HUMAN RIGHTS WATCH

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Cleaning Human Waste:

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Glossary

Bhangi: Literally, "broken identity," a derogatory name used to refer to people from the caste traditionally responsible for manual scavenging.

Dalit: Literally "broken people," a self-designated term for so-called "untouchables" who traditionally occupy the lowest place in the Indian caste system.

Dry toilet: Toilet that does not flush, is not connected to a septic tank or sewage system, and requires daily manual cleaning.

FIR: First Information Report, recorded complaint of a crime filed by police.

Panchayat/Gram Panchayat: Village-level administration, usually elected officials, responsible for preparing and executing plans for economic and social development.

Open defecation: Defecation on roads and plots that requires manual disposal. A 2010 report from the World Health Organization and the United Nations Children's Fund (UNICEF) found that 665 million Indians—more than half the population—practice open defecation.

Pradhan/Sarpanch: Village headman.

Scheduled Castes: Caste groups, also known as Dalits, that are eligible for quotas in education and government jobs and protected under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989. Muslim and Christian Dalits are not included as Scheduled Castes and are therefore not currently protected under the 1989 Act.

Superintendent of Police (SP): Officer in charge of a police district.

Wada toilet: Designated defecation area enclosed by four 5-foot walls that requires manual cleaning. Also referred to as a *wadolia* toilet.

Summary

> I clean toilets in 20 houses every day. I use a tin plate and broom to remove the excrement that has collected in the toilet, I collect the excrement in a basket, and then I take it and throw it away. This work is so awful I don't feel like eating.
> —Manisha, Mainpuri district, Uttar Pradesh, January 2014

> [Manual scavenging] is the worst surviving symbol of untouchability.
> —National Advisory Council resolution, October 23, 2010

The practice of manually cleaning excrement from private and public dry toilets and open drains persists in several parts of South Asia. Across much of India, consistent with centuries-old feudal and caste-based custom, women from communities that traditionally worked as "manual scavengers," still collect human waste on a daily basis, load it into cane baskets or metal troughs, and carry it away on their heads for disposal at the outskirts of the settlement.

India's central government since independence in 1947 has adopted legislative and policy efforts to end manual scavenging. In recent years these include commitments to modernize sanitation so there is no further need for manual disposal of feces, and prohibitions on engaging anyone to do this work. However, because these policies are not properly implemented, people remain unaware of their right to refuse this role, and those who do refuse may face intense social pressure, including threats of violence and expulsion from their village, often with the complicity of local government officials.

Manual scavengers are usually from caste groups customarily relegated to the bottom of the caste hierarchy and confined to livelihood tasks viewed as deplorable or deemed too menial by higher caste groups. Their caste-designated occupation reinforces the social stigma that they are unclean or "untouchable" and perpetuates widespread discrimination. Women usually clean dry toilets, men and women clean 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.

Ashif Shaikh, founder and convener of the Rashtriya Garima Abhiyan, a grassroots campaign against manual scavenging, explained the systematic discrimination that emerges from this practice:

> The manual carrying of human feces is not a form of employment, but an injustice akin to slavery. It is one of the most prominent forms of discrimination against Dalits, and it is central to the violation of their human rights.

In Kasela village in Uttar Pradesh state's Etah district, women from 12 families manually clean toilets with the full knowledge of village authorities. After spending the morning manually removing excrement from the toilets, the women return to the houses they cleaned to collect leftover food as payment. They are given grain donations at the harvest and old clothes at festival times, but receive no cash wages. Munnidevi told Human Rights Watch she stopped going to homes where she was not given any food, but says she returned to work after her employers warned that she would not be able to enter community land to collect firewood or graze her livestock. "I have to go. If I miss a single day, I am threatened," she said.

On September 6, 2013, the Indian Parliament passed The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (the 2013 Act), committing itself yet again to ending manual scavenging. Seven months later, on March 27, 2014, the Indian Supreme Court held that India's constitution requires state intervention to end manual scavenging and "rehabilitate" all people engaged in the practice. This meant not only ending the practice but also ending the abuses faced by communities engaged in manual scavenging.

The government's recognition in the 2013 Act of the historically rooted and ongoing injustice faced by communities engaged in manual scavenging is important, but also points to failures in implementing previous laws and policies to address the problem. Recent examples from communities engaged in manual scavenging in the states of Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, and Uttar Pradesh highlight the failures of previous government attempts to end manual scavenging and eliminate the entrenched attitudes and discriminatory practices that still bind members of affected communities to this degrading and unnecessary occupation.

A woman cleans dry toilets in Kasela village in Uttar Pradesh, where the state has failed to enforce laws prohibiting manual scavenging.
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For instance, several women who sought to leave manual scavenging told Human Rights Watch that local authorities failed to intervene when they faced threats from the households they served. As retribution for leaving, they were denied access to community land and resources or threatened with eviction, frequently with the backing of village councils and other officials.

While the central government enacts laws, state representatives in *panchayats*, elected village councils, and municipal corporations too often not only fail to implement prohibitions on manual scavenging by private households, but also perpetuate the practice. In Maharashtra state, for instance, *panchayats* have recruited people to manually clean toilets and open defecation areas on the basis of their caste, even denying them other jobs for which they are qualified within the *panchayat*. While *panchayats* compensate families that clean dry toilets, drains, and open defecation sites with housing and wages, many of those employed told Human Rights Watch that they are denied regular

wages and have been warned that they will be evicted from their houses if they refuse manual scavenging work.

The *panchayat* in Nhavi village in Maharashtra's Jalgaon district hired nine women and men to manually clean open defecation sites. Bimal told Human Rights Watch that she does not want to clean excrement, but has continued to do so because she fears her family will be thrown out of the home where she lives:

> We have farming and labor work, but then if I go for farming work I get threats from the *panchayat*—"If you don't work, empty the house." I am afraid to lose my house. If I had a place to live I would not do this dirty work.

Bimal's husband, Kailash, has a college education, but began manually cleaning toilets in Nhavi in 1989 when he was unable to find alternate employment. He said, "I studied commerce and banking, but I couldn't find work. Even though I am educated, the *panchayat* hired me to clean toilets because I am from this community."

Human Rights Watch also found some instances in which women and men from the Valmiki caste are engaged by urban municipal corporations, both directly by the government and through contractors, to manually clean excrement. A municipal corporation worker, who has worked as a *safai karmachari*, or sanitation worker, for the Bharatpur municipal corporation since 2004 explained her work:

> I clean my area, these two lanes. I clean twice a day because it is so dirty. I sweep the roads and I clean the drains. It is extremely dirty because the houses here flush the excrement from the toilets directly into the drains. I have to pick out the excreta, along with any garbage from the drains. I have to do it. If I do not, I will lose my job.

Some women said they faced threats of violence when they refused to practice manual scavenging. In November 2012, when Gangashri along with 12 other women in Parigama village in Uttar Pradesh's Mainpuri district voluntarily stopped cleaning dry toilets, men from the dominant Thakur caste came to their homes and threatened to deny them grazing rights and expel them from the village. Despite these threats, the women refused to return

to manual scavenging. Soon after, some 20 to 30 upper caste men from Parigama confronted the community. Gangashri recalls:

> They called our men and said "If you don't start sending your women to clean our toilets, we will beat them up. We will beat you up." They said, "We will not let you live in peace." We were afraid.

Such threats have been particularly effective in binding communities to manual scavenging because the affected communities face extreme difficulty in securing police protection. They are especially vulnerable to police refusal to register complaints due to caste bias by police and local government officials.

The rights abuses suffered by people who practice manual scavenging are mutually reinforcing. Constantly handling human excreta without protection can have severe health consequences. Those who do the work, however, also typically face untouchability practices. Discrimination that extends to all facets of their lives, including access to education for their children, makes it more likely they will have no choice but to continue to work as manual scavengers.

India's Constitution bans the practice of untouchability, and the Protection of Civil Rights Act, 1955, prohibits compelling anyone to practice manual scavenging. Aimed specifically at ending manual scavenging, The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 (the 1993 Act), declared the employment of manual scavengers and construction of dry toilets to be punishable with fines and imprisonment. Superseding the 1993 Act, the 2013 Act goes beyond prohibitions on dry latrines, and outlaws all manual excrement cleaning of insanitary latrines, open drains, or pits. And, importantly, it recognizes a constitutional obligation to correct the historical injustice and indignity suffered by manual scavenging communities by providing alternate livelihoods and other assistance.

However, women we spoke with who left manual scavenging, even those who had the support of community-based civil society initiatives, reported significant barriers to accessing housing, employment, and support from existing government programs aimed at their rehabilitation. Notably, under the 2013 Act, rehabilitation provisions are left to be

implemented under existing central and state government schemes—the same set of programs that, to date, have not succeeded in ending manual scavenging.

India's Supreme Court has ruled that the practice of manual scavenging violates international human rights law, including protections found in the Universal Declaration of Human Rights (UDHR), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). India is also a party to other international conventions that reinforce obligations to end manual scavenging.

In May 2014, Indians elected a new government. During his campaign, Prime Minister Narendra Modi highlighted the importance of modernizing India's sanitation system, saying that building toilets was more important than temples. While modernizing India's sanitation is an important step in ending manual cleaning of excrement by some of India's most marginalized communities, investment in sanitation alone is far from sufficient to end the social and economic exclusion faced by these communities. The government's continued inability to provide individuals the support necessary to leave manual scavenging predictably will undermine the renewed government effort to promote modern sanitation. This is especially true if decisive steps are not taken against local officials who themselves employ people to work as manual scavengers, lessening the urgency of modernizing sanitation practices in their localities.

As of July 2014, the Indian government has extended the time limit for ending manual scavenging at least eight times. To end manual scavenging practices, the government needs to not only modernize sanitation, but also take proactive measures to ensure that people who leave manual scavenging have prompt access to housing, employment, and essential services, and to hold local officials accountable for implementing all laws addressing manual scavenging and caste discrimination.

Key Recommendations to Indian Central and State Authorities

- Identify all individuals currently engaged in manual scavenging and those who have engaged in the practice since it was outlawed under the 1993 Act (so the latter are entitled to benefits under the 2013 Act).
- Ensure that rehabilitation entitlements under the 2013 Act—including financial assistance, scholarships, housing, alternative livelihood support, and other important legal and programmatic assistance—are available to manual scavenging communities.
- Take immediate steps to ensure that officials effectively intervene to stop communities from being coerced to practice manual scavenging, including when members of such communities face threats and intimidation for attempting to leave manual scavenging. The steps should include holding officials accountable for properly enforcing relevant laws, including the 2013 Act and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Strictly enforce the law against local government officials who themselves employ people to work as manual scavengers.
- Enact The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, No. 1 of 2014.

Methodology

This report is based on research Human Rights Watch conducted between November 2013 and July 2014 in the Indian states of Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, and Uttar Pradesh.

We conducted over 135 interviews, including with women and men who currently or previously practiced manual scavenging, rights activists, trade union workers, lawyers, and government officials. These interviews took place in Delhi, one district in Gujarat, six districts in Madhya Pradesh, three districts in Maharashtra, one district in Rajasthan, and three districts in Uttar Pradesh. Interviews were conducted in English, Hindi, or Marathi.

All interviewees participated voluntarily and without compensation. As indicated in the text of the report, in some instances, interviewees requested that their names or village names be withheld. Manual scavenging communities in Madhya Pradesh, Maharashtra, Rajasthan and Uttar Pradesh were identified with support from the Rashtriya Garima Abhiyan (a coalition of 30 civil society organizations from 13 Indian states dedicated to ending manual scavenging).

According to Government of India statistics, the states chosen have had the highest number of people engaged in manual scavenging.[1] They were also selected to provide a more complete picture of the various ways in which manual scavenging is practiced in India. For instance, in Gujarat, Rajasthan, and Uttar Pradesh, women clean dry toilets owned by private households. In Maharashtra and Rajasthan, both women and men are hired by *gram panchayats* and municipal corporations to clean public dry toilets, drains, and open defecation areas. Our research in Madhya Pradesh examined the challenges still facing women who were able to leave manual scavenging with the support of Rashtriya Garima Abhiyan.

In addition, we reviewed relevant documentation, including filings in *Safai Karmachari Andolan v. Union of India*, databases and manuals for government schemes to end manual

[1] Government of India, Working Group on the "Empowerment of Scheduled Castes (SCs)" for the Eleventh Five-Year Plan (2007-2012), Report of Sub Group on Safai Karmacharis Submitted to the Chairman of the Working Group on the "Empowerment of Scheduled Castes (SCs) for the Eleventh Five-Year Plan (2007-2012)," http://safaikarmachariandolan.org/reports.php, (accessed July 22, 2014), p. 3.

scavenging and rehabilitate individuals engaged as manual scavengers, documents from Rashtriya Garima Abhiyan, and a wide range of secondary sources, including reports from national and international meetings addressing manual scavenging.

Terminology and Scope

Consistent with the terminology used in The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, in this report the term "manual scavenger" refers to "a person engaged or employed . . . 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."[2] An "insanitary latrine" is defined as "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."

Communities engaged as manual scavengers have distinct communal or caste names in various parts of the country.[3] The government identifies those that belong to the most marginalized, so-called untouchable castes as Scheduled Castes, eligible for quotas in education and employment. Rights activists from the community refer to themselves as Dalits, literally "broken people." However, many from manual scavenging communities also call themselves *Harijan*, a term used by Mohandas Gandhi to describe them as people of God.

In formal legislative and legal contexts, the term *safai karmachari* has been introduced by rights activists to refer to manual scavenging as an occupation rather than an identity, but the term *safai karmachari* refers to people employed as sweepers and sanitation workers as well as those who manually clean excrement.

We refer to "manual scavenging" in the report because this is the terminology used in the 2013 Act. This report focuses on the persistence of manual scavenging practices that are linked to discrimination on the basis of caste or other status, and conclusively forbidden

[2] The Prohibition of Employment of Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013, chapter I (2)(1)(g).

[3] In addition to Valmiki, used widely in Madhya Pradesh, Uttar Pradesh, and Rajasthan, these include Han and Hadi in Bengal, Balmiki Dhanuk, and Halalkhor in Uttar Pradesh, Mehar in Assam, Mehatar in Hyderabad and Maharashtra, Paki in coastal Andhra Pradesh, Thotti in Tamil Nadu, Mira, Lalbegi, Chura, and Balashahi in Punjab, and Balmiki, Mehatar, and Chuhra in Delhi. Gita Ramaswamy, *India Stinking: Manual Scavengers in Andhra Pradesh and their work*, (Delhi: Navayana Publishing, 2005), p. 3.

under Indian law. Accordingly, we focus on human rights violations faced by communities engaged in the manual cleaning of excrement in homes, open defecation areas, and open drains. We do not address the health and safety regulations necessary to protect sanitation workers and those who clean septic tanks, or examine the hiring, subcontracting, and sanitation practices of the Indian Railways that perpetuate manual scavenging.[4]

In the absence of reliable government survey information on the prevalence of the manual scavenging, when possible, we have used both government data and data collected by Rashtriya Garima Abhiyan in our assessments of prevalence.

