets and removing human excreta from the open defecation places. The men are deputed for more hazardous tasks like cleaning septic tanks and unclogging the drains. Women are able to find industrial work only in the tanneries.<sup>552</sup>

The industrial hubs of Tirupur and Coimbatore are located very near to Palani. These are providing some employment opportunities for the residents of Palani. Most of the Arunthathiyars have originally been agricultural labourers and construction workers. Due to good income and the opportunity to render service to God, most of the workers prefer to work as sanitary works during the festivals season. The municipality seems to be exploiting this sentiment by asking some of these workers to remove human excreta from dry latrines in Palani. The lack of alternative options, is preventing many persons from changing their original like of work. Women constitute a larger proportion of people engaged in manual scavenging. In fact, the entire family is engaged as scavengers. Even the community toilet complexes are maintained by women scavengers. In addition to sweeping the streets, they are not fully averse to washing clothes and, cleaning utensils and the toilets in the houses of the temple authorities. In the case of certain families of manual scavengers, it is usually the men who give up their original occupations by taking advantage of the development programmes

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<sup>552</sup> Nihila, Millie, 'Marginalisation of Women Workers: Leather Tanning Industry in Tamil Nadu', *EPW*, Vol. 34, No. 16/17, (1999), p. 24.

meant for the weaker sections of society. However, they continue to allow their women to do manual scavenging for adding to the household income. This is the worst example of gender inequity at the family level in the study area.. Most manual scavenging is done by women, because they marry into it and have no choice, ‘the contexts of the family and caste can be related as interpersonal and intergroup relations.’<sup>553</sup> Male manual scavengers often hide their profession from the prospective brides until it is too late. They can later drown the stench of their occupation in alcohol since now they their wives to work for them.

### **5.8. False Figures Regarding the numbers of Manual Scavengers in India**

After the National Scheme for Liberation and Rehabilitation of Scavengers (NSLRS) 1992 and The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) 2007 were launched, states which were earlier found to have a high degree of prevalence of manual scavenging have now started projecting lower figures.<sup>554</sup> However, a number of studies have exposed the false claims of the concerned authorities. It is alleged that now people are being recruited as sanitary workers, but are actually performing only manual scavenging tasks.<sup>555</sup> The dilemma before many state governments is whether to reveal the actual number of manual scavengers (and face the charge of flouting the 1993 and 2013 Acts), or show lesser figures and be allotted lesser funds meant for the rehabilitation of manual scavengers. If they claim less manual scavengers then rehabilitation scheme’s financial support to be stopped due to this consequences or states will resend the amount for the rehabilitation of manual scavengers instead of that state governments wants to show proper enforcement of 1993 Act in respective states. Thus, research one of the main intention is to draw the broad picture that found in many government reports false numbers claiming on manual scavengers in states, some of them taking different forms rehabilitation programmes. Each state government is required to send its progress report to the central government on the rehabilitation of manual scavengers.<sup>556</sup> The state of Tamil Nadu<sup>557</sup> acknowledged that 11, 874

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<sup>553</sup> Madan, T. N., *Sociological Traditions*, p. 38.

<sup>554</sup> Darokar, Shaileshkumar, *Brushing Manual Scavenging Under Gujarat’s Carpet*, ed., Teesta Setalvad, ‘Gujarat Behind the mirage’, (Surrey: The Book People, 2014), p. 87.

<sup>555</sup> Gaikwad, Rahi, ‘Gujarat turns a blind eye to manual scavenging’, *The Hindu*, <http://www.thehindu.com/todays-paper/tp-national/tp-newdelhi/gujarat-turns-a-blind-eye-to-manual-scavenging/article6293429.ece>, (accessed: 08 August 2014).

<sup>556</sup> RBI/2010-11/55 RPCD.SP.BC. No.6 /09.03.01/ 2010-11, Master Circular on New “Self Employment Scheme for Rehabilitation of Manual Scavengers” (SRMS) from the Ministry of Social Justice & Empowerment for rehabilitation of all the remaining scavengers and their dependents by December 2009 and the spill over in inevitable cases up to March 31,2010.

scavengers were yet to be rehabilitated. This figure is at total variance with the statement made by Minister of State for Social Justice and Empowerment, Shri Vijay Sampla, that, in the state of Tamil Nadu, only 167<sup>558</sup> households require manual scavengers. No wonder, such data is sabotaging the full rehabilitation packages for manual scavengers. Similarly, the erstwhile state of Andhra Pradesh had denied the existence of manual scavengers. However, a number of reports brought out that many scavengers had died while cleaning underground sewer lines in Hyderabad city alone.<sup>559</sup> The Andhra Pradesh Scheduled Caste Cooperative Finance Corporation conducted a state wide survey<sup>560</sup> in 2000 and identified 23,303 scavengers and 22, 519 dependents. No wonder, even the central government seems to lack clarity on this issue. Consider the statement of the Union Minister for Social Justice and Empowerment that, as per the 2011 census, there were 26 lakh dry latrines in India which were manually scavenged by 1, 80,000 persons. However, reports suggest that 13<sup>561</sup> lakh manual scavengers are still being engaged in the country. The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013' also not address this issue quickly. But the states have to address this issue in right way to abolish manual scavenging. Minister Gehlot<sup>562</sup> have asked states send proposals for comprehensive rehabilitations of manual scavengers identified at the earliest so that ministry could sanction rehabilitation packages. Ministry have also constituted a central committee to monitor the implementation. The universal condition has given by the World Bank that says 'one percent urban population has to be survived through scavenging, and estimates overall 15 million populations getting their livelihoods from scavenging in worldwide.'<sup>563</sup> All state governments began to look this issue very carefully to drop false claiming and start scavenger's rehabilitation programmes very carefully with proper empowerment programmes. The unsatisfactory progress of the schemes created number of causes, including inadequate attention on the role of the State Governments. The National Commission for Safai Karamcharis reported the key factor of

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<sup>557</sup> RBI /2011-12/85 RPCD.GSS Div. BC. No. 5/09.03.01/ 2011-12, Master Circular on "Self Employment Scheme for Rehabilitation of Manual Scavengers" (SRMS).

<sup>558</sup> Lok Sabha, GoI, *Unstarred Question No. 2519*, <http://164.100.47.190/loksabhaquestions/annex/5/AU2519.docx>, (accessed: 20 September 2015).

<sup>559</sup> Tejaswi Amar, '2 workers die in manhole; cops clueless', *Deccan Chronicle*, <http://www.deccanchronicle.com/130512/news-current-affairs/article/2-workers-die-manhole-cops-clueless>, (accessed: 12 May 2013).

<sup>560</sup> 'A Brief note of Rehabilitation of Manual Scavengers and Safai Karamcharis', (2013), Andhra Pradesh Scheduled Caste Cooperative Finance Corporation Limited, Hyderabad.

<sup>561</sup> Patel, Amrit, *Manual Scavenging*, p. 38.

<sup>562</sup> 'Manual scavenging continues in India: Minister', *Times of India*, <http://timesofindia.indiatimes.com/India/Manual-scavenging-continues-in-India-Minister/articleshow/39697023.cms>, (accessed: 08 October 2014).

<sup>563</sup> Medina, Martin, *The World's Scavengers*, p. 202.

persistent ‘denial of existence of manual scavengers on the part of state government’s’<sup>564</sup> was the failure to address this issue. Samuel, state secretary of SKA, said that the nationwide survey in some districts had revealed over 3000<sup>565</sup> manual scavengers in Tamil Nadu. But social activists<sup>566</sup> also accused that government data about less manual scavengers this also a reason it did not cross check their data. Like that, ‘60-70 per cent of the money allocated for the rehabilitation of manual scavengers remains unutilised because the concerned authorities are not fully prepared to empower and rehabilitate the scavengers.’<sup>567</sup> Since these schemes are not achieved the target, many policies based on misconceptions, ‘design practical beneficial solution, these misconceptions need to be challenged, in coming policies.’<sup>568</sup>

### **5.9. Caste identity to Occupational Untouchability**

The tasks performed by each caste carries a symbolic representation. It says something about the relatively pure status of the caste in question. Similarly, at the global level, humans have been excluding from precariously ‘normal’ ways of living, the labourers associated with low grade occupations.<sup>569</sup> This articulation of social contestation comes under the regional term with the regional and local socio-economic and political contexts, exposing the identity or status of the particular human. Many kinds of labour correspond with the excretory functions of the body, for example that of washer men, barbers, manual scavengers and sweepers, as openly accepted by society. So they are low in the scale of purity in so far as their occupations are at variance with Brahminical ideas made mutual repulsion or peril distance. The traditional occupation and social status are indirectly linked and it is not so much the nature of the occupational mobility experiences that happen. What is more important is the education which is required to attain those professional occupations. Inequalities related to class, caste or occupation can be continuing vigorously, without being trimmed gradually in any way by recognition of the right to education for all. Participation leads to natural recognition in the context of acceptance in a contemporary society. Political status quo within the broad structure of a democracy is not an automatic way to extend that

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<sup>564</sup> Praxis Institute for Participatory Practices and Nidan, *A Legacy of Stench*, p. 6.

<sup>565</sup> ‘Students demand the abolition of Manual Scavenging’, *Thozhilalar Koodam*, <http://tnlabour.in/?p=3095>, (accessed: 14 January 2016).

<sup>566</sup> Shukla, Saurav, NGO hopes manual scavenging will be eradicated by year end, *Top News*, <http://www.topnews.in/law/ngo-hopes-manual-scavenging-will-be-eradicated-yearend-234063>, (accessed: 21 Oct 2010).

<sup>567</sup> Kumar, Avinash, *Our waste, our responsibility*.

<sup>568</sup> Medina, Martin, *The World's Scavengers*, p. 203.

<sup>569</sup> Tejerina, Benjamín, *et. al.*, ‘From indignation to occupation: A new wave of global mobilization’, *Current Sociology*, Vol. 61, No. 4, (2013), p. 379.

‘political proportion into the promotion of social and economic equality.’<sup>570</sup> Other non-traditional select occupations, or lifestyles, too will enable them to pursue their ethical and political aspirations that have been denied by society. The most effective rehabilitation for socio-economic mobility is to engage in politics.<sup>571</sup>

Let us now look at the ILO’s Discrimination (Employment and Occupation) Convention, which states that the term discrimination includes:<sup>572</sup>

- (a) “Any distinction, exclusion or preference made on the basis of race, colour, sex, religion, political opinion, national extraction or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation;
- (b) Such other distinction, exclusion or preference which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation as may be determined by the Member concerned after consultation with representative employers’ and workers’ organisations, where such exist, and with other appropriate bodies (C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), *Convention concerning Discrimination in Respect of Employment and Occupation*,”

Modern technologies only provide the basis for de-stigmatising a large community, but these also provide significant health benefits. All these measures will benefit a much larger section of Dalits than the current Affirmative Action programme.<sup>573</sup> An occupational structure, within the intergenerational mobility, has been thwarted by a lack of reliable promises from government’s schemes and rehabilitation activities. At the same time, the government have been ignoring to provide them alternative occupations, in order to carry out these new occupations through their family members. These types of commitment not only preceded choice of occupation, but also affected, or determined, the better choice of

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<sup>570</sup> Sen, Amartya, *The Argumentative Indian*, (New York: Farrar, Straus and Giroux, 2005), p. 36.

<sup>571</sup> Michelutti, Lucia, *‘We (Yadavs) are a caste of politicians’: Caste and modern politics in a north Indian town*, ed., Dipankar Gupta, ‘Caste in question: identity or hierarchy?’, (New Delhi: Sage, 2004), p. 61.

<sup>572</sup> C111 - Discrimination (Employment and Occupation) Convention, 1958 (No. 111), *Convention concerning Discrimination in Respect of Employment and Occupation*, ILO, [http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100\\_INSTRUMENT\\_ID:312256:NO](http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312256:NO), (accessed: 05 May 2013).