[4] The Ministry of Railways reports that they have 7,114 trains running daily where human excrement is directly discharged on the track. Standing Committee on Social Justice and Empowerment (2012-2013), "Report on The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill 2012," Thirty Second Report, March 2013, http://www.prsindia.org/uploads/media/Manual%20Scavengers/SCR%20Manual%20Scavengers%20Bill.pdf (accessed August 3, 2014), para. 2.1.

I. Persistence of Manual Scavenging in India

> I had to work with my head veiled. During the rains, my clothes would become drenched with excrement. They would not dry. The house would smell. I started to get skin disease and even to lose my hair.
> —Badambai, Neemuch district, Madhya Pradesh, January 2014

In India, there are constitutional and legislative prohibitions on "untouchability" and manual scavenging. However, women and men continue to be engaged in manually cleaning human excrement from private and public dry toilets, open defecation sites, septic tanks, and open and closed gutters and sewers. They usually embark upon manual scavenging because of traditional caste-based roles that leave them few, if any, alternate employment options, a situation perpetuated by poor implementation of laws and policies prohibiting this practice.

Caste in India

Historically, civil, social, and economic life in India has been regulated by the caste system—a system of social stratification that designates ranked groups defined by descent and confined to particular occupations.[5] Caste-based social organization is governed by custom and is enforced socially and economically.[6] Irrespective of the religion practiced by an individual, caste in India is hereditary in nature.[7] A community's caste designation has long had a significant impact on the ability of members of that community to control land and other productive resources, establishing broad congruence between caste and class.[8]

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[5] In India, the poverty rate for Dalits (65.8%) is almost twice the rate for the rest of the population (33.3%). This is a result of limitations on access to types of jobs, wage gaps when compared to other population groups, and distinctions between castes in educational attainment. International Labor Organization, *Equality at work: The continuing challenge* (Geneva: ILO, 2011), http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_166583.pdf (accessed August 3, 2014) paras. 24, 25, 170.

[6] Sukhadeo Thorat, *Caste, Social Exclusion, & Poverty* (New Delhi: Gautam Printers, 2013), pp. 6-7.

[7] Ghanshyam Shah, "Introduction: Caste and Democratic Politics," in Shah, ed. *Caste and Democratic Politics in India* (Delhi: Permanent Black, 2002), p. 5, and Navsarjan Trust and The Robert F. Kennedy Center for Justice and Human Rights, "Understanding Untouchability: A Comprehensive Study of Practices and Conditions in 1589 Villages," http://www.europarl.europa.eu/meetdocs/2009_2014/documents/droi/dv/201/201102/20110228_516untouchability_en.pdf (accessed May 9, 2014), p. 3.

[8] Uma Chakravarti, "From fathers to husbands: of love, death and marriage in North India," in Hossain, ed. *Honour: Crimes, Paradigms and Violence Against Women* (London: Zed Books, 2005).

Dalits are relegated to the bottom of the caste hierarchy.[9] They have been traditionally limited to livelihoods viewed as deplorable or deemed too menial by higher caste groups—including as manual scavengers, leather workers, and cobblers, among others.[10] Their caste designation also renders them socially "polluted" or "untouchable" and is used to justify discriminatory practices.[11] As a result, in parts of India, Dalit communities are still denied access to community water sources, denied service by barbers, served tea in separate cups, barred from entering shops, excluded from temples, and prevented from taking part in community religious and ceremonial functions.

While India's constitution and other laws guarantee equal status for all citizens and outlaws untouchability practices, various forms of discrimination persist.[12] Even under existing law, Muslim and Christian Dalits are not included as Scheduled Castes and thus are not eligible for the same protections as Hindu Dalits under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989.[13] The persistence of untouchability has been condemned by many Indian leaders, including then-Prime Minister Manmohan Singh, who likened caste discrimination to apartheid.[14]

Political and rights movements have broken some caste barriers, but caste continues to be used to justify discriminatory, cruel, and inhuman treatment inflicted upon millions of Indians—especially in areas of rural India where caste-designation still dictates rigid roles and entitlements.

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[9] Caste has distinct meanings for Hindus and non-Hindus. In both instances, caste largely determines occupation and socio-economic position, but for Hindus, this designation is further sanctioned by religion. Within Hinduism, caste designates social relationships based upon four principle caste categories: Brahmins (priests and teachers), Kshatriyas (rulers and soldiers), Vaisyas (merchants and traders), and Shudras (laborers and artisans). These are further divided into thousands of sub-castes or *jatis,* distinguished by occupation, sect, region, and language. Distinct from the *varnas* that fall within the caste system, a fifth category, is described as *varna-sankara,* or those who fall outside the *varna* system. People within this category, referred to as "Dalits," are traditionally considered so inferior to other castes that they are deemed "polluting" and therefore "untouchable." Human Rights Watch, *India—Broken People: Caste Violence Against India's Untouchables,* March 1999, http://www.hrw.org/reports/1999/india/, p. 20-21.

[10] Ibid., p. 5.

[11] Clifford Bob, "'Dalit Rights are Human Rights': Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue," *Human Rights Quarterly*, vol. 29 (2007), pp. 167,173.

[12] India's Constitution in article 17, together with articles 14, 19, 21, 23, and 47 abolish the practice of "untouchability."

[13] Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, No. 330 of 1989.

[14] Maseeh Rahman, "Indian leader likens caste system to apartheid regime," *The Guardian*, December 28, 2006, http://www.theguardian.com/world/2006/dec/28/india.mainsection (accessed August 11, 2014).

The Indian government has passed laws and adopted policies aimed at ending caste discrimination, but has done too little to address widespread failure to implement these measures and the role of local government officials in perpetuating discriminatory practices.[15]

Manual Scavenging

Within the caste structure, Dalits who work as manual scavengers are usually from the Hindu Valmiki sub-caste, which is further subdivided into regionally named groups such as Chuhada, Rokhi, Mehatar, Malkana, Halalkhor, and Lalbegi, or the Muslim Hela sub-caste.[16] These communities are held at the bottom of the social hierarchy and, accordingly, face discrimination even from within the Dalit community. Considered fit for only the most "polluting" labor, their role is to manually dispose of human excrement and perform other unsanitary tasks.[17]

The International Labor Organization (ILO) distinguishes three forms of manual scavenging: 1) removal of human excrement from public streets and dry latrines, 2) cleaning septic tanks, and 3) cleaning gutters and sewers.[18] These tasks are subdivided by gender: 95 percent of private and village toilets are cleaned by women; both women and men clean

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[15] India has various schemes, including education, grants, subsidies, loans, and public sector quota systems aimed at improving the economic situation of scheduled castes and addressing discrimination. For instance, the 2007-2012 Five-Year Plan aims to eliminate discrimination based upon social origin, recognizes the role of legislation in protecting rights to education and employment, and considers the possibility of affirmative action in the private sector. International Labor Organization, *Equality at work: The continuing challenge* (Geneva: ILO, 2011), http://www.ilo.org/wcmsp5/groups/public/---ed_norm/---declaration/documents/publication/wcms_166583.pdf (accessed August 3, 2014), para. 172.

[16] Vibhawari Kamble, "Steps Toward the Elimination and Eradication of Manual Scavenging Practice: Advocacy Manual for NGO's, CBO's and other related organizations," idsn.org/uploads/media/Manual_for_advocacy_2.doc (accessed August 3, 2014).

[17] Manual scavenging and caste are intimately linked by ritualized avoidance of excrement that extends to designating "polluted" castes to handle human waste. Other tasks designated to manual scavengers include: disposing animal carcasses, cleaning blood and placenta during childbirth, massaging the stomachs of villagers with gas problems, making death announcements and informing villagers about death rites, removing the clothes and utensils of the deceased from cremation grounds, performing autopsies in primary health clinics and civic hospitals, beating drums in funeral and other ceremonial processions, cremating unclaimed corpses, castrating animals, cleaning drains, sweeping, cleaning and disposing of animal excrement, cleaning sewers and septic tanks, rearing pigs, cleaning in upper caste households prior to a wedding, and disposing leaf plates and clearing leftovers after a wedding feast. Gita Ramaswamy, *India Stinking: Manual Scavengers in Andhra Pradesh and their work* (Delhi: Navayana Publishing, 2005), p. 15, Rashtriya Garima Abhiyan, "Eradication of Inhuman Practice of Manual Scavenging and Comprehensive Rehabilitation of Manual Scavengers in India," January 1, 2011, http://www.mailamukti.org/reports%20and%20documents/Eradication%20of%20Inhuman%20Practice%20-%20Rashtriya%20Garima%20Abhiyan.pdf (accessed August 3, 2014), pp. 10-11, and Human Rights Watch interview with Suresh Jadav, Navsarjan Social Worker, Ahmadabad, Gujarat, July 15, 2014.

[18] National Conference on Promotion of Equality at Work in India: Manual Scavenging Project, "Background," http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Manual_scavenging/2012/Background_note_on_ILO_conference.pdf (accessed August 3, 2014), and Gita Ramaswamy, *India Stinking: Manual Scavengers in Andhra Pradesh and their work* (Delhi: Navayana Publishing, 2005), p. 3.

open defecation from roads, open areas, and open gutters; and men typically clean septic tanks, closed gutters, and sewers.[19]

The exact number of people who continue manual scavenging is disputed, with government estimates significantly lower than those by civil society groups.[20] In March 2014, in an effort to resolve this, the Supreme Court of India estimated that there are 9.6 million dry latrines that are still being cleaned manually by people belonging to the Scheduled Castes.[21] The Social Justice and Empowerment minister, Thaawar Chand Gehlot, told the Indian parliament in August 2014: "The practice of manual scavenging, arising from the continuing existence of insanitary latrines, still persists in various parts of the country."[22] Neither the Supreme Court estimate, nor Gehlot's statement, however, take into account manual cleaning of open defecation from roads and other areas, removing excrement flushed into uncovered drains by private households in rural, semi-urban, and underdeveloped urban areas, or manual cleaning of private and government septic tanks.

Feudal Caste-Based Customs

In accordance with the traditional *jajmani* system, in which service and artisan caste households serve upper caste households or *jajmans* in the village, women who clean toilets in private households generally "inherit" this practice when they get married, joining their mothers-in-law in the daily rounds of collecting excrement and carrying it in baskets to the outskirts of the settlement.[23] Human Rights Watch found that manual

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[19] Jan Sahas Social Development Society, *Ending Manual Scavenging: The Jan* Sahas *Garima Abhiyan (Dignity) Campaign*, 2001-2012, unpublished internal report, April 2012, p. 12 (on file with Human Rights Watch); and National Conference on Promotion of Equality at Work in India: Manual Scavenging Project, "Background," http://idsn.org/fileadmin/user_folder/pdf/New_files/Key_Issues/Manual_scavenging/2012/Background_note_on_ILO_conference.pdf (accessed August 3, 2014).

[20] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014, para. 10.

[21] Ibid., para. 2(i).

[22] "Manual scavenging continues in India: Minister," *Times of India,* August 5, 2014, http://timesofindia.indiatimes.com/India/Manual-scavenging-continues-in-India-Minister/articleshow/39697023.cms (accessed August 10, 2014).

[23] A 2013 survey of 480 women from manual scavenging communities in nine districts in the Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh, undertaken by Jan Sahas Social Development Society with the support of UN Women, found that 70% of respondents across all three states became involved in manual scavenging after marriage while 30% entered the practice before marriage. By state, 60% of respondents in Bihar, 77% of respondents in Uttar Pradesh, and 76% of respondents in Madhya Pradesh started manual scavenging after marriage. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 4. For a discussion of the *jajmani* system, see Government of India, Ministry of Labour, "Bonded Labour, Chapter 8, Volume I: Report of the National

scavenging communities, consistent with traditional housing arrangements, continue to reside in separate enclaves in villages, and even in some urban areas.

Women who clean dry toilets in rural areas sometimes receive little or no cash wages, reflecting long-established customary practices, but instead receive daily rations of leftover food, grain during harvest, old clothes during festival times, and access to community and upper caste land for grazing livestock and collecting firewood—all given at the discretion of the households they serve.[24] After collecting and disposing excrement from each household, they still return to each home to collect leftover *chapatis* or *rotis (*unleavened bread) as compensation. In areas where untouchability practices are intact, food is dropped into their hands or thrown in front of them. Rekhabai, from Devgarh village, Dewas district, Madhya Pradesh, described her "wage" to Human Rights Watch:

> The homes I worked for would give me stale *chapatis* and leftovers, dropped into my hand from a distance. I was supposed to be paid Rs. 10 [US$0.20 or 20 cents] each month from each house. Sometimes, I was not paid for months.[25]

Women refer to manually cleaning toilets as their *jagir*, which, in Hindi, refers to an estate. In fact, a *jagir*—"entitling" the owner of the *jagir* to clean toilets in particular households in the village—has historically been a formal, valuable family asset. Each family typically serves between 10 and 30 households. Inheriting a greater number of households to clean is considered to increase the value of the inheritance.[26] "In some communities, women inherit the keys to the jewelry locker," said Kuldeep Ghanwari, Rajasthan coordinator for the Rashtriya Garima Abhiyan. "In the Valmiki community they inherit the work of cleaning excrement from toilets."[27]

Commission on Rural Labour," in Kiran Kamal Prasad, ed. *Understanding and Eradicating Bonded Labour in India* (Bangalore: Jana Jagrati Prakashana, 2008), p. 1.

[24] A 2013 survey of 480 women from manual scavenging communities in the Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh, undertaken by Jan Sahas Social Development Society with the support of UN Women, found that most respondents earned less than Rs. 2000 [US$ 33] per month: 43% received less than Rs. 1000 [US$ 15] per month, 56% were paid between Rs. 1000 and Rs. 2000 [US$ 15- US$ 33] per month, and just 1% earned above Rs. 2000 [US$ 33] per month. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 5.

[25] Human Rights Watch interview with Rekhabai, Devgarh village, Dewas district, Madhya Pradesh, January 9, 2014.

[26] Jan Sahas Social Development Society, *Ending Manual Scavenging: The Jan* Sahas *Garima Abhiyan (Dignity) Campaign*, 2001-2012, unpublished internal document, April 2012, p. 12. On file with Human Rights Watch.

[27] Human Rights Watch interview with Kuldeep Ghanwari, Rajasthan state coordinator for Rashtriya Garima Abhiyan, Bharatpur city, Rajasthan, June 25, 2014.