<sup>573</sup> Deshpande, Ashwini, ‘From formal to substantive equality’, *Seminar*, No. 672, [http://www.india-seminar.com/2015/672/672\\_ashwini\\_deshpande.htm](http://www.india-seminar.com/2015/672/672_ashwini_deshpande.htm), (accessed: 16 September 2015).

occupation.<sup>574</sup> A good relationship between economic development and occupational mobility should happen simultaneously after certain welfare measures have been introduced for socially deprived communities. The extent that sons remains in their family member's occupational strata as those of their fore-fathers, reinforced nevertheless by an inappropriately constructed society, have a system of high occupational inheritance. Basically, the occupational status of sons and daughters, in relation to their birth order and family size, indicates that the oldest child has a chance for family occupational attainment than the remaining children. Hence, they are more likely to be dependent and vulnerable. The structural changes in the distribution of occupations between the fathers' and sons' generation mobility is independent of the changing demand for different classes of workers over time. The own caste networks plays a huge role in supporting the restricted mobility. In other words, 'it historically supports the migration from the village to city, with the accompanying occupational mobility.'<sup>575</sup>

Assuming that there is no structural change between the fathers' and sons' generations, if one computes an upward mobility rate and finds that all occupations are identical, one can conclude that the degree of occupational inheritance is identical.<sup>576</sup> In certain cases, differences are happening in non-traditional occupations, especially in their own family businesses. Scavengers are not only constrained from seeking information about the availability of potential alternative jobs, but all occupations have a system that is fundamentally human malleable, i.e., they have tasks and skills that are applicable to all workers.<sup>577</sup> The education for all will give the magnitude changes in substantial amount of traditional occupational mobility. The significant changes in school educational attainments of Arunthathiyars suggests that there are slight trends in caring for the education dimension in the community. Occupational mobility can exist if that mobility is simply the result of an alternate in the distribution of all kind of traditional occupations to get strata between all communities, without any obstacles.

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<sup>574</sup> Searle-Chatterjee, Mary, 'Occupation, biography and new social movements', *The Sociological Review*, Vol. 47, Issue 2, (1992), p. 271.

<sup>575</sup> Munshi, Kaivan, *Caste Networks in the Modern Indian Economy*, eds., S. Mahendra Dev, P.G. Babu, 'Development in India: Micro and Macro Perspectives', (New Delhi: Springer, 2016), p. 15.

<sup>576</sup> Cutright, Phillips, 'Occupational Inheritance: A Cross-national Analysis', *The American Journal of Sociology*, Vol. 73, No. 4, (1968), p. 403.

<sup>577</sup> Rotolo, Thomas & McPherson, Miller J., 'The System of Occupations: Modeling Occupations in Sociodemographic Space', *Social Forces*, Vol. 79, No. 3, (2001), p. 1119.

### 5.9.1. Whether Occupational Mobility can help in the Eradication of Untouchability

It is been repeatedly mentioned that one of the reasons for persons of certain castes being accorded a lower social status and being subjected to the inhuman practice of untouchability, is their getting bogged down in ‘unclean and impure’ occupations. The Table will depicts whether occupational mobility can help in removing this obnoxious practice.

**Table 5.7: Whether Occupational Mobility will lead to the disappearance of Untouchability**

<b>Municipality</b>	<b>Yes</b>	<b>No</b>	<b>No Idea</b>	<b>Total</b>
Palani	56 (44.1)	22 (22.9)	22 (28.6)	100
Kodaikanal	43 (33.9)	31 (32.3)	26 (33.8)	100
Dindigul	28 (22)	43 (44.8)	29 (37.7)	100
<b>Total</b>	127 (42.3)	96 (32)	77 (25.7)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

It makes for rather sorry reading that a very significant proportion of respondents in all the three municipalities, either disagreed with the statement (overall, 32.0%), or had no idea on this issue (overall, 25.7%). It was only in Palani that more than half of the respondents (56.0%) agreed that occupational mobility could help in eradicating untouchability. Even though the positive responses were more in number than the other two, the proportion was only 43.0%). Rather amazingly, in Dindigul municipality, the negative responses (43.0%) were more than the other two ones. This suggests that a very significant proportion of respondents were apprehensive that they would continue to be stereotyped on the basis of their caste even in the new occupations. Obviously, one can move from one occupation to another, but can never shed one’s caste identity. It would be pertinent to refer to Andre Béteille, who considered caste occupation ranking and occupational mobility as two important

and closely interrelated features in urban society.<sup>578</sup> Similarly the 1993 Act not assured the alternative occupation for manual scavengers. This Act taken into consider that, if stop the construction of dry latrines or ban manual scavenging can change their scenario. In overall population, 44.1% Palani respondents said occupational mobility could change their scenario. If compare with this old generation said the untouchability even prevalence in other occupations too. But youngsters need permanent occupation, so this gives them uncertainty about their life condition, they wants economic security so they ready to work as manual scavengers. The absolute betterment it seeks in the emancipation of all those scavengers is exploited by the caste system. The unity is the worth of abolition of this caste based occupation, because the policies of the rehabilitation provoke a backlash on the part of the empowerment. The subject of rehabilitation concerned as have tended to focus exclusively on social transformation. The policy makers should realise the importance of ‘indignity as a barrier to the achievement’<sup>579</sup> in policy target, this intervention has to address those rehabilitation. The Dalit’s unity movements comes up against the untouchability. The considerable care must be taken to ensure that the base of such division will create empowerment to occupational mobility. Despite all the difficulties inherent in the information available several major features of occupational mobility would be bring vivid to future generations.

Current scavengers community’s political growth in India is such a massive absolute scale as to distinguish it from success of occupational mobility. In Tamil Nadu Aathithamizhar Peravai has been supporting prominent DMK, soon ATP would participate in election. And Arunthathiyar Iyakkam creating political awareness among Arunthathiyars. Even though some ex-scavengers facing discrimination due to their previous occupation. In overall proposition, the majority of 44.8% in Dindigul respondents said even change to other occupation untouchability arisen. Dindigul municipality is very old compared to the other three municipalities, it has vast experience to transformation of manual scavenging to next generations. The previous generations have bitter experiences in occupational mobility, and then it was back to manual scavenging. They were opposed to mobility since 70 years especially their children. Also the family set-up made them to continue this occupation for generations, have to feed children and elders of the family. Each generations exchange their views about manual scavenging and tackled discriminations through discussions.

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<sup>578</sup> Béteille, André, *The Reproduction of Inequality*, p. 13.

<sup>579</sup> Das, Bordia Maitreyi, ‘Dignity centre-stage; four propositions’, *Seminar*, No. 672, [http://www.india-seminar.com/2015/672/672\\_maitreyi\\_bordia\\_das.htm](http://www.india-seminar.com/2015/672/672_maitreyi_bordia_das.htm), (accessed: 16 Sep 2015).

Sometime the other side, if compare the manual scavengers with ex-workers consider superior to current scavengers. It has also been found that, even when scavengers entered other occupations, the stigma of the earlier occupation remained with them. For instance, if a former scavenger opens a kirana shop, chances are there that the neighbours would not buy goods from there. This can be termed as a form of economic discrimination. But this economical exploitation has been repeated many times. The historical processes of economic, deprivation and social exclusion is associated with them through caste. The loss of hope on alternative occupation is to stimulate them to choose this caste-based occupation for their livelihood.

About 10 years back, when speaking about international relations, the then Indian Prime Minister, Dr. Manmohan Singh, had said, “We can change our friends, but not our neighbours!” In the present context, we can rephrase this statement to: “We may be able to change our occupation, but we cannot change our caste identity.

### **5.9.2. Class Division between the existing Scavengers and those Liberated**

Untouchable groups are a unified group, because they perceive themselves to be socially inferior to the other Dalits. Each Dalit caste enjoys certain precedence and is subject to certain disabilities. The untouchables are subject to more extensive discriminations and enjoy fewer privileges than the other Dalits. In this process, a number of Arunthathiyars have changed their traditional occupations and become members of a new occupation with new class, with much higher salaries. It is possible that some of them do not like to remember their past occupation. It is possible that once their financial conditions improve, they may impose the disabilities, which they faced from the higher caste groups, on those members of their own caste who continue to languish in the same profession.<sup>580</sup> Such economic differentiations are not beyond the caste boundaries, to result in the formation of classes<sup>581</sup>. As a corollary to the view that scavengers would lose their vigour and savour with equality of income, there is the image of an equalitarian society as a word running down, a chaotic and disorganised lower place to live. As they look out upon the social scene, they may feel that an equalitarian society would not present them with too many problems of moral adjustment, inter-personal social adjustment and motivational adjustment which they fear and dislike. But

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<sup>580</sup> Galanter, Marc, *Competing Equalities*, (California: University of California Press, 1984), p. 14.

<sup>581</sup> Singh, Shyam Nand, *Caste and Class Relations in Bihar*, eds., Stuart S. Nagel & Amy Robb, ‘Handbook of Global Social Policy’, (New York: Marcel Dekker, 2001), p. 143.

perhaps and motivational goals are structures around achievement and success in monetary terms. This is not to deny the importance of getting ahead, but to limit this to the problem of job classification, or class division through occupational choice is damaging to the self-esteem as an ordering the Arunthathiyar’s community.

The Table below depicts whether occupational mobility has led to class distinctions between the former and existing members of the scavenger community in the study area.

**Table 5.8: Class Division between the existing Scavengers and Liberated Scavengers**

<b>Municipality</b>	<b>Yes</b>	<b>No</b>	<b>No Idea</b>	<b>Total</b>
Palani	19 (17.8)	44 (36.4)	37 (51.4)	100
Kodaikanal	46 (43)	33 (27.3)	21 (29.2)	100
Dindigul	42 (39.3)	44 (36.4)	14 (19.4)	100
<b>Total</b>	107 (35.7)	121 (40.3)	72 (24)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

It is slightly encouraging to note that the largest proportion (40.3%) of the overall respondents did not find any class difference between two kinds of scavengers anymore. However, in Kodaikanal the largest proportion (46.0%) did find a class distinction. A possible reason for the lesser degree of class differentiation may be the need for political unity for securing their rights and ensuring their greater empowerment. So Palani and Dindigul municipalities each sharing 36.4%, respondents said no class differences among community. The majority of respondents in Kodaikanal municipality 43% acknowledged that class difference prevalence among the community. A possible reason for the relatively high incidence of class distinctions in Kodaikanal, even though all the respondents are Arunthathiyars. The ex-scavengers feel that they are now purer in body and spirit than the existing manual scavengers.

Dindigul has a number of tannery industries. Most of the workers are from the Arunthathiyar caste, but they call themselves ‘Chakkliyors,’ to distinguish themselves from the scavengers. There are hardly any social or family relationships between the tannery workers and the scavengers. The scavenging work treated as degraded occupation for human so Paraiyah have the disrespect towards Arunthathiyars. So the Arunthathiyar tannery workers gradually reduced their relationship with scavenging Arunthathiyars. Tannery Arunthathiyars tend to consider themselves to the socially superior to the scavengers, even though the latter too belong to the same caste.<sup>582</sup>

One cannot totally ignore the overall 24% of the respondents who said that they had no idea about class difference between members of the same community. One possible reason for this uncertainty may be that these respondents are in the younger age groups and have not yet faced such class differentiations. Many of the elder respondents did not perceive their occupation as filthy. However, one cannot totally ignore issues like material wellbeing and standing in the community, which occupational has brought about.

This situation is common all over India, where the chudas and chamars use ‘caste slur for each other.’<sup>583</sup> A study<sup>584</sup> on north India’s educated Bhangis, brought out that many of them were boasting that they could now become Brahmins, if they wanted to. It is they more frequently emerging as superiority within same community it affect the generalised application of the ideals of Arunthathiyar’s empowerment and equality

### **5. 10. New Communities engaged in scavenging**

Many communities have their own constructed form of occupation which pre-suppose that they have to follow their community’s traditional occupations. Traditionally, community occupation and its people are not invoked in various degrees to claim the freedom of alternative occupation for their own denominations and established limitations of social participant resistance have been largely grounded. Inequalities among the communities have been found to be highly correlated with social status and poverty. There are significant economic differences in exposure to stress in the communities. Earlier, many Dalit castes were doing scavenging in Tamil Nadu, before agriculture became the predominant economic

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<sup>582</sup> Moffatt, Michael, *An Untouchable Community in South India*, p. 141.

<sup>583</sup> Das, Veena, *Action, Expression, and Everyday Life: Recounting Household Events*, eds., Veena Das, et. al., ‘The Ground Between Anthropologists Engage Philosophy’, (Durham: Duke University Press, 2014), p. 298.

<sup>584</sup> Narayan, Badri, *Women heroes and Dalit assertion in north India*, (New Delhi: Sage, 2006), p. 65.

activity. The caste Hindus rulers captured lands of all classes of people, including the Dalits. The rulers wanted the Dalits to only engage in tasks like drum beating, removing dead animals and humans, being watchmen in cremation grounds, perform funeral services, agricultural tools manufacturers, leather processing and scavenging, including street sweeping. Still, many Dalits work for minimal wages under the caste-Hindu landlords. The National Commission highlighted that 85% of the Dalits are landless.<sup>585</sup> Due to lack of access to education and employment, many Arunthathiyars are forced to be dependent on agricultural work. Such occupations are seasonal work so Dalits economically depended on the landlords.

The Dalits were segregated into agriculture and non-agricultural works, majority of the Chakkliyors, meaning the Arunthathiyars, were fully based on agricultural tools manufacturers, leather processing and scavenging. As already mentioned, due to agricultural decline, they migrated to urban areas since they had skill of scavenging and other sanitary related works. Then British used them for manual scavenging, which became their traditional occupation. However, now many Dalits are becoming sweepers and other sanitary workers, like Paraiyors takes sweepers in Tamil Nadu. Further, members of Dalit castes officially held certain menial village service roles: the vettiyan or Pallar caste woodcutter and grave digger; the totti caste ‘sweeper’<sup>586</sup> and Paraiyors drummer; and the pakatai or Chakkiliyar caste leather workers. Even backward caste in Tamil Nadu like Naidus and Mudaliars ‘without any education’, or ‘people in cross caste marriages’ or the widow of a low level government employee ‘given work on compassionate grounds.’ In northern Tamil Nadu, by 2013, some non-scavenging castes had entered Arni’s municipal controlled sanitary workforce. They clean streets, drains and latrines. The newbies are all socially disadvantaged in various ways, but for Dalit sanitary workers; this means that their jobs are at risk of being lost due to the downward occupational mobility of people of other castes.<sup>587</sup>

In north India, a municipality advertised for 114 posts of ‘safai karamcharis’ (sweepers).<sup>588</sup> It had hardly imagined that 19,000 highly educated applicants had applied to

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<sup>585</sup> Mahey, Sonia, *The Status of Dalit Women in India’s Caste Based System*, eds., James Gifford & Gabrielle Zzulka- Mailloux, ‘Culture & The State: Vol. 4., Alternative Interventions’, (Edmonton: CRC Humanities Studio- University of Alberta, 2003), p. 152.

<sup>586</sup> Mosse, David, *Responding to Subordination: The Politics of Identity Change Among South Indian Untouchable Castes*, eds., J. Campbell and A. Rew, ‘Identity and Affect: Experiences of Identity in a Globalising World’, (London: Pluto Press, 1996), p. 68.

<sup>587</sup> *Ibid.*,

<sup>588</sup> Abbas, Nazar, ‘MBAs, BTechs among 19,000 UP applicants for 114 sweepers' jobs’, *The Economic Times*, [http://economictimes.indiatimes.com/jobs/mbas-btechs-among-19000-up-applicants-for-114-sweepers-jobs/ articleshow/50681296.cms](http://economictimes.indiatimes.com/jobs/mbas-btechs-among-19000-up-applicants-for-114-sweepers-jobs/articleshow/50681296.cms), (accessed: 23 January 2016).

local municipality. Many of the applicants were not from the safai karmachari community, Valmiki. However, due to agitation by sweepers organisations, the government put on hold this recruitment. Not only new communities, now migrants to cities are also becoming manual scavengers.<sup>589</sup> They are forced into this line of work by the private contractors. Only when such workers die at the work spots that the civil society's attention is drawn. If other community sweepers are forced to clean human excreta, they call themselves as manual scavengers too. But some of them refuse it and ask Arunthathiyars to work as 'pathelees,' or do overtime. Census 1931 says castes such as the 'Mahars of Bombay and Paraiyans of Madras presidency were relatively more educationally advanced as compared to the especially scavenging castes like Chamars and Bhangis in overall India.'<sup>590</sup> Still this picture not changes the scavenger's community literacy and their socio-economic condition has not created a strong Dalit unity and individualism found in Tamil Nadu. New communities have believed that the implied compact between the communities have allotted to sweeping and drainage clean, but few months later they also has to begin to remove human excreta. This is not contemporary phenomena study about scavengers in Jodhpur revealed that '75-85 percent of those with employment initially as sweepers.'<sup>591</sup> They were recruited in the name of sweeper or sanitary worker, because law did not permit to appoint them as manual scavengers. So has been access to municipal marketplace space, when space to conduct business is routinely denied to Dalits in the 'open market', physical entry to which is a matter of struggle for them.<sup>592</sup>

### **5.10.1. Community-wise Distribution of the Respondents.**

It has already been established that, today, economic necessity is forcing persons of other communities too to take up manual scavenging as an occupation. The Table below depicts the community-wise distribution of the respondents.

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<sup>589</sup> Sheth, Anisha, 'Pushing manual scavengers into death holes, when will Bengaluru learn?', *The News Minute*, <http://www.thenewsminute.com/article/pushing-manual-scavengers-deathholes-when-will-bengaluru-learn-36843>, (accessed: 17 December 2015).

<sup>590</sup> Nambissan B., Geetha, 'Equity in Education? Schooling of Dalit Children in India', *EPW*, Vol. 31, No. 16/17, (1996), p. 1014.

<sup>591</sup> Shyamlal, *The Bhangis in Transition*, p. 74.

<sup>592</sup> Barbara Harriss-White and Kaushal Vidyarthi, 'Stigma and regions of accumulation Mapping Dalit and Adivasi capital in the 1990s', ed., Barbara H White and Judith Heyer, 'The Comparative Political Economy of Development', (Oxon: Routledge, 2010), p. 318.

**Table 5.9: Community of the Respondents**

<b>Municipality</b>	<b>Arunthathiyar</b>	<b>Domban</b>	<b>Kattunayakkan</b>	<b>Murasar</b>	<b>Total</b>
Palani	40 (19.6)	60 (100)	0 (.0)	0 (.0)	100
Kodaikanal	100 (49)	0 (0.0)	0 (0.0)	0 (0.0)	100
Dindigul	64 (31.4)	0 (0.0)	25 (100)	11 (100)	100
<b>Total</b>	204 (68)	60 (20)	25 (8.3)	11 (3.7)	300 (100)

*Source: field data 2014-15*

**Note: Figures in parenthesis are percentages**

Arunthathiyars were not originally meant to perform manual scavenging, or were termed as a scavenging community under the Varna system. So manual scavenging is not a traditional occupation for such Dalit communities. They were making ‘leather products for agriculture, or were engaged as cobblers in the past.<sup>593</sup> In other parts of Tamil Nadu, still Arunthathiyars are working as cobblers,<sup>594</sup> and other Dalit caste Pariyar do sweeping, are traditional drummers as well as scavengers. The scavengers removed dead cattle from the village after the landlords' had lifted them out of the cowshed.<sup>595</sup> The newly introduced technologies in agriculture made the Arunthathiyars a jobless community in the colonial period. So they migrated to urban there colonial authorities introduced toilets for defecation. This practice slowly spread to villages when the caste-Hindu women there started to use toilets. Still, land defines the caste and class relations in most of the rural areas. The caste-Hindus construed the making of lather products as polluted. So, the Arunthathiyar started facing untouchability through the notion of purity and pollution. They became Dalits among the Dalits in the colonial period, to clean the dry latrines. A study in Northern India has found scavengers grasped the ready job markets but they only ‘exchanged one form of misery for

<sup>593</sup> Ragupathi, Ko., *Dalit Potuvurimaip Pooraattam (Tamil)*, (Nagarcoil: Kalachuvadu, 2014), p. 133.

<sup>594</sup> Mosse, David, *Responding to Subordination: The Politics of Identity Change Among South Indian Untouchable Castes*, eds., J. Campbell & A. Rew, ‘Identity and Affect: Experiences of Identity in a Globalising World’, (London: Pluto Press, 1996), p. 68.

<sup>595</sup> Gough, Kathleen, *Rural Society in Southeast India*, p. 284.

another.<sup>596</sup> So, the new technologies in agriculture and introduction of dry latrines forced the Arunthathiyars to become a manual scavenging community. Manual scavenging is not a traditional occupation for any Dalit community. It was forced by the colonial government. Still, in western Tamil Nadu, Arunthathiyars and their sub-castes are working as agricultural coolies.<sup>597</sup> So, they have traditionally been dependent on agriculture. In the northern part of Tamil Nadu, poor agricultural labourers and other families are devotees of Goddess Mathamma.<sup>598</sup> Whenever, their family members are cured of a dreaded disease, they perform elaborate rituals as a measure of gratitude to the Goddess. The main performance defines the power of control exercised by caste-Hindus. They are not able to point out their ancestry and to their connection with place of origin, but they speak ‘Telugu and Tamil.’ So they aware only that their grandparents were municipal workers. From that sense, all respondents believed that their family occupation has been manual scavenging. low aspirations and low self-esteem played a role here, too.

In Tamil Nadu, Arunthathiyars have been doing sanitary services in past generations. In recent years, other castes and sub-caste of Arunthathiyars are involving themselves in sanitary works. Other castes do sweeping and garbage collecting. However, still, most of the manual scavenging is being done by Arunthathiyars - even in private organisations. For tasks like cleaning septic tanks, it is generally the Arunthathiyars who perform tasks like getting inside the tank and controlling the hose beneath the septic tanks.

It could be seen that that overall, 68% of the respondents were from the Arunthathiyar community. The majority of them stated scavenging was their ancestral occupation. In three municipalities Arunthathiyars were the dominant caste among the four communities. In Dindigul municipality, the Murasar one of the sub-caste of Arunthathiyar community has been engaged in sweeping streets since 2000, either as municipal or contractual workers.

The second community is the Kattunayakkans. In Tamil Nadu, it comes under as Schedule Tribe community. Due to poverty and available of jobs only on contractual basis, members of this community have now started working as sanitary workers. Previously they were sold fire wood, so they spent most of the time in the forest. In recent times, the demand

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<sup>596</sup> Mendelsohn, Oliver and Vicziamy, Marika, *The Untouchables Subordination, Poverty and the State in modern India*, (Cambridge: Cambridge University Press, 1998), p. 34.

<sup>597</sup> Carswell, Grace and Neve, De Geert, ‘T-shirts and Tumblers: Caste, dependency and work under neoliberalisation in south India’, *Contribution to Indian Sociology*, Vol. 48, No. 1, (2014), p. 111.