Sevanti Fatrod, from Bhonrasa, in Dewas district, Madhya Pradesh, says that she, her mother-in-law, and her two sisters-in-laws cleaned toilets in 100 houses each day—allowing them to collect leftover food from the houses they cleaned:

> I did not know that I would have to clean toilets. In Nepanagar, where I am from, my family did not do this work. My father told me that my husband's family had a large *jagir*, with work that spanned 100 families—but he did not tell me what work this was. I learned my work when I came to Bhonrasa . . . A *jagir*, means the area that you own. I was called a *maitarani* [scavenging queen]—for what? My work was to clean people's feces— for only one or two rupees a month. We were told we had to do it. There was no one to tell us we didn't have to.[28]

While a *jagir* is considered a family asset, for the young women made to clean excrement immediately after their marriage, the *jagir* can be a traumatic inheritance. Sona, from Bharatpur city in Rajasthan, described her first day to Human Rights Watch:

> The first day when I was cleaning the latrines and the drain, my foot slipped and my leg sank in the excrement up to my calf. I screamed and ran away. Then I came home and cried and cried. My husband went with me the next day and made me do it. I knew there was only this work for me.[29]

For people who practice manual scavenging, untouchability and social exclusion are inextricably linked. Manjula Pradeep, executive director of Navsarjan, a Gujarat based nongovernmental organization that has worked for decades around this issue explains:

> Manual scavenging is itself a form of caste-based violence and needs to be understood that way. It is degrading, it is imposed upon very vulnerable people, and in order to leave manual scavenging, they have to make themselves even more vulnerable— they risk backlash, they don't know how they will live.[30]

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[28] Human Rights Watch interview with Sevanti Fatrod, Bhonrasa, Dewas district, Madhya Pradesh, January 8, 2014.

[29] Human Rights Watch interview with Sona, Bharatpur city, Rajasthan, June 27, 2014.

[30] Human Rights Watch interview with Manjula Pradeep, executive director of Navsarjan, Ahmadabad, Gujarat, July 15, 2014.

Social and Economic Pressure

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.[31] These are often the poorest and most marginalized communities in India, where even food security is a serious challenge.[32] While men from manual scavenger communities may work as day laborers, their income is unreliable.

Without access to a consistent income, families rely on the food handouts women receive daily for survival.[33] This basic food security, Shanti, from Nagla Khushal, in Mainpuri district, Uttar Pradesh, explains, keeps her from leaving manual scavenging:

> I clean 20 houses in Sandawli every day. They give me *rotis*. They don't give more than two *rotis*, but they do give us something. My husband works in the fields, but work in the fields does not come every day. If I do this work, at least we will have something to eat.[34]

In addition to *rotis*, collected daily, the Valmiki community in Kasela village in Uttar Pradesh receives grain donations at harvest, and used-clothing donations during festivals. If Munnidevi misses even one day of cleaning, she risks forfeiting these donations. "They say, 'If you miss one day, we will not give you grains at harvest. We will not give you any grain or cloth during festival times.'"[35]

Tradition-bound repressive relationships with in-laws, who depend on the food from manual scavenging, can also prevent women from refusing this practice. Rihanna began

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[31] A 2013 survey of 480 women from manual scavenging communities, undertaken by Jan Sahas Social Development Society with the support of UN Women, in nine districts in the Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh found overall that 50% of manual scavenging families had no other source of income. In Uttar Pradesh, 83% of families relied on manual scavenging to meet their basic needs, while in Madhya Pradesh and Bihar 32% and 37% of families respectively relied exclusively on manual scavenging. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," 2014, http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 4.

[32] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014, para.1.

[33] See, for example, Human Rights Watch interview with Sevanti Fatrod, Bhonrasa, Dewas district, Madhya Pradesh, January 8, 2014. Sevanti told Human Rights Watch that she, her mother-in-law, and her two sisters-in-law cleaned toilets in 100 houses each day—allowing them to collect leftover food from the houses they cleaned.

[34] Human Rights Watch interview with Shanti, Nagla Khushal, Mainpuri district, Uttar Pradesh, January 20, 2014.

[35] Human Rights Watch interview with Munnidevi, Kasela, Etah district, Uttar Pradesh, January 19, 2014.

cleaning dry toilets in 1988 in the town of Tarana, in Ujjain district, Madhya Pradesh. When she stopped, she said, her mother-in-law was furious:

> When I left, at first, my mother-in-law refused to give me any food. She would give food to my husband, but not to me or to my daughter. She said if I did not work I could not eat.[36]

Kannijbi explained that it took her a long time to stop the work because of family pressure. "I wanted to leave," she said, "but our survival was more important. We needed the food I collected, so my family would not let me leave."[37]

According to Sushilabai, from Gandharvpuri, in Dewas district, Madhya Pradesh, the pressure from her family was most extreme when they ran out of food:

> After I left the work, after two or three days, we had no food to eat. One *roti* was divided into four pieces. That is when I faced the most pressure from the men in my family. "How are we going to eat?" they asked me.[38]

Women and men employed as sanitation workers by local government *panchayats* and municipal corporations also said that they do this work because they have no other livelihood options. Bablu, hired by the government through a contractor to clean garbage and excrement from drains in Bharatpur city, explained that he took up the work a year before we spoke with him, at 17 years old, because he could not find any other employment:

> I studied till 8th standard, but here we don't get any other job no matter where we go. I have tried. If I go to a hotel to find work, they ask my caste. Once I tell them I am Valmiki, they will only give me work cleaning the toilets. I want to do something else, I know this is discrimination, but what can I do? [39]

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[36] Human Rights Watch interview with Rihanna, Tarana town, Ujjain district, Madhya Pradesh, January 11, 2014.
[37] Human Rights Watch interview with Kannijbi, Tarana town, Ujjain district, Madhya Pradesh, January 11, 2014.
[38] Human Rights Watch interview with Sushilabai, Gandharvpuri, Dewas district, Madhya Pradesh, January 8, 2014.
[39] Human Rights Watch interview with Bablu, Bharatpur city, Rajasthan, June 27, 2014.

Persistent Discrimination

Those that practice manual scavenging are routinely denied access to communal water sources and public places of worship, prevented from purchasing goods and services, excluded from community religious and cultural events, and subjected to private discrimination from upper-caste community members. For instance, a temple in Rudawal town in Bharatpur district, Rajasthan, is a popular pilgrimage destination. Valmiki families clean garbage and open defecation from around the temple, but are not themselves allowed to enter the temple.[40]

While the Protection of Civil Rights Act, 1955, prohibits obstructing access to water sources on the basis of untouchability, people working as manual scavengers are often excluded from water sources in their communities.[41] As Sunita, who left manual scavenging in 2002, explained: "While doing dirt-cleaning work, I was not allowed to fill water from the well. I am still not allowed to fill water from the well."[42]

Shanti said that before the government installed water taps in Nagla Khushal, Uttar Pradesh, there were times when she could not get water at all:

> Three or four years ago we Valimikis were given our own tap by the government. Before that we were sometimes not able to get water. We had to wait until everyone else was finished. Sometimes we were shooed away with sticks.[43]

Children of manual scavengers also confront discrimination within schools from both teachers and classmates, resulting in particularly high dropout rates.[44] Martin Macwan,

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[40] Human Rights Watch interview with member of the Valmiki community, Rudawal town, Bharatpur district, Rajasthan, June 27, 2014.

[41] The Protection of Civil Rights Act (1955), No. 22 of 1955, section 4(iv) (prohibiting any disability with regard to "the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place [or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort which other members of the public, or [any section thereof], have a right to use or have access to]").

[42] Human Rights Watch interview with Sunita, Devgarh village, Dewas district, Madhya Pradesh, January 9, 2014.

[43] Human Rights Watch interview with Shanti, Nagla Khushal village, Mainpuri district, Uttar Pradesh, January 20, 2014.

[44] A 2013 survey of 480 women from manual scavenging communities, undertaken by Jan Sahas Social Development Society with the support of UN Women, in nine districts in the Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh, found that in Uttar Pradesh and Bihar, children of 62% of respondents, and in Madhya Pradesh children of 51% of respondents did not go to school. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 4.

founder of *Navsarjan*, a Gujarat-based grassroots Dalit organization, reported that in Gujarat, 70 to 80 percent of children from manual scavenging communities drop out of school before they reach seventh grade.[45]

Shanti said her children, who attend a government school, suffer exclusion in the classroom as a result of her work. "My children are made to sit at the side of the classroom," she said. "Recently, my son was beaten by the teacher for touching utensils belonging to an upper caste child."[46] Shanti's son Rahul, who is about eight years old, explained:

> I was sitting with my friends and touched a bowl belonging to an upper caste boy. It was an accident. The boy ran to the teacher and told him. The teacher called me. He beat me with a stick—five times on my back. Each time he beat me, the teacher would say— "You are not allowed to touch it! If you touch it again, I will beat you again!"[47]

Rahul's experience is not unique. Saiba, from Tarana, in Ujjain district, Madhya Pradesh, said that because of discrimination her children left the local government school:

> My five children all left the government school because they faced too much discrimination. I could not make them go. They were referred to as "*Bhangi's* child." When I went to the meetings at the school, even I faced discrimination. The teachers would say, "See, the *Bhangis* have come."[48]

On July 5, 2014, parents from the Valmiki community in Ratanpur village, in Surendranagar district, Gujarat, confronted teachers at the government school after learning that their children were made to come to school early in order to clean toilets. A Navsarjan social worker in Surendranagar district, explained:

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[45] United Nations Development Programme and UN Solution Exchange (Gender Community of Practice), *Report of National Round Table Discussion on Social Inclusion of Manual Scavengers*, New Delhi, December 21, 2012, http://www.undp.org/content/dam/india/docs/pub-povertyreduction/Social-inclusion-of-Manual-Scavengers.pdf, (accessed August 3, 2014), para. 3.7.

[46] Human Rights Watch interview with Shanti, Nagla Khushal, Mainpuri district, Uttar Pradesh, January 20, 2014.

[47] Human Rights Watch interview with Rahul, Nagla Khushal, Mainpuri district, Uttar Pradesh, January 20, 2014.

[48] Human Rights Watch interview with Saiba, Tarana town, Ujjain district, Madhya Pradesh, January 11, 2014.

> The parents learned that their children were being asked to come early to school to clean the toilets. When a group of parents approached the school authorities to complain, they were beaten and chased away from the school premises. When the children returned to the school, each child that had complained to their parents, was physically punished. They were lifted off the ground by their ears 50 times each. We have filed a complaint with the district probation officer, district collector, development officer, social welfare minister, and education minister. They have yet to take any action.[49]

Seema, from Aastha, a town in Sehore district, Madhya Pradesh, figured out that her daughters were being made to sweep the school because they would return home dirty. She told Human Rights Watch:

> I learned my daughters were being made to sweep the floors in school because I would give them a bath, but they would return dirty, with dust in their hair. I went to the school and asked why my children were being made to sweep. First, the teacher said—"They are not being singled out." Then, she said, "What do you expect? Your caste is responsible for this work."[50]

Impact on Health

While more studies need to be conducted, a 2013 report submitted to the UN by Rashtriya Garima Abhiyan notes that the direct handling of human excreta involved in manual scavenging can have severe health consequences, including constant nausea and headaches, respiratory and skin diseases, anemia, diarrhea, vomiting, jaundice, trachoma, and carbon monoxide poisoning.[51] These conditions are exacerbated by widespread malnutrition and inability to access health services.[52]

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[49] Human Rights Watch interview with Navsarjan social worker for Surendranagar district, Ahmadabad, Gujarat, July 15, 2014.

[50] Human Rights Watch interview with Seema Gohlotre, Aastha town, Sehore district, Madhya Pradesh, January 10, 2014.

[51] Rashtriya Garima Abhiyan, "Violence Against Manual Scavengers: Dalit Women in India," Report Submitted to UN Special Rapporteur on Violence Against Women during her visit to India between April 22-May 1 2013, http://www.dalits.nl/pdf/violenceagainstmanualscavengers.pdf (accessed August 3, 2014), p. 3.

[52] A 2013 survey of 480 women from manual scavenging communities, undertaken by Jan Sahas Social Development Society with the support of UN Women, in nine districts in the Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh, found that only 25% of respondents from all three states had access to health services while 75% were deprived of this facility. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 4.

In Bharatpur, a city in Rajasthan, a sanitation inspector for the Bharatpur municipal corporation said that the lack of safety equipment had an adverse impact on the health of sanitation workers employed by the municipal corporation:

> They have no masks, no gloves, no shoes. Without these protections they get skin diseases, asthma, respiratory illnesses.[53]

Taslim from Tarana, a town in Ujjain district, Madhya Pradesh, said that people did not fully understand the dire health consequences of manual scavenging:

> We didn't know that it was because of this work that we were getting all these health problems. We didn't understand why people got these skin diseases, or why they were infected with tuberculosis.[54]

Rihanna, also from Tarana, said she lost her hair and suffered skin disease, which she believed was related to her work: "The basket of excrement was heavy for me. I had to carry it on my head. Carrying the excrement on my head caused me to lose hair. I contracted skin diseases."[55]

Baby, from Jharda, in Ujjain district, Madhya Pradesh, thought these health consequences were exacerbated by the heat and rain in the monsoon seasons:

> Beginning when I was 15 or 16, my sister-in-law and I cleaned toilets in 100 houses. I carried the basket on my head and during the rains it would leak all over my body. My hair fell out in patches. No one helped me. They ridiculed me.[56]

Since beginning manual scavenging three years ago for the *panchayat* in Kusumba town, in Dhule district, Maharashtra, Rajubai said that her health has declined:

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53 Human Rights Watch interview with sanitation inspector for Bharatpur municipal corporation, Bharatpur city, Rajasthan, June 26, 2014.

54 Human Rights Watch interview with Taslim, Bhopal, Madhya Pradesh, May 29, 2014.

55 Human Rights Watch interview with Rihanna, Tarana town, Ujjain district, Madhya Pradesh, January 11, 2014.

56 Human Rights Watch interview with Baby, Jharda, Ujjain district, Madhya Pradesh, January 11, 2014.

> I have done this work for three years. Because of this my health has gone bad. I eat very little food because the work is so dirty. I also have stomach pain from carrying the buckets. They are very heavy.[57]

Kiran said that she suffered a miscarriage because she had to carry heavy loads:

> I was three or four months pregnant. There was no one to help me carry the heavy baskets. We that had to collect the feces, carry it on our head and our hip, and then go and throw it somewhere else. Because of that reason my baby miscarried.[58]

Neha, employed by the municipal corporation in Bharatpur city in Rajasthan to manually remove excrement flushed into open drains, told Human Rights Watch that her health has suffered as a result:

> We don't get anything from the government. No mask. No gloves. Nothing to prevent diseases when the excrement comes in contact with our hands and legs. Ten years ago before I started this work I was much healthier. Now I get sick often.[59]

Although Arti, from Batiagarh village in Damoh district, Madhya Pradesh, left manual scavenging in 2010, her health has not recovered. "Since that time, my whole body started getting itchy and also I developed boils over my whole body," she said. "Now those boils have turned into big, big patches and they give me burning sensation. I have to take medicines every day."[60]

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[57] Human Rights Watch interview with Rajubai Karneya Salonki, Kusumba, Dhule district, Maharashtra, March 20, 2014.