<sup>598</sup> Anandhi S., ‘The Mathammas Gender, Caste and the Politics of Intersectionality in Rural Tamil Nadu’, *EPW*, Vol. 48, No. 18, (2013), p. 67.

for fire wood has decreased due to they general decline in the demand for fire wood. Then private contractors are recruited sweepers from Kattunayakkan community and a few from Arunthathiyar caste. Many such workers are under the false impression that they have been recruited by the government. In Palani Municipality, manual scavenging is taking place during festival periods. Comparatively Dombans are dominating in both divisions, followed by Arunthathiyars. The Palani municipality said because Arunthathiyars have experience, it is easy to allot works to them. Palani municipality is aware that manual scavenging is a traditional occupation for Arunthathiyars and they are ready and available to work as manual scavengers. Particularly in festival periods, Dombans are doing sweeping and removing human excreta. This situation is most acute for Arunthathiyars in three municipalities they still engaging in the constructed traditional occupation as a ‘result of caste anonymity of their continued adherence to unclean occupation.’<sup>599</sup>

In India, castes and caste based occupations bring out the attitude of such castes to cling to the task of scavenging. The scavengers are predominantly members of the one Dalit among Dalit community and are known by different names in different states - *Bhangi, Balmiki, Thotti, Paki, Relli, Madiga, Chuhra and Mehtar*. For centuries, these groups of people have ‘enjoyed’ the strict monopoly of cleaning latrines and toilets, and manually handling human excreta. Here, other communities are engaged in tasks like sweeping that entail a lesser degree of manual scavenging. This is particularly true about Dindigul municipality. The Arunthathiyar caste is labelled as a manual scavenging community. So, its members are not ‘eligible’ to switch over to sweeping and other sanitary works. The loyalties of caste are used for the mobilisation of political support in a number of ways by a generalised appeal to caste sentiment, by ‘activating networks of kinship and marriage and by the organised activities of caste associations.’<sup>600</sup> Castes are discrete, segment and flexible, while class relations can be analysed by juxtaposing these with caste, kinship, marriage and the family.

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<sup>599</sup> Mandar, Harsh, *Status of Dalits and Agenda for State Intervention*, ed., Ghanshyam Shah, ‘Dalits and The State’, (New Delhi: Concept, 2002), p. 153.

<sup>600</sup> Bêteille, André, *The Reproduction of Inequality*, p. 16.

## **6.1. Conclusion**

This research's important thrust was to examine the nature of social policies and the impact of rehabilitation programmes initiated by the Government of India and the State government for manual scavengers in three municipalities of Dindigul district in Tamil Nadu. It was emphasised that the institution of caste hindered the empowerment measures for scavengers and continues to wield considerable influence on social policy making even in modern India. But there are drastic changes in habitual, like they do not eat leftover or rotten food, because scavengers in three municipalities have courage not to ask it any households anymore. Though scavengers live in slums dwellings, they have now moved away from the traditional way of earning for their families. All respondents' houses have electricity and water supply, their streets are well connected with the city and they have community based transportation facility. Majority of the people interviewed from the age group of 50-60 have learnt manual scavenging through generations and their experiences have been transferred to upcoming generations with pride. Local bodies while recruiting likes this transformation in many years it have been continuing without any break by legal action. Experience has its necessary correlation with knowledge, but the authorities are misleads the workers with the power and rigid occupational mobility keep them work in this occupation for long time. The guarantee of occupation except the truth of an experience, it does not in the least occur to them that they think their own authority on scavenging there has it begin the experience. This translatability into phenomenology of experience that now makes everyday existence intolerable rather than an alleged poor quality of life. Also it revealed that those who came manual scavenging for first time they have been continuing it to next decade of their life.

### **6.1.1. Policy Analysis**

This research suggests that the 1993 Act, has resulted in few positive outcomes but not up to the mark of rehabilitation with regard to reducing the severe constraints on manual scavengers, particularly lower-caste Arunthathiyars in Tamil Nadu. The age-old Indian beliefs about ritual purity and pollution and the role and practice of untouchability owes its origin to the Hindu texts that have division of caste on the basis of occupation-this rigidity being more applicable for those who do menial jobs. Neither occupational mobility nor an alternative occupation is available due to the role of untouchability in Indian society. For centuries these depressed castes have been denied basic rights and this is one of the reasons for the government not granting them any strong rehabilitation policies to empower them from

caste-based occupation. Rehabilitation of manual scavengers has largely failed as manual scavenging still persists in many parts of India today. The basic reason is that having such a degrading occupation, scavengers have been treated as untouchable and unapproachable. Such marginalisation by Indian society is further reinforced by caste with its powerful ideology of discrimination and there has been no political interest by the middle-class in actually having any rehabilitation programmes implemented. Living on the margins of Indian society, scavengers have not been able to make either demands upon the government for better access to health, education, housing and welfare services, or have been unable to form alliances with other untouchable or scheduled castes. The only avenue of protest available has been that of strike, which has achieved limited success in improving wages and working conditions.

The ‘Self Employment Scheme for Rehabilitation of Manual Scavengers’ in 2007, meant to rehabilitate the manual scavengers benefitted the Arunthathiyar community. The manual scavengers are still working at scavenging and are not benefited by this scheme. What finally emerged in this research was that non-scavengers with the help of municipal authorities manipulated official records with the help of bribing the municipal officials to add their name in the beneficiaries list so as to gain benefits from the government. Role to put apart from this the municipalities with vested interests do not give awareness training programmes to scavengers because they need them to clean wastes publicly. The low motivation from authorities in enrolling for the scavengers for training programmes is one of the risks taken by municipalities to thwart them of their rightful benefits. Rehabilitation must grow into a series of trails of strength the outcome will be to mould and organise and resolve the consciousness of the scavengers.

### **6.1.2. Rehabilitation Processes**

This emphasis on the importance of rehabilitation of the underprivileged population is especially based on its role in the empowerment progress. The alternative occupations after rehabilitation are targeted by most schemes and policies and have failed because of the lack of ideas about empowerment, *vis a vis* overall development. Increasing evidence clearly state that, influence of caste prejudices have reduced the manual scavenging communities’ access to education and general improvement in the quality of life in society at large, resulting in serious problems. The fact that education can have important social benefits with generational effects has been based on the conviction that efficient strategies to educate scavengers can

curtail this traditional occupation. Arunthathiyars and other scavenging communities find it difficult to adapt to the many schemes and welfare policies that are now available to them. Despite reforms, legislation and wider potential for choosing occupations have been provided to them, the socially allocated roles prevent them in terms of both culture and ritual. Comparatively Dalit's social position is still depends on traditional occupation so their conditions attached propagating the belief that includes serious harm with it. Without providing alternative occupation scavengers would continue this for generations also. The better rehabilitation would be the solution for this inhuman job. Consequently, the manual scavengers are remaining permanently excluded and women scavengers are cyclically excluded from traditional, but preferred social rehabilitation supplies. Study's results revealed the parameter and it suggest general process of potential of separating, fragmentation and divergence, leading ultimately gender to a sense of alienation.

Society's perspective of common people have ideas about origin of manual scavenging is not a caste constructive problem instead of unemployed have taken this occupation to and they became monopoly and strongly gendered too. Like in early feminine body rights are demoted via a much more abstract concept of nature, and made subject to culture as a controlling force. The creation of women body as socio-political complex hierarchies is dispossessed of their economic and social parity in synchronised. Due to enclosures and privatisations, the majority of scavengers and in particular, women are steadily alienated from government recruitment during the past decade due to the 1993 Act which caters almost totally to male recruits. This is acknowledged and discussed at the level of rhetoric scavenging practice varies widely in reality as women manual scavenger issues are often not seriously addressed. It would be stimulating to open up discourses around stigma and gender, which may lead to more effective provisions for the annihilation of manual scavenging over all. Even though technological change has enabled the physical alienation of women scavengers, they are not given any training programme to operate the machines for cleaning underground and septic tanks meant primarily for male workers. Therefore, these implicit gender issues have perpetuated.

### **6.1.3. Poor Process of Abolition of Manual Scavenging**

The concurrent political creation of complex hierarchies dispossessed scavengers of economic and social parity. Local authority and its poor involvement with using of technical resources provided by centralised forms of governance and resource management have

diminished and is again forcing workers towards scavenging. Scavengers are in contact with sanitary works since centuries, and it has become almost totally an individual caste occupation. All these allotments has been concretised and enabled by related material culture which has been echoes, actually from the caste issues implicit is this also peeking at historical overview. This material culture became more and more exclusively the forces of experts, so that machines and equipment resources are controlled by largely contemporary caste system. Through this combination of ideological and material culture have changed from previous form of traditional cleaning, there was not any idea of implementing technologies to abolish scavenging. Instead of annihilation, the government improvised their working conditions with committee recommendations and their process for elevation began with failure due to poor enforcement and a narrow mind-set. The policies and programs of political parties have a secondary importance in the institutionally regulated caste-ridden society like India. Crucially, along with increasing population density, levels of usage in domestic houses in urban areas have climbed steadily since the introduction of underground drainages and septic tanks, in urban regions per capita use has more than doubled since 1959. The complex reasons for urban dramatic rise in implementing technologies or alternative occupation for manual scavenging is demanded and addressed worldwide. Therefore, it is clear that material culture has reflected and enabled major changes in traditional practices.

Policy enforcements seem to be socio-historically untenable in India, as the state deploys a simplistic formulation of policy and they rest on the assumption that rehabilitation or empowerment plays a major role in the making of alternative jobs. As part of the resistance, the current generation of scavengers have emphasised that empowerment did not improvise their working conditions. Creating rehabilitation policies for manual scavenging has become a symbol of the benevolence of the first generation of workers and the empowerment's negotiation of communities in relation to the inept government turned it into privatisation of sanitation by not allowing the Arunthathiyars to change their occupation from scavenging to sweeping. Dissatisfaction with the laws does constitute grounds for resistance. Though, alternative occupations are routinely denied to Dalits in the job market, recently, they have had access to municipal market spaces, where earlier physical entry in these public spaces was a matter of struggle. It is important to recognise that policies should move towards modern technologies for sewage system, including flush toilets. This will not only help in recovering health benefits but also remove the basis for de-stigmatising a large community. Surely these parameters will benefit a much larger section of Dalits from

scavenging communities than the current affirmative action programmes implemented by the state.

#### **6.1.4. Scavenging is not a Livelihood option for Dalits**

It is necessary to expand what is understood by the ‘production of skill’ in order to reveal the crucial role scavengers played in the past. The government recruited a solo community for manual scavenging, though for sweeping work recruitment it expanded to other communities. Similarly, discrimination in the form of wages of work force have been paid by the local authorities at less than twice the market rate for unskilled labourers. Scavengers like Arunthathiyars recalled recent episodes in the history of sanitation to help justify action against further privatisation of sanitary works in Tamil Nadu, but their work in the past have been unfairly neglected. It is necessary to extend the notion of policy production to include the repairing of poor infrastructures especially regarding the underground drainage facilities. Though neo-urban infrastructures in India have been constructed phase by phase, concurrently scavengers are dying in man-holes. Due to poor plan or quality of the product, scavengers get in to remove blockages without any safety education. The blame directly goes on the state for not being concerned about the lives of the scavengers. This includes both the symbolic meaning that accrue, to usages of humans being used for removing blockages and the sub-private contractors those who use money to get them into it. The research showed clearly that, at all levels, manual scavenging is a social evil as well as a social construct and that structure is the main variable to all scavenging communities from mainstream.

Social perceptions of appropriate standards of living, partly at least defined by occupation, can be easily estimated by their caste identity. And affiliations with social pace determined the amount of scavengers families are considered necessary education and these considerations might prevail the economic advantage. Migration reflects the contours that underlie attitudes towards education and children. Manual scavengers have become aware of the need to provide reasonable home conditions for their school-going children. Despite considerable government efforts to encourage permanent special scholarship scheme, most families in all the three municipalities remained vulnerable to the vagaries of lack of education. This disruption caused by expected shortage education enrolments at all government schools in municipalities, the harder to cope with if services such as schools are affected. That emphasised the difficulties then changes achieving through from the inner

reservation for Arunthathiyars are now gradually take development in education and employment then it can increase scavenger's living standards almost in the State. The social constraints on manual scavengers fade when community is developing and technology related to sanitation also improves. Lack of health and sanitation are the main social issues plaguing India. Though many educational programmes for scavengers and social policies have approached and challenged stereotypical social roles, the research showed that social policies have made few attempts at this, especially in regard to education. As a result, manual scavengers remained last-grade citizens after sweepers, whose existence and identity are dependents on family occupation. The voices of the Arunthathiyars, their needs and perspectives, are barely heard and they lack resources and access to alternative jobs.