[58] Human Rights Watch interview with Kiran, Bhopal, Madhya Pradesh, May 29, 2014.

[59] Human Rights Watch interview with Neha [pseudonym], Bharatpur city, Rajasthan, June 27, 2014.

[60] Human Rights Watch interview with Arti, Bhopal, Madhya Pradesh, May 29, 2014.

II. Efforts to End Manual Scavenging

> When I stopped manual scavenging, at first we had no food. It was hard to find work, but I did not go back. I could not. It was only after leaving the dirty work that I felt I belong to this society.
>
> —Kiran, Dewas district, Madhya Pradesh, January 2013

India's central government has made repeated attempts to end manual scavenging, with then-Prime Minister Manmohan Singh saying in May 2011 that his government was determined "to completely eradicate this abominable practice in a very short time."[61] Jairam Ramesh, while rural development minister, deplored that some 300,000 families still clean around 2.7 million dry latrines: "Unless we get a sense of shame, anger and take it as an affront to our, not just the involved person's, dignity, there can be no change in the existing practice."[62]

India's new prime minister, Narendra Modi, before taking office after his election in May 2014, said: "My identity is of a Hindutvawadi [one who promotes the Hindu nationalism], but I say build toilets before you build temples."[63] The statement suggested a commitment to develop modern sanitation systems, but his government should also demonstrate a willingness to support communities seeking to leave manual scavenging, including by intervening when communities seeking to do so face discrimination and violence.

Government intervention on behalf of manual scavenging communities is not only critical to addressing their longstanding social and economic exclusion, but will also provide impetus to households and local officials who rely upon manual scavenging rather than implementing existing government programs to modernize sanitation.

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[61] National Advisory Council, Note on Recommendations for Follow-up Measures to Eradicate Manual Scavenging, http://nac.nic.in/pdf/manual_scavenging.pdf (accessed August 3, 2014), para. 3.

[62] IANS, "Manual Scavenging still a reality in India: Jairam Ramesh," December 10, 2012, http://www.newindianexpress.com/nation/article1374328.ece (accessed August 3, 2014).

[63] Sandeep Phukan, "Narendra Modi got his enlightenment 22 years late: Jairam Ramesh on 'toilets before temples' remark," *NDTV*, October 3, 2013, http://www.ndtv.com/article/india/narendra-modi-got-his-enlightenment-22-years-late-jairam-ramesh-on-toilets-before-temples-remark-427419 (accessed August 3, 2014).

There have been various efforts by the government, civil society organizations, and the foreign donor community to end manual scavenging. However, as documented below, there are significant barriers to achieving lasting change. Overcoming them requires a serious commitment from the government to ensure adequate programs are in place and to hold officials at all levels accountable for implementing laws and policies aimed at ending manual scavenging.

Legislative Efforts

The Indian constitution abolishes "untouchability."[64] It also prohibits caste-based discrimination in employment.[65] The specific prohibitions on untouchability are set out in the Protection of Civil Rights Act, 1955,[66] and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.[67]

In 1949, soon after independence, the Indian government began appointing committees to address manual scavenging.[68] The 1955 Protection of Civil Rights Act made it an offense to compel any person to practice scavenging.[69] The 1993 Employment of Manual Scavengers

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[64] The Constitution of India in article 17, together with articles 14, 19, 21, 23 and 47, abolish the practice of untouchability. Article 17 states: "Abolition of Untouchability: 'Untouchability' is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'Untouchability' shall be an offence punishable in accordance with law."

[65] Constitution of India, article 15(1) ("The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them"); article 16(1) ("There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State"); article 19(1)(a) ("All citizens shall have the right to practice any profession, or to carry on any occupation, trade or business").

[66] The Protection of Civil Rights Act, No. 22 of 1955, section 7A, added in 1976, provides that whoever compels any person on the ground of untouchability to do any scavenging shall be deemed to have enforced a disability arising out of untouchability that is punishable with imprisonment.

[67] The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act, No. 330 of 1989, article 3, lists specific untouchability practices outlawed as atrocities.

[68] The Scavengers' Living Conditions Enquiry Committee, headed by V.N. Barve in 1949, submitted a report in 1952 calling for improvement in working conditions for manual scavengers; the Ministry of Home Affairs, Central Advisory Board of Harijan Welfare, Scavenging Conditions Inquiry Committee, led by N.R. Malkani in 1957, submitted a report in 1960 also calling for improved working conditions for manual scavengers; the Central Department of Social Welfare appointed a committee, also led by N.R. Malkani, to examine the potential abolition of the "customary rights" of manual scavengers; the Karnata I.P.D. Salappa Committee released a report in 1956, entitled the *Improvement of Living and Working Conditions of Sweepers and Scavengers*; and the National Commission on Labour formed a committee in 1968 to study the working conditions of sweepers and scavengers. Gita Ramaswamy, *India Stinking: Manual Scavengers in Andhra Pradesh and their work*, (Delhi: Navayana Publishing, 2005), p. 22; and Rashtriya Garima Abhiyan, "Eradication of Inhuman Practice of Manual Scavenging and Comprehensive Rehabilitation of Manual Scavengers in India," January 1, 2011, http://www.mailamukti.org/reports%20and%20documents/Eradication%20of%20Inhuman%20Practice%20-%20Rashtriya%20Garima%20Abhiyan.pdf (accessed August 3, 2014).

[69] The Protection of Civil Rights Act, No. 22 of 1955, section 7a, added in 1976, provides that whoever compels any person on the ground of untouchability to do any scavenging shall be deemed to have enforced a disability arising out of untouchability that is punishable with imprisonment.

and Construction of Dry Latrines (Prohibition) Act criminalized employment of manual scavengers to clean dry latrines.[70] Most recently, on September 6, 2013, Parliament passed The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (2013 Act). The 2013 Act outlaws all forms of manual scavenging, beyond just dry latrines, prescribes penalties for those who perpetuate the practice, protects those who actually engage in it, and obligates India to correct the historical injustice suffered by these communities by providing alternate livelihood and other assistance.[71]

At the time of writing, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, awaits enactment by parliament. Among other provisions designed to strengthen protection for Dalits and tribal groups, the ordinance makes it a crime to make, employ, or permit anyone to do manual scavenging.[72]

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

This law made employment of "scavengers" or construction of dry toilets punishable by imprisonment for up to one year and a fine of Rs.2000 [US$33] subject to increase by Rs.100 [US$1.70] each day for continuing violations.[73]

Despite these prohibitions, the law did not succeed in ending manual scavenging. This is in part due to the federal structure of governance in India. Implementation of most laws, once enacted in parliament, is the responsibility of the state governments. In the two decades since the law passed, it is widely accepted that states have not done enough to enforce the 1993 Act, or even to examine the scale of the problem.

In the face of widespread failure by state governments to adopt and implement the 1993 Act, Safai Karmachari Andolan and six other organizations filed a writ petition in the Supreme Court of India in 2003.[74] Arguing that manual scavenging was illegal and unconstitutional,

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[70] The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993.

[71] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, No. 25 of 2013.

[72] The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Ordinance) Amendment Ordinance, 2014, No. 1 of 2014, article 4(i)(j).

[73] The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, No. 46 of 1993, chapter IV(14).

[74] The writ was filed by Safai Karmachari Andolan, Jan Sahas, Adharshila, Young Women's Christian Association, Safai Kamgar Parivartan Sangh, Dalit Research Institute, and the National Campaign on Dalit Human Rights.

the petitioners requested the court to direct the central and state governments to take time-bound steps to eliminate the practice.[75] According to Bezwada Wilson, founder of Safai Karmachari Andolan, this public interest litigation sought to require the central and state governments to account for the persistence of manual scavenging.[76]

In April 2005, a Supreme Court bench directed all state governments and all ministries and corporations of the central government to file affidavits within six months reporting the prevalence of manual scavenging, use of funds earmarked for ending manual scavenging, and progress toward rehabilitating manual scavengers.[77]

Nearly all of the affidavits received by the court six months later denied the existence of manual scavenging.[78] While the Ministry of Social Justice and Empowerment had previously reported that Uttar Pradesh, Madhya Pradesh, and Maharashtra had the highest number of manual scavengers in India,[79] the 2006 affidavit submitted by the Madhya Pradesh government claimed that all remaining dry toilets in the state had been converted to sanitary latrines, and rehabilitation of all remaining manual scavengers would be completed by 2007.[80] Similarly, the Maharashtra[81] and Gujarat[82] governments claimed that all dry latrines in their states had been converted into flush latrines or abandoned, and all manual scavengers

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75 The Writ Petition filed submitted that the existence of dry latrines and manual scavenging was unconstitutional under articles 14, 17, 21, and 23 of the Indian Constitution. Copy on file with Human Rights Watch.

76 Human Rights Watch interview with Bezwada Wilson, national convener of Safai Karmachari Andolan, Delhi, December 13, 2013.

77 *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, order, April 29, 2005. Copy on file with Human Rights Watch.

78 Agrima Bhasin, "The Railways in Denial," *Infochange India*, http://infochangeindia.org/human-rights/struggle-for-human-dignity/the-railways-in-denial.html (accessed August 3, 2014).

79 In 2002-2003, Uttar Pradesh had 149,202 manual scavengers, Madhya Pradesh had 80,072 manual scavengers, and Maharashtra had 64,785 manual scavengers. Government of India Working Group on the "Empowerment of Scheduled Castes (SCs)" for the Eleventh Five-Year Plan (2007-2012), Report of Sub Group on Safai Karmacharis Submitted to the Chairman of The Working Group on the "Empowerment of Scheduled Castes (SCs) for the Eleventh Five-Year Plan (2007-2012)," undated, http://safaikarmachariandolan.org/reports.php (accessed August 3, 2014) p. 3.

80 *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Additional Affidavit on Behalf of the State of M.P./Respondent No. 26, March 8, 2006, para. 4; *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Additional Affidavit on Behalf of the State of M.P./Respondent No. 26, July 10, 2006, para. 7. Copies on file with Human Rights Watch.

81 *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Additional Affidavit in Reply on Behalf of Respondent No. 28/State of Maharashtra, February 23, 2006, para. 3. Copy on file with Human Rights Watch.

82 *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Affidavit in Compliance on Behalf of the *Panchayats*, Rural Housing and Rural Development Department, State of Gujarat, July 25, 2007 and *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Affidavit in Compliance on Behalf of State of Gujarat, April 4, 2008. Copies on file with Human Rights Watch.

had been rehabilitated.[83] While Rajasthan did not categorically deny that manual scavenging exists within the state, district-level reporting did not acknowledge the practice.[84]

On March 27, 2014, a decade after the initial filing, the Supreme Court decision in the case, *Safai Karmachari Andolan v. Union of India,* confirmed that manual scavenging remained widespread and directed that all people working as manual scavengers be rehabilitated.[85]

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013

On September 6, 2013, due to significant efforts from former manual scavengers and Dalit rights activists, the Indian parliament enacted a new law to strengthen accountability mechanisms, widen the definition of manual scavenging, and shift the focus of initiatives to end manual scavenging beyond sanitation to protection of the dignity of communities engaged as manual scavengers.[86] The 2013 Act not only prohibits dry latrines, but also outlaws all manual cleaning of excrement as well as cleaning gutters, sewers, and septic tanks without protective gear.[87]

Whereas the 1993 Act aimed only to prohibit employment of manual scavengers and construction of dry latrines, the 2013 Act recognizes obligations to correct historical injustices suffered by manual scavengers and their families by providing alternate livelihood support

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[83] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Additional Affidavit in Reply on Behalf of Respondent No. 28/State of Maharashtra, February 23, 2006, para. 3. Copy on file with Human Rights Watch.

[84] Additional Affidavit on Behalf of the State of M.P./Respondent No. 26, March 8, 2006, para. 4 and Counter Affidavit on Behalf of Respondent No. 32 (State of Rajasthan) to the Special Leave Petition Filed by the Petitioner, August 25, 2004, in the matter of Annexure R. Copies on file with Human Rights Watch.

[85] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014.

[86] Between 2010 and 2013, delegations of women who formerly worked as manual scavengers met with 64 members of parliament to present draft legislation and demand a new law rather than an amendment to the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Rashtriya Garima Abhiyan, "Liberated Manual Scavenger women met 64 Parliamentarians for new Legislation," http://www.mailamukti.org/reports%20and%20documents/Advocacy%20Campaign%20with%20Parliamentarians%20-%20Rashtriya%20Garima%20Abhiyan.pdf (accessed August 3, 2014).

[87] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, chapter I, section 2(g) specifies that "manual scavenger" means a person engaged or employed by an individual, local authority, agency, or 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 latrine is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify."

and other assistance.[88] In particular, the 2013 Act entitles individuals who have been engaged as manual scavengers to one-time cash assistance, scholarships for their children, housing, alternative livelihood support, and other legal and programmatic assistance.[89]

Endorsing these rehabilitative elements, the 2014 Supreme Court Judgment in *Safai Karmachari Andolan v. Union of India* directs that all persons included in the final list of manual scavengers be rehabilitated "in accordance with these provisions."[90]

As with the 1993 Act, however, the 2013 Act leaves rehabilitation to be implemented under existing central and state government schemes by local authorities—the same set of programs and authorities that, to date, have not succeeded in ending manual scavenging.[91]

Moreover, the implementing rules for the 2013 Act passed on December 12, 2013 does not contain provisions to implement critical aspects of the new legislation.[92] As explained by Ashif Shaikh, founder and convener of the Rashtriya Garima Abhiyan:

> The 2013 Act expands the definition of manual scavenging and promises rehabilitation, but the rules are very limited and will not succeed in ending manual scavenging. The rules do not have even a single point on rehabilitation. The term rehabilitation does not even show up in the draft rules. People who left manual scavenging since it was outlawed in 1993 are not covered by the rules, and the rules have no clear provisions for enforcing the laws in government institutions.[93]

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88 The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, chapter IV. Under the act, this obligation is rooted in the fundamental right to live with dignity, and the state's obligation to protect Scheduled Castes and Scheduled Tribes from all forms of exploitation.

89 The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, chapter IV, sections 11-12.

90 *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014, para. 14(i).

91 The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, chapter V, section 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 to 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."

92 The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Rules, *The Gazette of India*, Notification No. D.L. 33004/99, December 12, 2013. On file with Human Rights Watch.

93 Human Rights interview with Ashif Shaikh, founder and convener of Rashtriya Garima Abhiyan, Delhi, July 31, 2014.

Government Programs

Legislative attempts to end manual scavenging have been accompanied by administrative programs, referred to as schemes, and policies directed at converting India's sanitation system and at helping communities engaged in manual scavenging seek alternate livelihoods. The responsibility for implementing these schemes and policies rests with a number of different government departments, which often do not coordinate their efforts.