#### **6.1.5. State's Interventions for Dignity**

However, a critical analysis of the scavengers into mainstreaming efforts at all levels of state agencies show that most Dalits work as manual scavengers, but lack resources and strong commitment. Though the government policies come with objectives to eliminate the manual scavenging jobs from Dalit workers, there is no assurance for their alternative livelihood options, and without addressing this the problem for annihilation of manual scavenging looms large. A number of reasons are identified by the research in organisations to explain the slow progress made in addressing concerns for scavengers. The study relied heavily on the policies and its impact on manual scavengers and the government's strategies for developing their livelihood conditions. Better recognition of a scavenger's role and their contribution in society should be taken into concern, especially in policy making, which should include health concerns to provide a better picture of rehabilitation. The misconception is that sanitation requires more technical support, therefore more human labour is required than machines to work there. It is necessary to empower and involve the workers who are involved in generating policy as it is then guaranteed that practical policies formulated by them will lead to the betterment of scavengers. The policies earlier formulated showed a lack of ability in understanding and judging the impact of sensitive manual scavenging performed by Arunthathiyars. Therefore policy makers and their insensitive behaviour clearly indicated their willingness to maintain the tradition of hierarchical domination.

This research shows the critical investigation of developing a better understanding of the social structure of the manual scavengers where municipal and private agencies have to

operate. The belief continues that permanent workers can easily represent temporary workers and their needs in spite of the obvious problems emerging in benefitting schemes due to misunderstanding or overlooking temporary workers and ‘pathelees’ for manual scavenging. As a result, permanent employees themselves in senior positions have been not able to think of ways to improve the organisational material culture. Moreover, the roles that have been expected of the people in power and the powerless in Indian society have been culturally determined for centuries. A change in these roles demand changes in the attitudes of both temporary and permanent workers and requires revival of social empowerment which can abolish manual scavenging rapidly. Until a positive outcome is achieved in favour of temporary workers, they can get help by recruiting and retaining permanent employees, which means that they come under an organised sector. This can further their cause as it can result in negotiation to bring more machines for manholes. Such institutions can change the pattern overall for sanitary workers into becoming an organised sector. However, it needs a lot of effort to help scavengers and help them to merge with the mainstream and to understand the contribution of this sector, the Arunthathiyars and other such communities, who live in the fringes of society.

The temporary workers are wants new financial support from the government to look over the alternative occupations. Because current financial aids getting permanent works only, due to the repayment and loan surety. Also if we see the recent ‘Manual Scavengers Survey 2013’, says financial supports to the workers and his/her dependents. If government wants to end manual scavenging, that has to support everyone who performs it for livelihood. Because all schemes and programmes are benefiting by permanent workers, all those rehabilitation and empowerment should reach without any limitations. The 2013 Act should be provide the grievances to temporary workers.

Equally important is to implement the rehabilitation and alternative programmes that can address the traditional structure of division of labour. It has become increasingly clear that social exclusion of scavengers can lead to indigent interventions that further reinforce structural inequalities against them and this must be tackled quickly. The above discussions clearly state the ways in which government institutions work, from policy formulation to visions and objectives, from rehabilitation policies to training programmes, from the organisational social structure to its culture and the way resources committed and projects implemented, which are the key to the integration of social equality. These issues are

complementary and none of them alone will succeed in making an institution mainstream without social empowerment. There has been an urgent need to look at all the institutional activities in totality while trying to produce an agency to achieve a programme promoting equality between scavengers and other members of society. Their socio economic level needs to be elevated from scavengers to becoming ordinary citizens in mainstream society. A deeper understanding of these institutional failure issues may lead to the conclusion that scavengers are mutually exclusive and, hence, they can be treated separately. The message is rather that the impact will be greater when all issues are wholesomely addressed. There is no denial about the fact that, liberation of scavengers from social bondage comes from constitutional privileges that have been given in the post-independence India. Unique privileges like Article 17 abolition of Untouchability and Article 19 give freedom to select profession, occupation, trade or business and safeguards the rights of scavengers for mobility. To address these problems, various committees were appointed to analyse the living conditions of scavengers. Additionally, international organisations; World Bank, United Nations Organization and its various bodies and the International Labour Organization directly studied the problems of scavengers in India, particularly the issues related to their rehabilitation.

The neglected sections of scheduled castes namely scavengers and sweepers have been cruelly exploited and are numerically the largest section of the Dalits. As mentioned earlier, the Constitution promises, rights on dignity and fraternity and socio-economic and political justice in society. However, after achieving 69 years of independence, the policies for rehabilitation has not been functioning smoothly as the plight of scavengers and sweepers remain the same and they still continue to carry human excreta in wicker baskets to dump in nearby trucks. The manual scavengers are themselves turned into agents and carriers of human waste by the local corporations and municipalities with permission of the State. The state has not been involved totally in applying Article 17, a fundamental right, to abolish untouchability. The difference in the suggestions to orientation of action ensuring from each of these contrasting political views has been succinctly outcome of failure of recommendations of committees for manual scavenger's empowerment. From then on scavengers have been participating in both traditional and modern equipment started to using exposure to their contradiction of working patterns. It has now led them to change the name of their profession from being written as scavenger to now a sanitary worker. Migration to towns and the stress associated with urban life greatly increase the number of scavengers in

anomic situations confronting, to recruit more workers. The committee's recommendations have not fulfilled the growth of urbanisation, so other committees are again constituted to improve the working condition of manual scavengers. All these committee's recommendation had been failure of the future law in abolishing manual scavenging and empowers the Arunthathiyars work as scavengers. Especially in uncritical view made the new forms of scavenging in contemporary nation.

#### **6.1.6. Education for the Arunthathiyar Children**

The study conducted, was also in order to understand the poor scavenger's educational status. By 1993, the state education agency reported that it had provided support to elevate scavenging communities and their literacy level. Later in 1997, they were a perceptible change when the census recorded that this community was sending their next generation to schools. However, the conditions deteriorated and they stopped sending their children after 2000, due to more private institutions dominating and school fees became unaffordable resulting in most of the children becoming school dropouts. They have begun working as 'pathelee' and reverted to becoming scavengers; the main reason for this has been poor livelihood and a rigid occupational mobility. The experiences of earlier generations and their methods of working have transferred to upcoming generations with a pride for learning this occupation. Municipalities prefer this situation to continue as manual scavenging was continuing without any break in spite of legal prohibitions since many years. Scavengers have thought this work of significance tends to transcend and circumstance as they perpetuate themselves through stance, this one reason scavenging carries by generations.

If the state is commitment to provide the rights based approach, there scavengers as well as Arunthathiyars have right to educate. A longer time frame is undoubtedly needed to ensure participation by scavenging communities, especially Arunthathiyars, to enable them to address the issues of inequality, as they arise in educational sectors. Due to oppression of education, most scavengers have not understood the benefits of education. Maximum number of respondents have been in favour of Tamil medium public or private schools, but permanent workers favour English medium because they can afford the fees of private English medium schools. Respondents interviewed, desired equal education for both boys and girls, also wished to make their children study up to graduation or post-graduation level. The choices of discipline varied from arts and sciences to a few technical and business groups in school. Urban areas, has undoubtedly contributed to bringing about a change from a new crude form

of untouchability to a more subtle and invisible form and practice. The practice of untouchability has turned into various forms of untouchability but it has not changed drastically or put to an end. Thus, most of the respondents do not perceive a total discontinuity of caste in the city, nevertheless, a large majority of them do experience a difference compared to past and what their community still experiences in the villages. In this context, many of them have perceived the city as providing them a conducive environment for a respectable and dignified living.

#### **6.1.7. Manual Scavenging is a Pulling factor for Non-scavengers**

Due to good income and a belief that this is a service done to God, most of the workers in festival and seasonal periods accept this occupation. Comparatively, more income during those periods is the reason for more willingness to engage in manual scavenging, because their current jobs do not give them this extra amount of money. For the same reason municipalities also request them to remove human excreta from dry latrines in Palani region. But this not consider dehumanise by festival workers, their thought like service to god at any level. Because this occupation have provided, by omnipotent god so return their courage without any phlegm vacuous it will be deteriorating their life. So the believes have grabbed them into this occupation particularly the low income, if provide more wage they would have move from here to other alternative occupations. Without any alternative they will not easily change their occupation from manual scavenging. If see non-scavengers willingly engage scavenging more due to lack of reliable income drives current scavengers to stick with scavenging for eternal. It stopped their broad knowledge area of seeking alternative occupation, because both workers have speak each other while working, not only that they are relatives of each other.

#### **6.1.8. Gender Roles**

More workers employed have been male after the 1993 Act and the trend has been to abolish employing female workers. Traditionally, type-cast roles of female workers have been portrayed in newspapers with the woman scavenger holding a broom and basket – which has now changed with male workers being displayed as entering manhole without any protective gears. Most municipalities have discouraged employing women workers and the municipal labour force is becoming increasingly male and the disposal of ‘wet waste’ is now men’s work. If municipality work with more male means they tried to change the context of more female workers were majorly working, now no such workers. So many male workers

mean identically there is no traditional manual scavenging exists. In the town surveyed, the abolition of manual scavenging in the early 1990s led to the abolition of jobs reserved for women scavengers. This meant that these demeaning, but comparatively well-paid jobs depend on official patronage and discretion. The introduction of sanitation and public health created a huge awareness after endemic diseases like plague, poor personal health and diarrhoea struck in the early 90s and people demanded better sanitary conditions, especially requests to the government authorities from cities and towns. The three municipalities surveyed here are famous tourist destinations with people arriving from different parts of the world. There are therefore chances of spreading communicable diseases among gatherings, more the reason for the local municipalities to be in charge of maintaining public health safety. This is another reason mainly why manual scavengers are recruited on special seasons in Palani and Kodaikanal. But in Dindigul without any main reasons inasmuch the municipality and private contractors are assign scavenging to sanitary workers. There is not any kind of dissent from workers so this made them for carrying this occupation in many years without damaging legal prosecution since 1993 Act.

Nevertheless, manual scavenging has been taking new characters according to current circumstances. It continues to grapple with the high wage demands and the poor dalits are trying to cope up to this most vulnerable economic situation. The Arunthathiyar caste working with new part time jobs ensure that their economic needs are partially fulfilled but are at present facing new manual scavengers who are emerging from other castes. They work without any protective gears and in case of demise while working in a manhole, they do not receive any compensation benefits. Not doing manual scavenging for continuous days instead of take for few days means very visible could misunderstand the fact of existence of manual scavenging. Then without any municipality's knowledge scavengers have been working in private places because that can tackle family economic conditions. The decrease in the belief of impurity of scavengers and the availing empowerment has had a long-term consequence of challenging and eroding notions that are central to the Hindutva way of life. The empirical material collected and interpreted here does not contest such a view. There is undoubtedly a scope to include scavenger representatives in policy making and in increasing meaningful and innovative ways of rehabilitation. On the existing, largely central government promoted schemes, infrastructure is poorly managed and maintained badly, leaking channels and broken down underground sewer lines abound and technologies are often unreliable and inequitable.

Modern government has to convert these schemes to sustainable projects with scavenging annihilation goals.

#### **6.1.9. Tamil Nadu government Action for Abolition of Manual Scavenging**

The government of Tamil Nadu announced that 15<sup>th</sup> March 2015, was the date decided to end manual scavenging in the state. The Governor of Tamil Nadu thereby notified that the 15<sup>th</sup> day of March, 2015 was the date from which no person, local authority or any agency shall, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank. The notification was issued under Section 7 of Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013, which enjoins state governments to notify a date from which no person shall be employed for manual scavenging. Though the Central Act was passed in 2013, the Tamil Nadu government adopted it after a delay of about 15 months. However, the fact remains that even after the announcement, a number of manual scavengers have died while cleaning sewers in the state. Those workers died while carrying out the duties allotted by the government or private contractors from local municipalities. Since they work under private organisations the government escapes from the blame of involving legally banned jobs to their own workers. The absence of any regular or reliable enforcement of prosecution makes the task of the scavengers almost unbearable. With limited resources, efforts were made to supply technologies with machines in a form that workers could engage easily, overall in India. Tamil Nadu has more technological equipment for clean underground sewer lines. The notification emphasis must be placed on both the 1993 and 2013 Acts, on establishing the extent and nature of government responsibilities in the prohibition of manual scavenging. That will contribute to sustainable empowerment and in ensuring strong links between the outcomes of scavengers and implementation of rehabilitation schemes. It is therefore always important to deal with the dynamic enforcement between the policy and responsibilities of the state and the central government should recognise the importance of social structure and cultural norms in society. Scavenging communities are under-represented not only in social institutions but also in other decentralised power centres such as the local government. An all-round economic, educational and political empowerment of scavengers is therefore a major factor in improving their social performance.

## 6.2. Suggestions

The respondents interviewed were from various social, economic and demographic backgrounds. Their suggestions also pertaining to success of rehabilitation schemes and training programmes were also varied. However, some suggestions are perceived as more important in comparison to others, they felt that the government should provide financial and other assistance to economic development policies to ease their load. Isolating the scavenging communities would further marginalise them in the current development schemes being implemented by the government. This would happen because of poor follow-up or lack of adherence which are a pre-requisite to necessitate the facilities given by the government. Yet, in spite of the interviewed respondents burdens, they showed a resourcefulness and tenacity in their willingness to look after their poor family members.

- All forms of employment of sanitation workers must be governed by legislations like Labour Act, Factory Act and Companies Act. Equal wages must be ensured for equal quantum of work, for all kinds of sanitation work, and payment of minimum wages must be strictly enforced for all forms and situations of sanitation work. While contract-based systems of recruitment of sanitation workers by municipalities must be abolished (as of today, most municipalities in Bihar do not even maintain any documentation of the contracts), given the prevalence of practices of sub-contracting of sanitation work by regular employees of municipalities of Bihar to casual workers for a pittance, opportunities of employment of sanitation workers in municipalities must be extended only to real sanitation workers. The profile of sanitation workers recruited by municipalities should be subjected to regular inspection to this effect. As a matter of fact, a number of sanitation workers from socially dominant castes were recruited by the Patna Municipal Corporation in 1974-75, who were later assigned responsibilities other than cleaning, e.g., clerical or assistance-related work. Many of such workers, officially recorded as sanitation workers, have been sub-contracting their official duties to unregistered sanitation workers for a pittance.
- Greater public awareness needs to be created about the illegal status of manual scavenging and dry latrines, besides regarding the liability of employers of manual scavengers to harsh punishments. Effective communication products with clear messages need to be developed for use through mass media instruments with greater regularity and diversity of content. Every act of sanitation work must be undertaken with due safeguards – i.e., using protective gear, employing safe tools for cleaning and with essential backing

of free health check-ups, failing which the concerned employers should be liable for punishment.

- Comprehensive surveys need to be undertaken by government for identification of every single sanitation worker and their habitation across all panchayats and municipalities of the state. Such a survey should also make an attempt to profile the experiences of sanitation workers in accessing different kinds of institutional services and entitlements, so that appropriate remedial measures can be initiated for addressing barriers against inclusion. Effective use of technology can be made (e.g., GIS mapping) to analyse physical accessibility of critical institutions of delivery of essential services (e.g., *anganwadi*, primary schools, health sub-centres, etc.) for various habitations of sanitation workers who are lacking an equitable level of concentration of key institutions which needs to be provided with the same.
- In general the toilet facilities will be owned and maintained by the individual household. However, in public latrines like collective toilets, provision is not generally advisable in rural areas of India because, 'low status castes are accorded to those who perform tasks relating to the disposal of other people's wastes. It will generally be very difficult to ensure that operation and maintenance are satisfactory and that the workers' health is protected as there is social prejudice prevailing against them.
- All media should focus on manual scavenging in all over the state - not only in major cities. Also their coverage only on when manual scavengers died while working in the man hole, if media wants to put end of manual scavenging means they have to telecast often how the manual scavenging has been existing in various forms. This could prevent the human entry into man holes or septic tanks.
- The Arunthathiyars and Kattunayakkan community members make use of their caste identity to line up members of their own castes to support them to continue their solidarity of the scavenging caste. A socio-psychological treatment is required to relieve them from this occupation.
- Urgent steps should be initiated against the officials responsible for violating the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013, by instituting police complaint against them. There should be a complete ban on manually cleaning human excreta in all municipalities and village panchayats. As part of the process to implement the Prohibition of Employment of Manual Scavengers and their Rehabilitation Act, 2013, all those working as manual scavengers should be rehabilitated

in respectable jobs. As required by the Act, committees should be set up in all the municipalities and village panchayats to monitor the abolition of the inhuman practice of manual scavenging.

- The present problems are rooted from the past and an enquiry is required to understand the present and to plan for the future. Why scavengers have to start their work early in the morning, still considered that occupation as polluted, so other human should not watch them in auspicious hours. This gives more body pain to work more than eight hours. It clearly picture it general population traditionally don't want to look manual scavengers in the early morning for society they have to bear all kind of exploitation or blame. So the municipalities have been forcing to work in absence of civil society.
- Although officially banned, workers continue to be sent down manholes and sewage pits to cut cost or make up for lack of necessary equipment. Often old pipelines clog up too frequently. The state must also be asked to complete identification of families of all people who have died in sewerage work involving manholes and septic tanks since 1993 and award compensation of 10 lakh for each such death within a timeframe.
- Free special medical assistance or regular follow-up may be given to the scavengers which may be useful to improve their health conditions. If not, workers will enter manholes regularly without being health conscious and therefore the health sector can provide changes in the social sector. Through this campaign legal awareness camps would be useful to fight their rights in civil society. The legal protection can provide alternative occupation to upcoming generation from scavenger families.
- Government should provide inner reservation to Arunthathiyar candidates in respective fields and not use any loop holes to by-pass them or brand them as ineligible. Especially after 2009, huge changes have been made by this caste as they have been availing education and employment in Tamil Nadu. The government should give priority to their children's education in order to develop their life style.
- Gender awareness must not be limited to grass-roots activities or relegated to a 'gender sensitive programmes' but must pervade policy-making and implementation throughout the sanitation sectors. Successful mainstreaming of gender-sensitive approaches could improve sustainability and livelihood contributions of smallholder, but not in isolation.

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## Appendix - I

### Interview Schedule

#### I Personal Profile

- 1.1. Name :
- 1.2. Age :
- 1.3. Sex : Male/Female
- 1.4. Marital status : Single/Married/Widow/Widower/Destitute
- 1.5. Religion :
- 1.6. Community :
- 1.7. Family Type :
- 1.8. Details of family Members :

S. No	Name of the family members	Sex	Age	Marital status	Age of the marriage	Educational status	Occupation	Monthly income	Relationship of the respondents

- 1.9. Education : Illiterate/Primary/Secondary/Higher Secondary/Graduate
- 1.10. House Type : Pacca/Thatched/Semi-pacca
- 1.11. Income :
- 1.12. Are you satisfied with your current income? Details
- 1.13. Respondent working in : Public/Private

#### II Socio-Economic Conditions:

2.1. The Occupation of scavenging is

A) Hereditary B) By yourself

2.2. What do you think why Arunthathiyars were involved in scavenging for ages? Describe.

2.3. Do you attend the life cycle ceremonies or cultural festivals in other community? Give the details in the last one year.

S. No	Arunthathiyars (Same Occupation)	Arunthathiyars (Other Occupation )	Other Communities

2.4. How the other community parents are treating their children if your children playing with them?

2.5. Will you like your children to take up your own occupation? Yes or No, If yes why?

2.6. Do you aware of school scholarship for children's parent working such kind of occupations?

2.7. Children's Education Details:

S. No	Sex	Division	Name of the School	Matriculation/ State	Medium of Education	Distance from home

2.8. Are you indebted at present? Yes /No

2.8.1. If yes, give details

2.9. If you convert to another religion, do you think the conversion helps promotion of your socio-economic conditions?

2.10. Are you allowed to dwelling nearby them?

2.11. Do you participate in any Gram Shaba meeting?

2.11.1. If so did you speak in that meeting?

2.12. How the labour organisation is working for scavengers in development context?

2.13. Do you support the political party which is working for emancipation of Arunthathiyars?

2.14. How do you explain about this that while saw the society be keeping it clean, you getting stigmatise by it?

### **III Working Condition of Arunthathiyars (Scavengers)**

3.1. What are the main occupations of Arunthathiyar community?

3.2. Type of work: Toilet Cleaning / Septic Tank Cleaning / Sweeping Streets and households / Drainage Cleaning / Others.

- 3.3. Are you asked to clean Dry latrines? Yes or No
- 3.4. What are the modes of travel to work spots?
- 3.5. Duration of work in a day?
- 3.6. How many houses you covering in a day?
- 3.7. Are you provided with proper medical facility by the authority? If yes, then how often?
- 3.8. Is there any specific health problems because of the nature of your work? Give details.
- 3.9. Is there any disease/sickness common in your family?
- 3.10. What is the nature of working atmosphere?
- 3.10.1. Yes/No, Specify? If yes what kind of action you are taking for preventing illness?
- 3.11. Will you be accepted and treated nicely by others, in case of change of work?
- 3.12. Any experiences to prevent take up other job?
- 3.13. Does the untouchability disappear if occupational mobility occurred?

#### **IV Factors that prevent the scavenger's occupational mobility**

- 4.1. Do you have any idea about alternative occupations instead of Scavenging? Elaborate.
- 4.2. How are you aware of special schemes to elevate the socio-economic conditions of scavengers? Give details.

S. No	Domains	Response (Y/N)
1	Education Facilities	
2	Job opportunities	
3	Housing facilities	
4	Provision of Land	
5	Loans and Subsidies	
6	Welfare schemes	
7	Abolition of untouchability	

8	Others	
---	--------	--

4.3. Do you have any idea about who gets the alternative occupations in Arunthathiyar community?

4.4. In new occupation how livelihood options are changing?

4.5. What kinds of parameter they are using for sustain in new occupation?

4.6. Do you think that those who became better off through occupational mobility would help community or not?

4.7. Whether occupational mobility brings a class division between mobilised Arunthathiyars?

4.8. Do you face any discrimination while applying Bank loan etc.?

4.9. Do you think to give revivify younger members of community? Yes/ No: Give reasons

4.10. What kind of problems facing young generations while moving other occupation?

**V Changes of livelihood options for Arunthathiyars since Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) 1993 Act**

5.1. Whether you aware of this Act? Yes/ No.

5.2. Are you satisfied with your new pattern of work after 1993 Act have implemented?

5.3. How did you adopt to new methods of working patterns?

5.4. What main livelihood options have changed? And how have you adopted?

5.5. Do you like to work with machines? Describe.

5.6. Have you attended any training programmes to handle the machines?

5.7. Do you feel that the scavengers are rehabilitated after implementation this Act in municipalities?

5.8. When you lost traditional way of scavenging, how did you feel?

5.9. How do you feel abolition of dry latrines?

5.10. Life is bitter or better after abolishing dry latrines?

5.11. After 1993 act, this occupation have been illegal but Govt. forcing to do this occupation how do you feel about it?

5.12. Why government could not totally ban this occupation?

5.13. What kind of vocational training programmes have you attended under the scavengers' rehabilitation schemes?

5.14. Why this act failed to improve scavengers' community?

Appendix - II

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



# **The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**

(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 dehumanising 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 constructions;

AND WHEREAS Parliament has no power to make laws for the States with respect to the matters aforesaid, except as provided in article 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

Short title,  
application and  
commencement.

1. (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 date 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.

Definitions.

2. 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;
  - (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 latrines" means a latrine other than a water-seal latrine;
  - (d) "environment" includes water, air and land and the inter-relationship which exist 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;

- (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. (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.

Prohibition of  
employment  
of manual  
scavengers  
etc.

Power to exempt.

4. 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

Appointment of Executive Authorities and their powers and functions.

5. (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.

Power of State Government to make schemes.

6. (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 scheme 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. 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.

Power of State Government to issue directions.