Sanitation Schemes

India has allocated resources to modernize sanitation. National sanitation schemes aimed at modernizing human waste management include the Integrated Development of Small and Medium Towns Scheme (1969), Sulabh Shauchalaya (simple latrines) Scheme (1974), the Integrated Low Cost Sanitation Scheme (1981), the Low Cost Sanitation for Liberation of Manual Scavengers Scheme, 1989, and the Total Sanitation Campaign, 1999, renamed *Nirmal Bharat Abhiyan* (Clean India Campaign).

These sanitation schemes have not, however, succeeded in transforming India's sewage disposal system. According to the latest data from WHO and UNICEF, India has over 792 million people without access to improved sanitation—nearly a third of the estimated 2.5 billion people without sanitation globally.[94] India also leads globally as home to over half of all the people in the world who practice open defecation, an estimated 597 million people.[95] Despite making good strides in increasing the number of people with improved access to water, India has lagged behind in meeting its Millennium Development Goal related to sanitation.[96] 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.[97]

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94 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 (accessed August 3, 2014), p. 9.

95 Ibid., p. 11.

96 Ibid., p. 2.

97 Gardiner Harris, "Poor Sanitation in India May Afflict Well-Fed Children With Malnutrition," *New York Times*, July 13, 2014, http://www.nytimes.com/2014/07/15/world/asia/poor-sanitation-in-india-may-afflict-well-fed-children-with-malnutrition.html?_r=0 (accessed August 3, 2014).

Implementation at the local level is a significant barrier to putting into effect existing sanitation schemes. As Makarduaj Maruti Meshram, who has worked for 21 years as a member of the *panchayat* in Dhule district, Maharashtra, explained:

> There are many schemes on sanitation. If there are still dry toilets in a village, it must be because they have not applied to convert them. Corruption starts at the village level. A *sarpanch* [village headman] may not want to implement a scheme, but to only take the money for it.[98]

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, households are forced to change their sanitation practices. For instance, after Umabai from Devgarh village in Dewas district, Madhya Pradesh, stopped cleaning toilets manually, she says that her former employers found alternatives. "In 2002, I left scavenging. The village people would come and ask me to come back and do my work. After two months they stopped coming. They made toilets or cleaned their own."[99]

Leelabai, a Dalit Muslim from Aastha, a town in Sehore district, Madhya Pradesh, said that some of the households where she previously worked still have dry toilets, but people have learned to clean up themselves. "Now that I am not there, they use water and clean their own toilets."[100]

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 Bill, 2013, as latrines that "requir[e] human excreta to be cleaned or otherwise handled manually" either from the toilet itself, or from "an open drain or pit into which the excreta is discharged."[101] Manjula Pradeep explained:

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98 Human Rights Watch interview with Makarduaj Maruti Meshra, *gram sevak* [panchayat secretary], Fagne village, Dhule district, Maharashtra, March 20, 2014.

99 Human Rights Watch interview with Umabai, Devgarh village, Dewas district, Madhya Pradesh, January 9, 2014.

100 Human Rights Watch interview with Leelabai, Aastha town, Sehore district, Madhya Pradesh, January 10, 2014.

101 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.

> Urbanization has increased open defecation that needs to be cleaned. Where people used to go to the fields, they now defecate in the roads. The drains have to be cleaned. The same community does this work.[102]

Thus without modern systems for disposing of excrement, manual cleaning persists. And even in the best cases, where sanitation workers are provided with proper cleaning equipment and protective wear, toilet conversion does not fully address entrenched caste-based views on who should be doing these jobs.

Rehabilitation Schemes

In 1991, the Indian government allocated almost US$ 325 million for "rehabilitating" communities engaged in manual scavenging.[103] Government policies for rehabilitation of manual scavengers include the National Scheme of Liberation of Scavengers and their Dependents, 1992, and the Scheme for Self Employment for Rehabilitation of Manual Scavengers, which was most recently revised in 2013.[104]

The National Commission for Safai Karmacharis,[105] established in 1994, and the National Safai Karmacharis Finance and Development Corporation,[106] established in 1997, are

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[102] Human Rights Watch interview with Manjula Pradeep, executive director of Navsarjan, Ahmadabad, Gujarat, July 15, 2014.

[103] Rashtriya Garima Abhiyan, "Eradication of Inhuman Practice of Manual Scavenging and Comprehensive Rehabilitation of Manual Scavengers in India," January 1, 2011, http://www.mailamukti.org/reports%20and%20documents/Eradication%20of%20Inhuman%20Practice%20-%20Rashtriya%20Garima%20Abhiyan.pdf (accessed August 3, 2014).

[104] In 2012, The Comptroller Auditor General of India (CAG) concluded that the National Scheme for Liberation of Scavengers and Their Dependents, 1992, had failed to achieve its objectives after ten years of implementation. Comptroller Auditor General of India, "National Scheme of Liberation and Rehabilitation of Scavengers and Their Dependents," http://cag.nic.in/html/reports/reports/civil/2003_3/chapter1.htm (accessed August 3, 2014). The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was most recently revised in November 2013. Ministry of Social Justice and Empowerment, "Self Employment Scheme for Rehabilitation of Manual Scavengers," http://socialjustice.nic.in/scavengers.php (accessed August 3, 2014).

[105] The function of the National Commission for Safai Karmacharis is to recommend specific programs, evaluate the implementation of programs and schemes related to social and economic rehabilitation of Safai Karmacharis, make recommendations to the central and state governments, investigate non-implementation of relevant laws, and consult with the central government on all major policy matters affecting Safai Karmacharis, including reporting annually to the Parliament. Government of India Working Group on the "Empowerment of Scheduled Castes (SCs)" for the Eleventh Five-Year Plan (2007-2012), Report of Sub Group on Safai Karmacharis Submitted to the Chairman, of the Working Group on the "Empowerment of Scheduled Castes (SCs) for the Eleventh Five-Year Plan (2007-2012)," http://safaikarmachariandolan.org/reports.php (accessed July 22, 2014), p. 15.

[106] The National Safai Karmachari Finance and Development Corporation (NSKDF) was established as a nonprofit company, fully owned by the central government, to provide loans and skill development training programs to support manual scavengers in securing alternate and self-employment. Press Information Bureau, Government of India, "Activities of National Safai Karamcharis Finance and Development Corporation to Review/To Eradicate Manual Scavenging Fresh Survey to be held—

mandated to monitor implementation of programs to end manual scavenging, and extend financial assistance to facilitate alternate employment for these communities.[107] The impact of the National Commission for Safai Karamcharis, however, has been circumscribed because the authority of the commission is limited to information gathering and advisory functions.[108]

Despite these efforts, in October 2010, the National Advisory Council (NAC), a panel of civil society advisors in India's previous government, noted the continuing problems:

> The National Advisory Council (NAC) is deeply distressed to observe that the shameful practice of manual scavenging persists in India, despite being outlawed . . . It is intolerable that this endures, and is the worst surviving symbol of untouchability.[109]

The NAC called for a fresh survey of dry latrines and people engaged as manual scavengers, high-level monitoring, and employment, education, and other support for communities practicing manual scavenging.[110]

As of July 2014, the Indian government has extended the time limit for ending manual scavenging eight times.[111] Yet, as Human Rights Watch details in this report, households, local government institutions, and municipal corporations continue to hire people to

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Shriwasnik/Consultative Committee of Ministry of Social Justice and Empowerment Meets," Ministry of Social Justice and Empowerment press release, June 22, 2011, http:// pib.nic.in/newsite/PrintRelease.aspx?relid=72810 (accessed August 3, 2014).

107 NSKDFC has an authorized and paid capital of Rs. 3,000 million [US$ 49.05 million] and Rs. 2,990 million [US$ 48.88 million] respectively (conversion according to Rs./US$ rates on August 11, 2014). NSKDFC implements programs through State Channelizing Agencies (SCAs)(conversion . As of May 31, 2011, it had released Rs. 6,539 million [US$ 145 million] covering 226,000 beneficiaries, of which 118,000 beneficiaries (52 percent) are women (conversion according to Rs./US$ rates on May 31, 2011). The size of the target group is 50,000 manual scavengers. Ibid.

108 Government of India Working Group on the "Empowerment of Scheduled Castes (SCs)" for the Eleventh Five-Year Plan (2007-2012), Report of Sub Group on Safai Karmacharis Submitted to the Chairman of The Working Group on the "Empowerment of Scheduled Castes (SCs) for the Eleventh Five-Year Plan (2007-2012)," http://safaikarmachariandolan.org/reports.php (accessed July 22, 2014), p. 15.

109 Standing Committee on Social Justice and Empowerment (2012-2013), Report on The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill 2012, Thirty Second Report, March 2013, http://www.prsindia.org/uploads/media/Manual%20Scavengers/SCR%20Manual%20Scavengers%20Bill.pdf (accessed August 3, 2014) (citing National Advisory Council resolution dated October 23, 2010), para. 1.5.

110 Ibid., para 1.5.

111 Rashtriya Garima Abhiyan, "Violence Against Manual Scavengers: Dalit Women in India," Report Submitted to UN Special Rapporteur on Violence Against Women during her visit to India between April 22-May 1, 2013, http://www.dalits.nl/pdf/violenceagainstmanualscavengers.pdf (accessed August 3, 2014), p. 2.

manually clean excrement, laws requiring conversion of dry toilets and prohibiting manual scavenging have not been enforced, and funds for rehabilitation do not reach communities bound to manual scavenging work.

Civil Society Initiatives

In contrast to government failure, the success of civil society organizations in empowering individuals to leave manual scavenging confirms that, with directed effort, it is possible to end the practice.

In 2002, Rashtriya Garima Abhiyan—a coalition of 30 community-based organizations from 13 Indian states—started a campaign to encourage manual scavengers to voluntarily leave the practice. At least 15,000 women "liberated" themselves from manual scavenging through this campaign.[112] Prembai from Amlataj village in Dewas district, Madhya Pradesh, explained that prior to this campaign, she practiced manual scavenging because she did not know there was any alternative:

> I began cleaning dry toilets when I was 10 or 11 years old with my mother and four sisters. Then I was married and joined my mother-in-law for cleaning. I had never heard that there could be a life other than this.[113]

Activists identify manual scavenging as caste-based exploitation, educate communities about their rights under the law, and support them in taking collective decisions to leave the practice. Kiran, from Bhonrasa, in Dewas district, Madhya Pradesh, described how in 2002, together with 26 other women, she left manual scavenging:

> We burned our baskets, held a rally, and announced to the community that we would no longer do this dirty work. The district collector and police came to the village, questioned the village council about why this work was continuing, and informed the people in the village that making us do this dirty work was against the law.[114]

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[112] Human Rights Watch interview with Ashif Shaikh, founder and convener of the Rashtriya Garima Abhiyan, Delhi, May 6, 2014.
[113] Human Rights Watch interview with Prembai, Amlataj village, Dewas district, Madhya Pradesh, January 9, 2014.
[114] Human Rights Watch interview with Kiran, Bhonrasa, Dewas district, Madhya Pradesh, January 8, 2013.

In rural areas of Madhya Pradesh, Maharashtra, Uttar Pradesh, and Rajasthan, typically, only a few families are engaged in manual scavenging in each village. Thus, solidarity from liberated women from other villages and ongoing support from Rashtriya Garima Abhiyan has played an integral part in empowering women to stand up to upper caste pressure. Lalibai, from Piplia Rao Ji in Mandsaur district, Madhya Pradesh, explained, "It is easier for women to leave manual scavenging when they are able to leave with a group."[115]

According to Arti, from Batiagarh in Damoh district, Madhya Pradesh, knowing her legal rights has been critical to standing up against community pressure to return to manual scavenging. She said, "We told the community that there is a law that does not allow us to do manual scavenging work." [116]

Dinesh, from Pahur Peth village in Jalgaon district, Maharashtra, was hired by the *panchayat* to manually clean dry toilets, drains, and septic tanks until 2012 when he learned manual scavenging is illegal:

> I had no idea about the law or the campaign to leave manual scavenging. Then one and a half years ago, I learned all this and left. I work to end manual scavenging now. I speak to people, understand their problems, and then I speak to the officials and make them understand the law.[117]

Without effective government programs, civil society and community based organizations are working to generate livelihoods for individuals who leave manual scavenging. For instance, they have piloted gender and market sensitive vocational training. Successful programs include cell phone repair, driving, computer training, furniture construction, tailoring, fruit selling, and shoe making.[118]

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[115] Human Rights Watch interview with Lalibai, co-convener of Rashtriya Garima Abhiyan, Dewas, Dewas district, Madhya Pradesh, February 9, 2014.

[116] Human Rights Watch interview with Arti, Bhopal, Madhya Pradesh, May 29, 2014.

[117] Human Rights Watch interview with Dinesh Sanskar, Jalgaon district social worker for Rashtriya Garima Abhiyan, Shripur, Maharashtra, March 19, 2014.

[118] Human Rights Watch interview with Pinky, Navsarjan community leader, Ahmadabad, Gujarat, July 15, 2014; United Nations Development Programme and UN Solution Exchange (Gender Community of Practice), Report of National Round Table Discussion on Social Inclusion of Manual Scavengers, New Delhi, December 21, 2012, http://www.undp.org/content/dam/india/docs/pub-povertyreduction/Social-inclusion-of-Manual-Scavengers.pdf, (accessed August 3, 2014), paras. 3.4, 3.5.

These approaches, however, are not without their challenges. The Tamil Nadu-based Rights Education and Development Centre (READ), for instance, reports that former manual scavengers who sell fruits and other food items are often not able to sell in their local areas due to persistent untouchability practices, and instead have to travel to other communities in order to earn a livelihood.[119]

Navsarjan in Gujarat, which has been campaigning for the eradication of manual scavenging since 1995, has set up Dalit Shakti Kendra, an organization that provides vocational training and other skills to Dalits.[120] However, Manjula Pradeep, executive director of Navsarjan, emphasizes that success also requires confidence-building interventions in the community following the trainings:

> Training must go beyond teaching skills and proficiency. The real barriers come after the training. They have to use the skill to find a job. People have difficulty when they go to get jobs, and they have difficulty believing they can get a job. They need to be guided through the process.[121]

Civil society organizations are also focusing on converting India's sanitation systems. For instance, Sulabh International Social Service Organization emphasizes the construction of proper toilets and has pioneered the two-pit, pour-flush compost toilet, known as the *Sulabh Shauchalaya*, an affordable sanitation model that does not require manual cleaning.[122] These toilets have been installed in more than 1.2 million houses across India, and Dr. Bindeshwar Pathak, founder of Sulabh International, reports that this approach has been adopted by the Bihar government.[123]

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[119] United Nations Development Programme and UN Solution Exchange (Gender Community of Practice), Report of National Round Table Discussion on Social Inclusion of Manual Scavengers, New Delhi, December 21, 2012, http://www.undp.org/content/dam/india/docs/pub-povertyreduction/Social-inclusion-of-Manual-Scavengers.pdf, (accessed August 3, 2014), para. 3.6.