8. All Executive Authorities, all officers and other employees of such authorities including the officers authorized under sub-section (1) of section 5, all inspectors appointed under sub-section (1) of section 9 and all officers and other employees authorized 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.

Executive authorities, inspectors, officers and other employees of such authorities to be public servants.

45 of 1860.

9. (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.

Appointment of inspectors and their powers of entry and inspection.

(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. (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.

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

(2) The expenses, if any, incurred by the Executive Authority with respect to the remedial measure 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. (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

Duty of HUDCO to extend financial assistance in certain cases.

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. 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-

Power to  
levy fee.

(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 Govt. 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. (1) The Central Government may, by notification, constitute

Constitution  
of commit-  
tees.

(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 co-ordinating 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. 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.

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

Offences by companies.

15. (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.

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

2 of 1974.

Provision in relation to jurisdiction. 17. (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 authorized in this behalf by the Executive Authority.

Limitation of prosecution. 18. 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

Information, reports or returns. 19. 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. No suit, prosecution or other legal proceedings shall be 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.

Protection of action taken in good faith.

21. (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.

Effect of other laws and agreements inconsistent with the Act.

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

Power of Central Government to make rules.

(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 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.

23. (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.

Power of State Government to make rules.

Power to remove difficulties.

24. (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.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

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MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 19th September, 2013/Bhadra 28, 1935 (Saka)*

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

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

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

Short title,  
extent and  
commence-  
ment.

1. (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 date 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 the notification in the Official Gazette.

Definitions.

2. (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;

(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; 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

41 of 2006.

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’;

64 of 1993.

(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 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;

24 of 1989.

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

41 of 2006.

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

Act to have overriding effect.

3. 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 or in any other law, or in any instrument having effect by virtue of any other law.

46 of 1993.

## CHAPTER II

### IDENTIFICATION OF INSANITARY LATRINES

Local authorities to survey insanitary latrines and provide sanitary community latrines.

4. (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.

## CHAPTER III

### PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER

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

5. (1) Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, no person, local authority or any agency shall, after the date of commencement of this Act,—

46 of 1993.

(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. (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.

Contract, agreement, etc., to be void.

(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. 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.

Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.

8. 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.

Penalty for contravention of section 5 or section 6.

9. 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.

Penalty for contravention of section 7.

10. 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.

Limitation of prosecution.

#### CHAPTER IV

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

11. (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.

Survey of manual scavengers in urban areas by Municipalities.

(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.

Application  
by an urban  
manual  
scavenger for  
identification.

**12.** (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.

Rehabilita-  
tion of  
persons  
identified as  
manual  
scavengers  
by a Muni-  
cipality.

**13.** (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.** 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.

Survey of manual scavengers in rural areas by Panchayats.

**15.** (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.

Application by a rural manual scavenger for identification.

(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.** 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.

Rehabilitation of persons identified as manual scavengers by a Panchayat.

## CHAPTER V

### IMPLEMENTING AUTHORITIES

**17.** 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,—

Responsibility of local authorities to ensure elimination of insanitary latrines.

(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.** 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.

Authorities who may be specified for implementing provisions of this Act.

**19.** 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,—

Duty of District Magistrate and authorised officers.

(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.

Appointment of inspectors and their powers.

**20.** (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.

(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, 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.

2 of 1974.

## CHAPTER VI

### PROCEDURE FOR TRIAL

Offences to be tried by Executive Magistrate.

**21.** (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, to be a Judicial Magistrate of the first class.

2 of 1974.

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

Offence to be cognizable and non-bailable.

**22.** Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and non-bailable.

2 of 1974.

**23.** (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.

Offences by companies.

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

Vigilance Committees.

(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*;

(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.

Functions of  
Vigilance  
Committee.

**25.** 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.** (1) Every State Government shall, by notification, constitute a State Monitoring Committee, consisting of the following members, namely:—

State Monitoring Committee.

(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*;

(l) 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.** The functions of the State Monitoring Committee shall be—

Functions of the State Monitoring Committee.

(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;

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

**28.** 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.

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

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

Central Monitoring Committee.

(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.

**30.** 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.** (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.** (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.** (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.** 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.** 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.** (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;

(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;

Functions of National Commission for Safai Karamcharis.

Power of State Government to designate an appropriate authority to monitor the implementation of this Act.

Duty of local authorities and other agencies to use modern technology for cleaning of sewers, etc.

Protection of action taken in good faith.

Jurisdiction of civil courts barred.

Power of appropriate Government to make rules.

(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 sub-section (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.

Power of  
Central  
Government  
to make model  
rules.

**37.** (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.

Power to  
remove  
difficulties.

**38.** (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.

39. (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.

Power to  
exempt.

(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.

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P.K. MALHOTRA,  
*Secy. to the Govt. of India.*



# TAMIL NADU GOVERNMENT GAZETTE

**EXTRAORDINARY** PUBLISHED BY AUTHORITY

No. 70]

CHENNAI, THURSDAY, MARCH 12, 2009  
Maasi 28, Thiruvalluvar Aandu-2040

## Part IV—Section 2

### Tamil Nadu Acts and Ordinances

The following Act of the Tamil Nadu Legislative Assembly received the assent of the Governor on the 9th March 2009 and is hereby published for general information:—

#### ACT No. 4 OF 2009.

***An Act to provide for reservation of seats in educational institutions including private educational institutions in the State and of appointments or posts in the services under the State to Arunthathiyars in the State of Tamil Nadu within the eighteen per cent reservation for Scheduled Castes.***

WHEREAS the policy of reservation for the social and educational advancement of the people belonging to the Backward Classes of citizens in admissions to educational institutions in the State and for appointments in the services under the State has been under implementation in the State of Tamil Nadu for a long time;

AND WHEREAS the State of Tamil Nadu is a pioneer State in providing reservation for the underprivileged and the first communal Government Order was passed in the year 1921 and the proportional representation for communities was made in the year 1927 in the State of Tamil Nadu;

AND WHEREAS a large percentage of population of Tamil Nadu suffering from social and educational backwardness for many years have started enjoying the fruits of the reservation policy and have been able to improve their lot and attain a higher standard of living;

AND WHEREAS the Tamil Nadu Legislature passed the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993 (Tamil Nadu Act 45 of 1994);

AND WHEREAS the Constitution (Seventy-sixth Amendment) Act, 1994, added the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993 (Tamil Nadu Act 45 of 1994), enacted by the Tamil Nadu Legislature, to the IX Schedule so as to give protection to the State Act, under Article 31-B of the Constitution;

AND WHEREAS under Article 14 of the Constitution, equals and unequals cannot be treated equally and a differential treatment, if made, cannot at all be stated to be discriminatory, if it is having a rational nexus to the object sought to be achieved;

AND WHEREAS the Constitution (First Amendment) Act, 1951 incorporating clause (4) of Article 15 of the Constitution enables the making of special provisions for the advancement of any socially and educationally Backward Classes of citizens or for the Scheduled Castes and the Scheduled Tribes;

AND WHEREAS the Constitution (Ninety-third Amendment) Act, 2005 incorporating clause (5) of Article 15 of the Constitution enables the making of any special provisions, by law, for the advancement of any socially and educationally Backward Classes of citizens or for the Scheduled Castes or Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions whether, aided or unaided by the State, other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution;

AND WHEREAS by virtue of clause (5) of Article 15 of the Constitution and also after taking a policy decision that the existing level of sixty-nine per cent reservation, in admission to educational institutions other than minority educational institutions referred to in clause (1) of Article 30 of the Constitution in the State for the Backward Classes of citizens and for the persons belonging to the Scheduled Castes and Scheduled Tribes, should be continued for ensuring the advancement of the majority of the people of the State of Tamil Nadu, the Tamil Nadu Legislature passed the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of Seats in Private Educational Institutions) Act, 2006 (Tamil Nadu Act 12 of 2006);

AND WHEREAS clause (4) of Article 16 of the Constitution enables the making of reservation to those Backward Classes of citizens which are not adequately represented in the services under the State;

AND WHEREAS clause (4-A) of Article 16 of the Constitution enables the making of any provision for reservation in the matter of promotion with consequential seniority to any class or classes of posts in the services under the State in favour of Scheduled Castes which in the opinion of the State are not adequately represented in the services under the State;

AND WHEREAS under clause (1) of Article 38 of the Constitution, the State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political, shall inform all the institutions of the national life;

AND WHEREAS under clause (2) of Article 38 of the Constitution, the State shall, in particular, strive to minimize the inequalities in income, and endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations;

AND WHEREAS under clause (b) of Article 39 of the Constitution, the State shall, in particular, direct its policy towards securing that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;

AND WHEREAS under clause (c) of Article 39 of the Constitution, the State shall, in particular, direct its policy towards securing that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

AND WHEREAS the view of the Supreme Court is, that Article 335 which prescribes that the "claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State" - should be read with Article 46 which provides (as a directive principle) that the State shall promote with special care the educational and economic interests of the weaker sections of the people and, in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation;

AND WHEREAS Article 341 of the Constitution empowers the President to enumerate the Scheduled Castes with reference to the State / Union Territory and make a notification of such castes;

AND WHEREAS the representatives of the various political parties and social forums representing the Scheduled Castes have requested the State Government to consider providing a special provision for reservation for the group of Arunthathiyars within the reservation provided for the Scheduled Castes as they are in the lowest rung in the social and educational fronts in the society regarding reservations under clauses (4) and (5) of Article 15 and clauses (4) and (4-A) of Article 16 of the Constitution and take steps to protect their interests adequately;

AND WHEREAS the One Man Committee appointed to inquire comprehensively and to recommend to the Government the list of communities coming under Arunthathiyar and the percentage of reservation to be provided for them based on their population within the reservation provided for Scheduled Castes, has recommended to the State Government that Arunthathiyars are in the last rung of the Scheduled Castes, who constituted nearly sixteen per cent of the total population of Scheduled Castes in the State and are socially and educationally backward and also not adequately represented in the services under the State in proportion to their population in the State of Tamil Nadu;

AND WHEREAS the said One Man Committee has recommended that preferential allotment of seats for admission into educational institutions or appointment or posts in the services under the State within the reservation for Scheduled Castes be provided for Arunthathiyars and also recommended that the term "Arunthathiyar" includes in its fold not only Arunthathiyar, but also Chakkiliyan, Madari, Madiga, Pagadai, Thoti and Adi Andhra;

AND WHEREAS the State Government have, after careful consideration, taken a policy decision to accept the recommendations of the said One Man Committee to provide for preferential allotment, of seats for admission in educational institutions or appointments or posts in the services under the State within the reservation for Scheduled Castes, be provided for the group of Arunthathiyars and also to classify the castes comprising of Arunthathiyar, Chakkiliyan, Madari, Madiga, Pagadai, Thoti and Adi Andhra in the group of Arunthathiyars;

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Sixtieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Definitions.

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

(a) "Arunthathiyars" means the castes, Arunthathiyar, Chakkiliyan, Madari, Madiga, Pagadai, Thoti and Adi Andhra within the list of 76 Scheduled Castes notified by the President of India under Article 341 of the Constitution of India by the Constitution (Scheduled Castes) Order, 1950 as amended from time to time;

(b) "Competent authority" means the competent authority appointed under section 9;

(c) "educational institutions" shall have the same meaning as defined in the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Educational Institutions and of appointments or posts in the Services under the State) Act, 1993 (hereinafter referred to as the 1994 Act);

Tamil Nadu Act  
45 of 1994.

(d) "Government" means the State Government;

(e) "private educational institution" shall have the same meaning as defined in the Tamil Nadu Backward Classes, Scheduled Castes and Scheduled Tribes (Reservation of seats in Private Educational Institutions) Act, 2006 (hereinafter referred to as the 2006 Act);

Tamil Nadu Act  
12 of 2006.

(f) "Scheduled Castes" shall have the same meaning as in Article 366 (24) read with Article 341 of the Constitution of India.

Reservation  
of Seats in  
Educational  
Institutions  
including  
Private  
Educational  
Institutions.

3. Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars included in the Scheduled Castes, sixteen per cent of seats reserved for the Scheduled Castes shall be offered to Arunthathiyars, if available, in respect of annual permitted strength in each branch or faculty for admission into educational institutions including private educational institutions, on preferential basis amongst Scheduled Castes, in such manner, as may be prescribed.

Reservation in  
appointments  
or posts in  
the services  
under the  
State.

4. Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any Court or other authority, having regard to the social and educational backwardness of Arunthathiyars included in the Scheduled Castes, sixteen per cent of the appointments or posts reserved for the Scheduled Castes shall be offered to Arunthathiyars, if available, in appointments or posts in the services under the State, on preferential basis amongst the Scheduled Castes, in such manner as may be prescribed.

*Explanation.*—For the purposes of this Act, "service under the State" includes the services under—

(i) the Government;

(ii) the Legislature of the State;

(iii) any local authority;

(iv) any Corporation or Company owned or controlled  
by the Government; or

(v) any other authority in respect of which the State Legislature has  
power to make laws.

Right to  
compete for  
non-  
preferential  
seats,  
appointments  
or posts not  
to be  
affected.

5. Notwithstanding anything contained in the 1994 Act or the 2006 Act or in any other law for the time being in force or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars, where more number of qualified Arunthathiyars are available, even after filling up of the required percentage of reservation for Arunthathiyars on preferential basis, such excess number of candidates of Arunthathiyars shall be entitled to compete with Scheduled Castes other than Arunthathiyars in the *inter-se* merit among them in the case of appointments or posts in the services under the State or admission into educational institutions including private educational institutions.

<p>6. Notwithstanding anything contained in the provisions of this Act or in the 1994 Act or the 2006 Act or in any other law for the time being in force, or in any judgment, decree or order of any court or other authority, having regard to the social and educational backwardness of Arunthathiyars, where seats, appointments or posts reserved for Arunthathiyars remain unfilled for want of adequate number of qualified candidates, it shall be filled up by Scheduled Castes other than Arunthathiyars with no carry forward of vacancies for Arunthathiyars and the entire reservation of eighteen per cent for Scheduled Castes shall be filled up in the year of actual vacancy subject to the availability of Scheduled Castes candidates and the preference given to Arunthathiyars shall not, in any way, affect the existing principle of carry forward of vacancies for Scheduled Castes in general.</p>	<p>Right to carry forward of vacancies for Scheduled Castes not to be affected.</p>	
<p>7. A candidate who claims to be a member of the Arunthathiyars as defined under this Act shall support his candidature as such by a certificate of caste identification issued under the Constitution (Scheduled Castes) Order, 1950 notified by the President of India for the State of Tamil Nadu, from time to time.</p>	<p>Certificate of identification.</p>	
<p>8. Notwithstanding anything contained in sections 3,4,5 and 6 of this Act, the claims of the students or members belonging to Arunthathiyars shall be considered for the unreserved seats, appointments, or posts which shall be filled up on the basis of merit and where a student or member belonging to Arunthathiyars, if selected on the basis of merit, the number of seats, appointments or posts reserved for the Arunthathiyars shall not, in any way, be affected.</p>	<p>Reservation not to be affected.</p>	
<p>9. (1) The Government may, by notification, appoint any officer not below the rank of District Adi Dravidar Welfare Officer to be the competent authority for the purpose of carrying out the provisions of this Act and the rules made thereunder in respect of private educational institutions.</p>	<p>Competent authority.</p>	
<p>(2) The competent authority shall exercise such powers and perform such functions as may be prescribed.</p>		
<p>10. (1) The Government may, in the public interest, by order, direct the competent authority to make an enquiry or to take appropriate proceedings under this Act in any case specified in the order, and the competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within such period as may be prescribed.</p>	<p>Power of Government to give direction.</p>	
<p>(2) On receipt of the report from the competent authority under sub-section (1), the Government shall give such direction as they deem fit and such direction shall be final and binding.</p>		
<p>Central Act XLV of 1860.</p>	<p>11. The Competent authority appointed under section 9 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.</p>	<p>Competent authority to be public servant.</p>
<p>12. No suit, prosecution or other legal proceedings shall lie against the competent authority, Government or its Officers for anything, which is in good faith done or intended to be done under this Act or any rule or order made thereunder.</p>	<p>Protection of action taken in good faith.</p>	
<p>13.(1) The Government may make rules for carrying out the purposes of this Act.</p>	<p>Power to make rules.</p>	
<p>(2) (a) All rules made under this Act shall be published in the <i>Tamil Nadu Government Gazette</i> and unless they are expressed to come into force on a particular day shall come into force on the day on which they are so published.</p>		
<p>(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are so published.</p>		

(3) Every rule made or notification or order issued under this Act shall, as soon as possible, after it is made or issued, be placed on the Table of the Legislative Assembly, and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or order, or the Assembly decides that the rule or notification or order should not be made or issued, the rule or notification or order 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 or notification or order.

Power to  
remove  
difficulties.

14. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order, published in the *Tamil Nadu Government Gazette*, make such provisions not inconsistent with the provisions of this Act as may appear to them to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made after the expiry of two years from the date of the publication of the Act in the *Tamil Nadu Government Gazette*.

(By order of the Governor)

S. DHEENADHAYALAN,  
*Secretary to Government,  
Law Department.*



**ABSTRACT**

Act - The Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 – Date of coming into force of the Act, framing of Rules and appointment of Competent Authority – Notified.

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Adi Dravidar and Tribal Welfare (TD2) Department

G.O. (Ms). No. 50

Dated 29.4.2009

சித்திரை 16, திருவள்ளூர் ஆண்டு 2040

ORDER:

The following Notifications will be published in the Tamil Nadu Government Gazette Extraordinary, dated the 29<sup>th</sup> April 2009.

**NOTIFICATION-I**

In exercise of the powers conferred by sub-section (3) of section 1 of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 (Tamil Nadu Act 4 of 2009), the Governor of Tamil Nadu hereby appoints the 29th day of April 2009 as the date on which the said Act shall come into force.

(BY ORDER OF THE GOVERNOR)

N.S. PALANIAPPAN,  
SECRETARY TO GOVERNMENT.

To  
The Works Manager, Government Central Press, Chennai – 79  
(for the publication of Notification and send 50 copies  
to Government )  
All Secretaries to Government,  
Stock File / Spare Copy

/FORWARDED BY ORDER/

SECTION OFFICER.

## NOTIFICATION – II

In exercise of the powers conferred by section 13 of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the Services under the State within the Reservation for the Scheduled Castes) Act, 2009 (Tamil Nadu Act 4 of 2009), the Governor of Tamil Nadu hereby makes the following Rules, namely:-

### RULES

1. **Short title.**- These rules may be called the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the Services under the State within the Reservation for the Scheduled Castes) Rules, 2009.
2. **Definitions.**- In these rules, unless the context otherwise requires,
  - a) “Act” means the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the Services under the State within the Reservation for the Scheduled Castes) Act, 2009 (Tamil Nadu Act 4 of 2009);
  - b) “Arunthathiyars” means the castes, Arunthathiyar, Chakkiliyan, Madari, Madiga, Pagadai, Thoti and Adi Andhra within the list of 76 Scheduled Castes notified by the President of India under Article 341 of the Constitution of India by the Constitution (Scheduled Castes) Order, 1950 as amended from time to time.
3. **Reservation of seats for Arunthathiyars.**- In the sixteen per cent of seats offered to Arunthathiyars within the seats reserved for Scheduled Castes for admission in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State, the first seat shall be offered to Arunthathiyars as illustrated below:-

### ILLUSTRATION

Out of 100 seats, 18 seats are reserved for Scheduled Castes in the following rotation:-

2	32	66
6	36	72
12	42	76
16	52	82
22	56	86
26	62	92

The seats to Arunthathiyars shall be offered in the rotation 2, 32 and 66.

**4. Powers and functions of the competent authority.**- The competent authority shall have the power to inspect the Private Educational Institutions as to whether the seats offered to Arunthathiyars as provided in the Act as well as in Rule 3 is implemented in those institutions. He shall also make enquiry when ordered by the Government.

**5. Period within which report under sub-section (1) of section 10 to be submitted.**- The competent authority shall report to the Government the result of the enquiry made or the proceedings taken by him within 30 days from the date of order.

### NOTIFICATION – III

In exercise of the powers conferred by sub-section (1) of section 9 of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 (Tamil Nadu Act 4 of 2009), the Governor of Tamil Nadu hereby appoint the District Adi Dravidar Welfare Officer of every District to be the competent authority for the purpose of carrying out the provisions of the said Act and the rules made thereunder in respect of private educational institutions in the respective District.

(BY ORDER OF THE GOVERNOR)

**N.S. PALANIAPPAN,  
SECRETARY TO GOVERNMENT.**

## Appendix - IV B



### ABSTRACT

Act - The Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes) Act, 2009 - Rules framed and competent authority – Notified - Amendment issued.

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Adi Dravidar and Tribal Welfare (TD2) Department

G.O.(Ms).No.61

Dated 29.05.2009

வைகாசி 15 திருவள்ளூர் ஆண்டு 2040

Read:-

G.O.Ms.No.50, Adi Dravidar and Tribal Welfare (TD2) Department  
dated 29.04.2009

ORDER:-

The following Notification will be published in the Tamil Nadu Government Gazette,

### NOTIFICATION

In exercise of the powers conferred by section 13 of the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the Services under the State within the Reservation for the Scheduled Castes) Act, 2009 (Tamil Nadu Act 4 of 2009), the Governor of Tamil Nadu hereby makes the following amendment to the Tamil Nadu Arunthathiyars (Special Reservation of seats in Educational Institutions including Private Educational Institutions and of appointments or posts in the services under the State within the Reservation for the Scheduled Castes ) Rules, 2009:-

### AMENDMENT

In the said Rules, in rule 3 in the illustration for the expression

**“The seats to Arunthathiyars shall be offered in the rotation 2,32 and 66”**,  
the following expression shall be substituted, namely :-

**“The seats to be allotted to Arunthathiyars on preferential basis shall be offered in the horizontal rotation such as 2,32 and 66. The preferential seats if filled up, it does not mean that the other qualified Arunthathiyars shall not compete with the rest of the Scheduled Castes members on inter-se merit basis; vice versa, if no qualified Arunthathiyars are available to fill up the preferential seats, it does not mean that the vacancies so arising shall not be filled up by the Scheduled Castes members on merit basis”.**

(By order of the Governor)

T.N. Ramanathan  
Secretary to Government

To  
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All Secretaries to Government,  
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Section Officer



# TAMIL NADU GOVERNMENT GAZETTE

**EXTRAORDINARY** PUBLISHED BY AUTHORITY

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CHENNAI, THURSDAY, MARCH 5, 2015  
Maasi 21, Jaya, Thiruvalluvar Aandu-2046

## Part II—Section 2

**Notifications or Orders of interest to a section of the public  
issued by Secretariat Departments.**

### NOTIFICATIONS BY GOVERNMENT

#### MUNICIPAL ADMINISTRATION AND WATER SUPPLY DEPARTMENT

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

[G.O. Ms. No. 40, Municipal Administration and Water Supply (MA2), மாசி 21, ஜய, திருவள்ளூர் ஆண்டு-2046.]

**No. II(2)/MAWS/119(d)/2015.**

Under Section 7 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Central Act 25 of 2013), the Governor of Tamil Nadu hereby notifies the 15th day of March, 2015 as the date from which no person, local authority or any agency shall, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.

K. PHANINDRA REDDY,  
*Principal Secretary to Government.*

## Appendix – V

### Photographs

Manual scavenger pours powder on excreta in the early morning in the Dindigul railway station



Palani municipal's festival worker removing human excreta through metal scarper (old method) in main Bazaar Street



Palani municipality has constructed insanitary latrines during the festival periods



From nearby insanitary toilet's tanks, the Palani municipal workers collecting excreta with waste garbage



In Kodaikanal municipality, a worker removing animal excreta



The Kodaikanal scavengers have to remove excreta before arrival of tourists in famous place like Kodaikanal Lake.