[120] Navsarjan, Dalit Shakti Kendra, http://navsarjan.org/dalitshaktikendra (accessed July 16, 2014).

[121] Human Rights Watch interview with Manjula Pradeep, executive director of Navsarjan, Ahmadabad, Gujarat, July 15, 2014.

[122] United Nations Development Programme and UN Solution Exchange (Gender Community of Practice), Report of National Round Table Discussion on Social Inclusion of Manual Scavengers, New Delhi, December 21, 2012, http://www.undp.org/content/dam/india/docs/pub-povertyreduction/Social-inclusion-of-Manual-Scavengers.pdf, (accessed August 3, 2014), para.3.4.

[123] Ibid.

Building on decades of community organizing initiatives, on November 30, 2012, 10,000 women who left manual scavenging with the support of the Rashtriya Garima Abhiyan began a march across India, calling upon communities working as manual scavengers nationwide to stand together to end the practice. After traveling for two months across 18 states and 200 districts, the National People's March for Eradication of Manual Scavenging reached Delhi on January 21, 2013. Releasing the "Delhi Declaration for Eradication of Manual Scavenging," they called upon the government to pass new legislation and act immediately to end manual scavenging.

According to Bezwada Wilson, founder of Safai Karmachari Andolan, the Indian government has responded positively to these initiatives by engaging in serious dialogue with civil society organizations.[124] These efforts offer strategies and good practices to translate India's legislative commitments into effective action at the local level.

International Human Rights Efforts

In order to raise awareness of the impact of caste-based discrimination, Dalit rights activists have sought to generate international pressure on the Indian government.[125] Beginning in the early 1980s, Dalit activists have articulated caste-based discrimination and violence as human rights issues.[126] In 1996, despite vociferous opposition from the Indian government, the UN Committee on the Elimination of Racial Discrimination (CERD) recognized caste-based discrimination as a form of racial discrimination.[127] Linking race and caste-based discrimination has catalyzed further attention by the United Nations and

[124] Human Rights Watch interview with Bezwada Wilson, national convener of Safai Karmachari Andolan, Delhi, December 13, 2013.

[125] Clifford Bob, "Dalit Rights are Human Rights": Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue," *Human Rights Quarterly*, vol. 29 (2007), pp. 167, 175.

[126] In the 1980s and 1990s, activists presented their case before a variety of international bodies, including the United Nations Sub-commission on Human Rights (1982), the Osaka International Conference Against Discrimination (1982), the Nairobi World Conference on Religion and Peace (1984), the Vienna World Conference on Human Rights (1993), the Beijing World Conference on Women's Rights; and regular meetings of the UN Commission on Human Rights, the UN Committee on the Rights of the Child, and the UN Working Group on Indigenous Populations. Despite these efforts, prior to the late 1990s, no international conventions or human rights treaty bodies explicitly recognized caste-based discrimination as a human rights violation. Clifford Bob, "Dalit Rights are Human Rights": Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue," *Human Rights Quarterly*, vol. 29 (2007), pp. 167, 168, 177.

[127] Committee on the Elimination of Racial Discrimination, "Concluding Observations of the Committee on the Elimination of Racial Discrimination: India," CERD/C/304/Add.13., September 17, 1996, http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2FC%2F304%2FAdd.13&Lang=en (accessed August 3, 2014), para. 14.

facilitated ties with other populations worldwide suffering similar forms of discrimination.[128]

In March 2014 the Supreme Court ruled [129] that the practice of manual scavenging was prohibited in India under various international instruments, including the Universal Declaration of Human Rights (UDHR),[130] the International Convention on Elimination of Racial Discrimination (ICERD),[131] and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).[132]

India is also a party to other international conventions that reinforce obligations to end manual scavenging, including the International Covenant on Civil and Political Rights

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[128] India's National Campaign for Dalit Human Rights (NCDHR) rose out of the planning process for the 1999 Human Rights Watch Report, *Broken People: Caste Violence Against India's "Untouchables*. Launched in December 1998, NCDHR linked formerly isolated Dalit civil society organizations in 14 Indian states. Dalit activists held the First World Dalit Convention in Kuala Lumpur, Malaysia in October 1998, convening Dalit activists and other stakeholders from across South Asia and the South Asian diaspora. In March 2000, Dalit leaders and key overseas supporters formally established the International Dalit Solidarity Network (IDSN) to coordinate information sharing among organizations promoting Dalit rights internationally. For a full discussion of Indian and international NGO activity since the late 1990s, including a discussion of the role of Human Rights Watch, see Clifford Bob, "'Dalit Rights are Human Rights': Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue," *Human Rights Quarterly*, vol. 29 (2007), pp. 178-82.

[129] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.,* Supreme Court of India, Writ Petition (Civil) No 583 of 2003, March 27, 2014, para. 7. Copy on file with Human Rights Watch.

[130] Universal Declaration of Human Rights, adopted December 10, 1948, G.A. Res. 217A(III) U.N. Doc. A/810 at 71 (1948). While the Supreme Court explicitly recognized articles 1, 2(1) and 23 (3) of the Universal Declaration of Human Rights, the following provisions of the declaration also provide guidelines relevant to protecting the human rights of communities that work as manual scavengers: Article 7: "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination"; Article 8: "Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law"; Article 23: (1) "Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment"; (2) "Everyone, without any discrimination, has the right to equal pay for equal work"; Article 25(1): "Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control."

[131] International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106, annex, 20 UN GAOR Supp. (No. 14) at 47, UN Doc A/6014 (1966), 660 U.N.T.S. 195, entry into force January 4, 1969. In particular, the Supreme Court cites ICERD, article 2(1)(c)-(d): "States parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and to this end: (c) each State party shall take effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuation racial discrimination wherever it exists; (d) each State party shall prohibit and bring to an end, by all appropriate means, including legislation as required by circumstances, racial discrimination by any persons, group or organization."

[132] Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted December 18, 1979, G.A. res. 34/180, 34 UN GAOR Supp. (No. 46) at 193, UN Doc. A/34/46, entered into force September 3, 1981. In particular, the Supreme Court cites CEDAW, article 5(a): "State Parties shall take all appropriate measures (a) to modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the superiority of either of the sexes or on stereotyped roles for men and women."

(ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and the Convention on the Rights of the Child (CRC). During India's most recent review for compliance with the ICESCR, ICERD, and the CRC, the Committee on Economic, Social and Cultural Rights (ESCR Committee),[133] Committee on the Elimination of Racial Discrimination (CERD Committee),[134] and the Committee on the Rights of the Child (CRC Committee)[135] all issued concluding observations calling upon India to end manual scavenging.

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[133] India's most recent review by the ESCR Committee was in 2008. At this time, the ESCR Committee considered the second to the fifth periodic report of India on the implementation of the ICESCR and issued the following concluding observation in relation to manual scavenging. Paragraph 19: "The Committee notes with concern, despite the legal prohibitions in place, including the 1993 Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, the 1976 Bonded Labour System (Abolition) Act and the 1986 Child Labour (Prohibition and Regulation) Act, the prevalence of bonded labour, the worst forms of child labour and other exploitative labour conditions in the State party. The Committee is concerned about the insufficient enforcement of existing labour legislation at the federal and the state levels, as well as the lack of awareness among employers on the existing rules and standards." The ESCR Committee also issued additional concluding observations on Dalit rights in paragraphs 13, 14, 27, 31, 40, 50, 53. Committee on Economic, Social and Cultural Rights, "Consideration of Reports Submitted by State Parties Under Articles 16 and 17 of the Covenant: Concluding Observations of the Committee on Economic, Social and Cultural Rights, India" E/C.12/IND/CO/5, May 2008, www2.ohchr.org/english/bodies/cescr/docs/co/E.C.12.IND.CO.5.doc (accessed August 12, 2014).

[134] India came up for review by the CERD Committee in March 2007. The committee released the following concluding observation on manual scavenging. Paragraph 23: "The Committee notes with concern that very large numbers of Dalits are forced to work as manual scavengers and child workers and are subject to extremely unhealthy working conditions and exploitative labour arrangements, including debt bondage. (art. 5 (e) (i) and (iv)). The Committee recommends that the State party effectively implement the Minimum Wages Act (1948), the Equal Remuneration Act (1976), the Bonded Labour (System) Abolition Act (1976), the Child Labour (Prohibition and Regulation) Act (1986) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act (1993). The State party should also adopt measures to enhance Dalits' access to the labour market, e.g. by extending the reservation policy to the private sector and issuing job cards under the National Rural Employment Guarantee Scheme to Dalit applicants, and report on the effects of the measures taken on the employment and working conditions of Dalits in its next periodic report." The CERD Committee also issued additional concluding observations on the rights of Dalits, contained in paragraphs 8, 9, 10, 14, 15, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28. Committee on the Elimination of Racial Discrimination, " Conclusions and recommendations of the Committee on the Elimination of Racial Discrimination, India, U.N. Doc. CERD/C/IND/CO/19, May 5, 2007, http://www1.umn.edu/humanrts/country/india2007.html (accessed August 3, 2014).

[135] India came up for review by the Committee on the Rights of the Child in 2000 and 2004. Most recently, the Committee considered India's second periodic report and released the following concluding observations on manual scavenging. Paragraph 28: "The Committee recommends that the State party, in accordance with article 17 of its Constitution and article 2 of the Convention, take all necessary steps to abolish the discriminatory practice of 'untouchability', prevent caste- and tribe-motivated abuse, and prosecute State and private actors who are responsible for such practices or abuses. Moreover, in compliance with article 46 of the Constitution, the State party is encouraged to implement, inter alia, special measures to advance and protect these groups. The Committee recommends the full implementation of the 1989 Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the 1995 Scheduled Castes and Scheduled Tribes Rules (Prevention of Atrocities) and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Committee encourages the State party to continue its efforts to carry out comprehensive public education campaigns to prevent and combat caste-based discrimination with a view to changing social attitudes, by involving, *inter alia*, religious leaders." The CRC Committee also issued additional concluding observations on the rights of Dalit children, contained in paragraphs 22, 25, 26, 27, 28, 31, 32, 65. Committee on the Rights of the Child, "Concluding Observations of the Committee on the Rights of the Child, India, U.N. Doc. CRC/C/15/Add.228, February 26, 2004, http://www1.umn.edu/humanrts/crc/india2004.html (accessed August 3, 2014).

Various other United Nations agencies and international human rights bodies have also addressed manual scavenging: UNICEF has approached manual scavenging as a water and sanitation issue; the World Health Organization (WHO) has taken up manual scavenging as a health issue; UNDP has a special task force on the issue of Scheduled Castes and Scheduled Tribes; UN Women addresses manual scavenging based upon that fact that 95 percent of manual scavengers who clean dry toilets and open defecation are women; and the ILO focuses on ending manual scavenging by supporting implementation of relevant government policies in Uttar Pradesh, Bihar, Madhya Pradesh, Rajasthan, and Gujarat.[136]

On January 31, 2013, the UN High Commissioner on Human Rights, Navi Pillay, appealed to the Indian government to take action to end manual scavenging:

> The key to the new law will be effective accountability and enforcement. It is also crucial that adequate resources are provided to enable the comprehensive rehabilitation of liberated manual scavengers. This is the only way these grossly exploited people will be able to successfully reintegrate into a healthier and much more dignified work environment, and finally have a real opportunity to improve the quality of their own lives and those of their children and subsequent generations.[137]

[136] United Nations Development Programme and UN Solution Exchange (Gender Community of Practice), "Report of National Round Table Discussion on Social Inclusion of Manual Scavengers," December 21, 2012, http://www.undp.org/content/dam/india/docs/pub-povertyreduction/Social-inclusion-of-Manual-Scavengers.pdf, (accessed August 3, 2014), paras. 2.5.2-2.5.3.

[137] Office of the High Commissioner for Human Rights, "Pillay applauds Indian movement to eradicate manual scavenging," UN press release, January 31, 2013, http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12959&LangID=E (accessed August 3, 2014).

III. Abuses that Perpetuate Manual Scavenging

> I was not allowed to wear shoes when I walked in front of the homes of higher caste people in the village. I was made to wear a *lugade* [a half sari] so that everyone could tell that I did the dirt cleaning work.
>
> —Nirmala, Mandsaur district, Madhya Pradesh, January 2014

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, prohibits any person, local authority, or agency from "engaging or employing" a "manual scavenger."[138] Under the act, "every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging."[139] As a result, any contract or agreement requiring a person to do manual scavenging is void.[140]

While the 2013 Act releases as a matter of law all people from manual scavenging, as a practical matter, active state intervention is needed to end the customary, caste-based practices, discrimination, and social exclusion that bind people to the work. As described below, not only do some local officials fail to intervene to end manual scavenging practices by private employers, but some local village governance councils and municipal corporations also perpetuate discriminatory caste-designated labor by recruiting people from manual scavenging communities as *safai karmacharis*—or health and sanitation workers—and requiring them to manually clean excrement from dry toilets, gutters, and open defecation areas.[141] The latter authorities are not only failing to enforce relevant laws but also themselves directly violating the law.

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[138] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter III, 5(1)(b).

[139] Ibid.

[140] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter III, 6(1).

[141] Manual cleaning of open defecation sites decouples the persistence of scavenging work from the presence of dry latrines—significantly undermining the reliability of surveys by states like Maharashtra that estimate the prevalence of manual scavenging based upon the number of dry latrines.

Understanding the involuntary and coercive nature of manual scavenging sheds light on the barriers individuals face in leaving this practice.[142] According to Coen Kompier, senior labor specialist for the International Labor Organization, manual scavenging can constitute forced labor because entry into this practice is entirely caste-designated, and because people who work as manual scavengers face a "menace of penalty" that prevents them from leaving this work.[143] Consequences for leaving manual scavenging include community threats of physical violence and displacement—and even threats and harassment by local officials mandated by law to end the practice, who instead withhold wages and threaten eviction from homes.

State Failure to Intervene to Stop Illegal Employment of Manual Scavengers by Local Households

Although the 2013 Act contains strict penalties for maintaining dry latrines, these require enforcement. The Indian government's track record of imposing penalties upon those who perpetuate manual scavenging under the 1993 Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition Act) is extremely poor. In fact, according to the National Advisory Council, "almost no one has been punished under this law."[144] Not only are laws abolishing manual scavenging routinely ignored in practice, people who try to leave can suffer retribution, including community threats of physical violence and displacement.

Threats and Harassment from Community Employers

Women who practice manual scavenging told Human Rights Watch that since dry toilets are cleaned daily, they face pressure from the community if they miss even a day. Anita, who cleans dry toilets in Kasela village in Etah district, Uttar Pradesh, said there has been

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[142] See ICCPR, art. 8(3)(a) ("No one shall be required to perform forced or compulsory labour"). The ILO Forced Labor Convention (1930) in article 2 defines forced or compulsory labor as "all work or service extracted from any person under the menace of any penalty for which the said person has not offered himself voluntarily." ILO Convention No. 29 concerning Forced or Compulsory Labour (Forced Labour Convention), adopted June 25, 1957, 320 U.N.T.S. 291, entered into force January 17, 1959.

[143] Human Rights Watch interviews with Coen Kompier, ILO senior specialist on labor standards, New Delhi, December 13, 2013 and February 18, 2014.

[144] Standing Committee on Social Justice and Empowerment (2012-2013), Report on The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill 2012, Thirty Second Report, March 2013, http://www.prsindia.org/uploads/media/Manual%20Scavengers/SCR%20Manual%20Scavengers%20Bill.pdf (accessed August 3, 2014)(citing National Advisory Council resolution dated October 23, 2010), para 1.5.

no intervention to stop manual scavenging, and dominant castes prevail in pressuring her to continue the practice:

> I did not clean the toilets for just one day. They came to my house and told me, "If you do not come, we will throw you out of the village. You will have nowhere to go."[145]

Many women said that they had no choice but to turn up to clean the toilets. In the 30 years she worked cleaning dry toilets in Devgarh village in Dewas district, Madhya Pradesh, Churajbai Fatrod said she did not miss even one day unless her sisters-in-law could cover for her:

> I couldn't go anywhere. I could never go to my home village. There was so much work to be done every day. If I did leave, people came looking for me. If I had to be gone for one day, someone in my family had to go in my place.[146]

The practical requirement that they do not miss a day prevents women from pursuing alternate occupations such as agricultural labor. And in the event that they are able to find the means and support to stop manual scavenging, women said they face extreme pressure from the community. For instance, in 2002, when Sushilabai stopped manual scavenging in Jeevajigarh village, in Dewas district, she said people started turning up at her house:

> After I left, one by one people came and told me to come back to do my work. They told me, "If not you, we will take your husband. If not your husband, we will take your son— but someone from your house will do this work."[147]

Across Madhya Pradesh, Human Rights Watch interviewed women who left manual scavenging between 2002 and 2009. Most reported that after they left people would come to their homes daily, harassing them and demanding that they resume the work.[148] Yashodabai, from Dharia Khedi village in Mandsaur district, Madhya Pradesh said, "For a

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[145] Human Rights Watch interview with Anita, Kasela village, Etah district, Uttar Pradesh, January 19, 2014.

[146] Human Rights Watch interview with Churajbai Fatrod, Bhonrasa, Dewas district, Madhya Pradesh, January 8, 2014.

[147] Human Rights Watch interview with Sushilabai, Jeevajigarh village, Dewas district Madhya Pradesh, January 8, 2014.

[148] The villages and districts in Madhya Pradesh referenced here are Devgarh village, Dewas district; Dharia Khedi, and Piplia Rao Ji, Mandsaur district; and Aastha, and Siddique Ganj, Sehore district.

year after I stopped doing this work, every day people would come to my home and demand that I clean their toilets."[149]

For some women, this daily harassment lasted two or three months. For others it lasted longer. Leelabai, from Aastha, a town in Sehore district, Madhya Pradesh, said these relentless demands lasted for two years. "For two years, people from the community came to my house and told me to come and clean," she said. "It took two years before they left me in peace."[150]

Shakuntala Vaid from Siddique Ganj village, in Sehore district, Madhya Pradesh, said that her former employers warned that if she did not return to manual scavenging, she could not stay in the village. She told Human Rights Watch:

> When we stopped doing the work, they told us, "We will not let you stay in the village if you don't do this work. This is your work." They would come to my house and tell me, "You cannot expect our daughters-in-law to do this dirty work."[151]

The threat of being thrown out of the village initially prevented Badambai from leaving the practice:

> In 2003, when I first stopped this work, the Rajputs [upper caste community] told me, "You cannot leave. ... If you stop doing this work, we will throw you out from the village and get other *Bhangis* to do the work." This threat that I would be thrown out and replaced made me go back.[152]

Recognizing the coercive authority of such threats, The Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities) Amendment Ordinance, 2014, pending enactment at the time of writing, makes it a crime to "wrongfully disposses[s] a member of a Scheduled Caste or Scheduled Tribe from [their] land or premises."[153]

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[149] Human Rights Watch interview with Yashodabai, Dharia Khedi, Mandsaur district, Madhya Pradesh, January 13, 2014.
[150] Human Rights Watch interview with Leelabai, Aastha town, Sehore district, Madhya Pradesh, January 10, 2014.
[151] Human Rights Watch interview with Shakuntala Vaid, Siddique Ganj village, Sehore district, Madhya Pradesh, January 10, 2014.
[152] Human Rights Watch interview with Badambai, Kukdeshwar village, Neemuch district, Madhya Pradesh, January 12, 2014.
[153] The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Ordinance) Amendment Ordinance, 2014, No. 1 of 2014, 4(i)(g).

Denial of Access to Land-Based Resources

When people refuse to perform caste-based tasks, dominant caste groups may deny them access to community property and property belonging to upper caste landholders. This access is crucial: most people engaged as manual scavengers do not own land and require entry to community and privately owned land to graze livestock, collect firewood, or even defecate in the fields.

Women in Uttar Pradesh and Madhya Pradesh who refused to practice manual scavenging said they sometimes lost access to land. Shardhabai, who lives in Siddique Ganj, in Sehore district, Madhya Pradesh, said that since she stopped manual scavenging in 2002, upper caste groups have blocked her access to land to graze animals or collect firewood:

> When I stopped, people came to my house. They told me, "We will not let you use our jungles for food or for wood, or to feed your animals." I am still not allowed to go to their jungles.[154]

Women who clean dry toilets in Kasela village, in Etah district, Uttar Pradesh, are not paid and do not own the land they live on.[155] On most days, Munnidevi receives *roti* in return for cleaning dry toilets in 12 houses. She relies upon being able to access fields belonging to upper caste landowners to graze buffalo and collect wood. This access depends, however, upon Munnidevi cleaning toilets daily—even when she is not given the expected food donations. She said:

> They do not give money. Sometimes they give two *rotis*, sometimes just one. One house did not give me anything for two or three days. So I stopped going there. If they give me nothing, why should I go? I didn't go for two or three days, then they came to threaten—"If you do not come, we will not let you on our land. Where will you get food for your animals?" Together, we own four buffaloes. I went back to clean. I had to.[156]

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[154] Human Rights Watch interview with Shardhabai, Siddique Gani village, Sehore district, Madhya Pradesh, January 10, 2014.

[155] Government of India, Ministry of Labour, "Bonded Labour, Chapter 8, Volume I: Report of the National Commission on Rural Labour," in Kiran Kamal Prasad, ed., *Understanding and Eradicating Bonded Labour in India* (Bangalore: Jana Jagrati Prakashana, 2008), p. 1.

[156] Human Rights Watch interview with Munnidevi, Kasela village, Etah district, Uttar Pradesh, January 19, 2014.

Munnidevi fears she will be evicted from her home on the outskirts of a village in Uttar Pradesh if she leaves manual scavenging.
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In Devgarh village, in Dewas district, 12 women left manual scavenging in 2002. Sunita, one of those women, says that the dominant caste responded by refusing grazing access and she had to sell her animals: "At that time, I owned one male and one female goat. For months I was not allowed to graze my goats on any land in the village. I had to sell my goats."[157] Another woman, Rekhabai, said that former employers threatened violence if she tried to access their land, "When I left, one of the people I cleaned for warned me, 'Now, if you come to my farm, I'll cut off both of your legs.'"[158]

The Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities) Amendment Ordinance, 2014, pending enactment at the time of writing, makes it illegal to "obstruct or prevent" a member of a Scheduled Caste or Scheduled Tribe from "using common property

[157] Human Rights Watch interview with Sunita, Devgarh village, Dewas district, Madhya Pradesh, January 9, 2014.
[158] Human Rights Watch interview with Rekhabai, Devgarh village, Dewas district, Madhya Pradesh, January 9, 2014.

resources of an area."[159] However, Rekhabai's family still faces barriers when they graze their goats. She said, "My brother-in-law has 10 goats. I have four goats. My son went to graze our goats and ended up in a fight. He was told he was not allowed to enter the fields."[160]

Difficulties in Accessing the Criminal Justice System

Due to pervasive discrimination, Dalits require significant assistance in accessing the criminal justice system when they are victims of crime. While people throughout India face police inaction and outright refusals to investigate their complaints,[161] these problems are exacerbated for people on the lower rungs of the economic and social ladders.

In rural India, to file a complaint, victims of crime must ordinarily identify and travel to the police station with jurisdiction to investigate.[162] Those who attempt to do so are often rebuffed. Victims who are poor and without legal counsel are vulnerable to police refusal to register and investigate complaints because they cannot afford to pay bribes, cover costs of investigation as the police typically demand, or call upon local influential figures to intervene with the police on their behalf. Traditional gender-bias means that women are particularly likely to be ignored. [163]

People from manual scavenging communities are susceptible to this type of treatment due to perpetuation of caste bias by police and local government officials. Activists and rights groups told Human Rights Watch that police routinely fail to register and investigate complaints of crimes against Dalits when the perpetrators are of a dominant caste.[164] In particular, police will not register cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act—a law crucial to protect people who work as manual scavengers.[165]

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[159] The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Ordinance) Amendment Ordinance, 2014, No. 1 of 2014, section 4(i)(za)(A).

[160] Human Rights Watch interview with Rekhabai, Indore, Madhya Pradesh, February 9, 2014.

[161] Human Rights Watch, *India—Broken System*: *Dysfunction, Abuse, and Impunity in the Indian Police*, August 2009, http://www.hrw.org/sites/default/files/reports/india0809web.pdf (accessed August 3, 2014), p. 41.

[162] Ibid.

[163] Ibid., pp. 42, 47-48.

[164] Human Rights Watch, *India—Broken System*: *Dysfunction, Abuse, and Impunity in the Indian Police*, August 2009, http://www.hrw.org/sites/default/files/reports/india0809web.pdf, p. 49.

[165] Ibid., p. 50.

Fearing for their lives due to threats from local residents in their village in Uttar Pradesh after they stopped manual scavenging work, Jagrani, Sarojadevi, Guddidevi, and Meenadevi went to the police station five kilometers away to seek protection. © 2014 Digvijay Singh

Parigama: Delayed and Insufficient Police Response to Threats

In November 2012, Guddidevi along with 10 to 12 other Valmiki women in Parigama village in Uttar Pradesh's Mainpuri district refused to clean dry toilets. Members of the dominant Thakur caste threatened them. Guddidevi told Human Rights Watch:

We left this work with help from the Garima Abhiyan. We always wanted to leave and we were looking for some support. … When we left they came to our houses and threatened us: "If you do not clean our toilets, we will not allow you to use our fields for defecation. We will hit you with sticks and stones." Then after a week, six of us women were called to the meeting and told that if we didn't do this work they would beat us up. They said, "We will not let you live in peace."[166]

Some of the other women said they were threatened inside their homes. They were warned that they would be denied grazing rights. They were also threatened with eviction.[167] Despite these threats, they refused to return to manual scavenging. Soon after, some 20 to 30 upper caste men from Parigama

[166] Human Rights Watch interview with Guddidevi, Parigama village, Mainpuri district, Uttar Pradesh, January 21, 2014.
[167] Ibid.

confronted the Valmiki community. Gangashri said: "They called our men and said, 'If you do not start sending your women to clean our toilets, we will beat them up. We will beat you up.' We were afraid."[168]

The next morning, Guddidevi and three other women went to file a complaint at the police station, five kilometers away. They did not get the protection they sought. The police officer on duty at the Alau Tahsil police station told them it was not in his capacity to handle their complaint.[169]

Joined by a Rashtriya Garima Abhiyan social worker, the women took a bus to Mainpuri district headquarters to appeal to the superintendent of police (SP). He registered their complaint on November 24, 2012, and took immediate action.[170] The SP followed up with Mainpuri district administrators to ask why manual scavenging was still happening in Parigama and forwarded the complaint to police from Alau Tahsil who initially refused to take action.[171]

Two days later, on November 26, a team of government officials arrived in Parigama and met with the Valmiki and Thakur communities, warning against any attempt to force manual scavenging. Gangashri said that the visit had instant impact in stopping the threats:

> They sent a jeep with police officers. The police officers went to those [dominant caste] houses and said, "You cannot force them to do this work." The police told them, "If you try and force them, we will put you in jail." After the police came, no one has come to force us to do this work. We use the fields now to feed our animals and for toilet. As long as we don't disturb the crops, no one bothers us.[172]

While the threats were mitigated by this police intervention, tension between the Valmiki and upper caste communities escalated between 2012 and 2013. In June 2013, when Human Rights Watch returned to Parigama, Gangashri explained that the Valmiki community continues to face harassment from other members of the community. They are planning to file another complaint. She said:

> The government put street lights for us, but the Thakurs took them away to their part of the village. Some people have also rounded up and have taken our cattle. We are not allowed to go into the field for wood or to go to the bathroom, but still we will not return to that work.[173]

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[168] Ibid.

[169] Human Rights Watch telephone interview with Ajit, social worker for Rashtriya Garima Abhiyan, April 4, 2014.

[170] Copy of complaint on file with Human Rights Watch.

[171] Human Rights Watch telephone interview with Ajit, social worker for Rashtriya Garima Abhiyan, April 4, 2014.

[172] Human Rights Watch interview with Gangashri, Parigama village, Mainpuri district, Uttar Pradesh, January 21, 2014.

[173] Ibid.

Kranti, a lawyer for Jan Sahas Social Development Society, told Human Rights Watch that victims of violence and intimidation who come from communities that work as manual scavengers require support at every stage of the process: identifying which police station has jurisdiction in cases of violence and atrocities; collecting evidence in order to ensure police accountability in investigations; filing First Information Reports (FIRs) and registering complaints; requesting copies of FIRs to ensure charges have been registered appropriately; and—in cases where they reach the trial stage—preparing themselves for trial.[174]

Explicitly addressing these barriers, The Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities) Amendment Ordinance, 2014, pending enactment at the time of writing, makes it a crime, punishable with imprisonment for six months to one year, for a public servant to "willfully neglect [their] duties" under the ordinance.[175] These enumerated duties include reading informants the information given orally and written before taking their signature, registering an FIR, providing a copy of the recorded information to the informant, recording the statements of victims of witnesses, and conducting investigations and filing charge sheets within 60 days. [176]

Illegal and Discriminatory Employment of Manual Scavengers by Local Governments

Descent-based practices are so deeply internalized that even state institutions such as village councils and municipal corporations perpetuate these practices. Many from the manual scavenging caste communities are denied any other jobs, leaving them dependent on manual scavenging for subsistence. Where the government itself employs manual scavengers, there is no hope for effective implementation of the 2013 Act and other laws aimed at ending manual scavenging.

Panchayat Employment in Maharashtra

In affidavits submitted to the Supreme Court, most recently in 2006, the Maharashtra government claimed that there were no dry latrines and manual scavenging had completely

[174] Human Rights Watch telephone interview with Kranti, lawyer for Jan Sahas Social Development Society, April 9, 2014.
[175] The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Ordinance) Amendment Ordinance, 2014, No. 1 of 2014, 4(i)(za)(A).
[176] Ibid., 5(2)(a)-(g).

ended in the state.[177] As others have reported and as our interviews confirmed, not only does manual scavenging persist in Maharashtra state, but *panchayats* themselves hire men and women from communities that traditionally practice manual scavenging as *safai karmacharis*, or sanitation workers, to manually clean dry toilets and open defecation.[178] As Gita Anil Chaure, from Nhavi village, in Jalgaon district, Maharashtra explained:

> They only ask us to clean toilets. The *panchayat* doesn't give other jobs. They say, "You belong to this community so you have to do this work only." I don't want to do this work, but because of these circumstances, I am doing it.[179]

These government employees, paid to manually clean human waste, are hired, fill positions held by their parents, or are even brought in from other areas exclusively for manual scavenging, even when they are qualified for other jobs within the *panchayat*. In Maharashtra, in instances where locals have managed to break out of caste-bound employment, village councils have hired migrants.[180] Human Rights Watch found that many people hired to manually clean excrement in Maharashtra are from Valmiki, Hela, Lalbegi,

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[177] In 2004, the principal secretary of the Maharashtra Water Supply and Sanitation Department responded to the public interest litigation filed by Safai Karmachari Andolan by claiming that Maharashtra had eliminated all use of dry latrines and that all 109,495 dry latrines in the state had either been abandoned or converted. *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Affidavit in Reply on Behalf of Respondent No. 28/State of Maharashtra, September 2, 2004. Copy on file with Human Rights Watch.

Challenging these claims from the Maharashtra Water Supply and Sanitation Department, an independent survey conducted through the Tata Institute of Social Sciences (TISS), submitted to the Maharashtra government in 2005, identified 169 dry latrines, 55 people engaged in manual scavenging, and 94 dependents of people engaged in manual scavenging. *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Additional Affidavit in Reply on Behalf of Respondent No. 28/State of Maharashtra, October 17, 2005. Copy on file with Human Rights Watch.

Responding to directions from the apex court, in 2005 the Maharashtra Water Supply and Sanitation Department submitted an additional affidavit. On the basis of this report, the affidavit contends, the Maharashtra state subsequently took steps to convert these latrines and rehabilitate the people engaged in manual scavenging and their dependents. According to the Water Supply and Sanitation Department, district collectors in the concerned districts have verified that there were no more dry latrines in use, all manual scavenging had ceased, and all manual scavengers had been rehabilitated. *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Additional Affidavit in Reply on Behalf of Respondent No. 28/State of Maharashtra, October 17, 2005. Copy on file with Human Rights Watch.

A final affidavit filed by the Principal Secretary of the Government of Maharashtra, Water Supply and Sanitation Department in 2006, asserted that there were no remaining dry latrines in existence and no manual scavenging in the state. *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Additional Affidavit in Reply on Behalf of Respondent No. 28/State of Maharashtra, February 23, 2006. Copy on file with Human Rights Watch.

[178] Manual cleaning of open defecation decouples the persistence of scavenging work from the presence of dry latrines and significantly undermines the reliability of Maharashtra state surveys that base the prevalence of manual scavenging in the state on the number of dry latrines.

[179] Human Rights Watch interview with Gita Anil Chaure, Shripur, Maharashtra, March 14, 2014.

[180] While some families migrated fifty-sixty years ago, others are more recent migrants. Human Rights Watch Interview with Vijay Bendwal, Maharashtra state coordinator for Rashtriya Garima Abhiyan, Shripur, Maharashtra, March 11, 2014.

and Mehatar communities that have migrated to Maharashtra from Rajasthan, Gujarat, Madhya Pradesh, Haryana, and Delhi.[181]

These hiring practices replicate discriminatory caste-designated employment and reinforce the perception among people working as manual scavengers that they have no other options. Gopal Harilal Bohit from Nhavi village explained that manually cleaning human waste was the only work available to him:

> My wife had family in Nhavi. They helped me get this job. It was not by application. We went to the *panchayat* members and said, please give us some work . . . The work they gave, my work, was to clean the gutter, clean excrement from roads, clean the toilets, clean the village, and remove garbage. I had nothing else so I agreed to whatever they said. It is our caste. They will not give us any better work to do. Nothing that would give us dignity.[182]

A 2013 survey conducted by the Rashtriya Garima Abhiyan in approximately 500 villages and five cities in Dhule district, Maharashtra—one of the 250 most backward districts in India[183]—found that in 31 villages and all 5 cities, a total of 162 women and 90 men are still hired by *panchayats* and municipal corporations to manually clean toilets and open defecation areas.[184]

In Maharashtra, *panchayats* hire married couples for village sanitation work, including manual scavenging. Three years ago, Anil Prakash Pandit, 27, moved to Kaparna village in Dhule district with his wife, Rina. Anil has studied until ninth grade and Rina has completed high school. Despite their education, manual scavenging jobs were the only ones the local government made available to the couple.[185] Anil told Human Rights Watch:

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[181] This demographic information was noted during Human Rights Watch interviews in Maharashtra, and confirmed by Vijay Bendwal, Maharashtra state coordinator for Rashtriya Garima Abhiyan. Ibid.

[182] Human Rights Watch interview with Gopal Harilal Bohit, Nhavi village, Jalgaon district, Maharashtra, March 14, 2014.

[183] National Institute of Rural Development, Ministry of Panchayati Raj, "A Note on the Backward Regions Grant Fund Programme," September 8, 2009, http://www.nird.org.in/brgf/doc/brgf_BackgroundNote.pdf (accessed April 21, 2014).

[184] Human Rights Watch telephone interview with Shankar Solanki, social worker for Rashtriya Garima Abhiyan, March 31, 2014.

[185] In Maharashtra, the sentiment that *panchayats* would only hire them to do sanitation work, including manual scavenging, was widespread among individuals from communities that traditionally work as manual scavengers. Human Rights Watch interviews with Mayabai Ramesh Pawar, Fagne village, Dhule district, Maharashtra, March 20, 2014, Raju Shankar Chaundale,

> The *panchayat* hires people to work as water suppliers, peons [messengers], clerks, garbage collectors, and this work I do—cleaning toilets. You see, what happens here, if you are a Mehatar in caste, you have to do this work. You are not told this directly, but it is what you are hired to do and what is expected, even from the villagers. If there is excrement to clean, they will come and call us to do it.[186]

Raju Chaundale, from Adavad, a town in Jalgaon district, Maharashtra, has studied until tenth grade, but he too cleans open defecation and dry toilets.[187] According to Raju, education does not open up employment opportunities for his community: "They don't give us any other opportunity. Two or three people applied in the employment office, but they haven't been given the opportunity."[188] Mayabai Ramesh Pawar, who has been doing manual scavenging work in Fagne village, in Dhule district, Maharashtra, said, "I do think I can do other work, but thinking doesn't help because I cannot get any other work."[189]

In 2007, the *panchayat* of Kusumba village in Dhule district, Maharashtra, was faced with a problem: almost the entire Lokhande family, which for several generations had cleaned dry toilets, open defecation, and drainage lines, left the village for better jobs.[190] Instead of implementing government schemes to replace the dry toilets, the village council solved their sanitation crisis by bringing Valmiki families from other parts of Maharashtra to do the work. In 2010, when they needed to fill these positions for a second time, they drove to Akkulkuwa in Nandurbar district, a tribal area of Maharashtra on the border of Gujarat.[191] Rajubai Karneya Salonki explained how she came to Kusumba in 2010:

> The *sarpanch*, *gram sevak*, and members [of the village council]—in total five people—came to our village and said, "We will give you payment, a place to stay, clothes, everything, come with us." Here, I clean the dry

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Adavad town, Jalgaon district, Maharashtra, March 21, 2014, Rajubai Karneya Salonki, Kusumba village, Dhule district, Maharashtra, March 20, 2014, and Anil Prakash Pandit, Kaparna village, Dhule district, Maharashtra, March 14, 2014.

[186] Human Rights Watch interview with Anil Prakash Pandit, Kaparna village, Dhule district, Maharashtra, March 14, 2014.

[187] Human Rights Watch interview with Raju Shankar Chaundale, Adavad town, Jalgaon district, Maharashtra, March 21, 2014.

[188] Ibid.

[189] Human Rights Watch interview with Mayabai Ramesh Pawar, Fagne village, Dhule district, Maharashtra, March 20, 2014.

[190] Human Rights Watch interview with Anuparna Bapu Lokhande, Kusumba village, Dhule district, Maharashtra, March 20, 2014.

[191] Human Rights Watch interview with Rajubai Karneya Salonki, Kusumba village, Dhule district, Maharashtra, March 20, 2014.

> toilets, water toilets, *wada* toilets, and open defecation. I collect all the excreta and throw it elsewhere.[192]

Municipal Corporation Employment in Rajasthan

In 2000, Rajasthan state enacted the Rajasthan Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act.[193] Upon notification of the act in 2003, Rajasthan began the process of identifying and rehabilitating individuals engaged in manual scavenging.[194] According to a 2008 affidavit from the Rajasthan Secretary of the Department of Local Self Government, submitted to the Supreme Court in *Safai Karmachari Andolan & Ors. v. Union of India,* Rajasthan has appointed executive authorities and directed all deputy directors to furnish updated information on persistence of manual scavenging practices.[195]

This has not, however, led to actual monitoring or abolition of the practice. Human Rights Watch found that women and men from the Valmiki community continue to be engaged to manually clean human excrement, both directly by the government and through contractors. Neha, who has worked as a *safai karmachari*, or sanitation worker, for the municipal corporation in Bharatpur city, Rajasthan since 2004, explained her work:

> I clean my area, these two lanes. I clean twice a day because it is so dirty. I sweep the roads and I clean the drains. It is extremely dirty because the houses here flush the excrement from the toilets directly into the drains. I have to pick out the excreta, along with any garbage from the drains. We don't get anything from the government to protect us. No mask, no gloves, no shoes.[196]

Neha says that she knows this work is illegal and dangerous, but she has no choice but to do it if she wants to keep her job:

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[192] Ibid.

[193] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Affidavit in Reply on Behalf of State of Rajasthan, 2004. Copy on file with Human Rights Watch.

[194] Ibid.

[195] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, Affidavit in Reply on Behalf of State of Rajasthan, 2008. Copy on file with Human Rights Watch.

[196] Human Rights Watch interview with Neha [pseudonym], Bharatpur city, Rajasthan, June 27, 2014.

> I do know that there is a law that I do not have to clean the excreta from the drains, but I have to do it. I have told my supervisor, I have told the sanitary inspector. They say they will make the change, but the government has not put in the sewer lines, so I have to pick it up this way. If I do not, I will lose my job.[197]

Sanjay, from Malipura, a village within the municipal area under the jurisdiction of the Bharatpur municipal corporation, is also employed as a sanitation worker by the Bharatpur municipal corporation, through a contractor.[198] He says his job includes manually cleaning excrement from drains and open defecation areas:

> I am hired to clean drains and sweep roads in this village, Malipura. Even though there are toilets here, children always defecate on the road, near the drains. Even adults do sometimes. I clean that. I also clean the drains.[199]

Like Sanjay, Rohan is also hired as a sanitation worker in Malipura.[200] He told Human Rights Watch:

> I clean the drains. I also have to pick up the excrement where children defecate. I knew when I took this job that I would have to pick up excreta, but this is my area, so I have to clean it. If I don't clean it, I could lose my job.[201]

According to Rajkumar Jain, who together with his brother, Ashok Jain, holds all the municipal contracts in Bharatpur city, of the 500 cleaning "beats" for which they subcontract sanitation work, "between 75 and 100 beats require sanitation workers to manually clean open defecation and excrement from drains."[202]

However, a senior official of the municipal corporation in Bharatpur city, Rajasthan, said she had no knowledge of whether manual cleaning of excrement took place in her

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[197] Ibid.

[198] Human Rights Watch interview with Sanjay [pseudonym], Malipura village, Bharatpur municipal area, Rajasthan, June 26, 2014.

[199] Ibid.

[200] Human Rights Watch interview with Rohan [pseudonym], Malipura village, Bharatpur municipal area, Rajasthan, June 26, 2014.

[201] Ibid.

[202] Human Rights Watch interview with Rajkumar Jain, Bharatpur city, Rajasthan, June 26, 2014.

jurisdiction and had no familiarity with laws prohibiting manual scavenging. "I have heard about the law," she said, "but not read it."[203] When presented with specific information on both the presence of dry latrines in certain areas in Bharatpur city and the widespread practice of requiring government employees to clean excrement from open drains documented by Human Rights Watch, she denied that any manual scavenging took place within her jurisdiction, saying "I am sure people are not doing this work." [204]

She acknowledged, however, that neither the nature of the work nor the employment conditions of the government employees hired by subcontractors is overseen by the Bharatpur municipal corporation and is instead "left to the contractor."[205] And it's not a minor issue: 500 of the 820 sanitation workers hired by the municipality are hired by subcontractors.[206]

Kuldeep Ghanwari, Rajasthan coordinator for Rashtriya Garima Abhiyan, explained that handling human excrement is only one of the hazards faced by municipal corporation workers required to manually clean drains in the city. He said:

> Some of the large drains can be three feet wide and five feet deep. People have to step into them to clean them. They have no equipment. Not even shoes. You should see what else is in the drains—near hospitals, you find medical waste, and people cut their feet on blades and broken glass.[207]

Caste-Based Discrimination in Local Government Hiring

While the 2013 Act releases anyone doing manual scavenging from any obligation to do this work, caste-based practices imposed by communities and replicated by state hiring practices have made this difficult to achieve.

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[203] Human Rights Watch interview with official of Bharatpur municipal corporation, name withheld, Bharatpur city, Rajasthan, June 26, 2014.

[204] Ibid.

[205] Ibid.

[206] Ibid.

[207] Human Rights Watch interview with Kuldeep Ghanwari, Rajasthan state coordinator for Rashtriya Garima Abhiyan, Bharatpur city, Rajasthan, June 25, 2014.

Kailash Pokerji Kundare is from the Valmiki community and is college educated. In 1989, he moved to Nhavi village in Jalgaon district, Maharashtra, with his wife and daughter, after his brother-in-law said there was an opening for an office assistant in a school in Khiroda. However, when he reached Maharashtra, Kundare found there was no job. Desperate for employment, he joined his father-in-law in manual scavenging, working for the *panchayat* in Nhavi village. This was his first experience manually cleaning excrement. He said, "I was given work to clean— a urination place and toilets. My father-in-law told me to do this work. I didn't like it at all. I didn't want to do this."[208]

In 2002, Kundare was transferred by the *sarpanch*, the village headman, to the water supply department where he began working alongside two men from the Leva Patel caste. Although his position was changed, his salary was not increased. On the other hand, Kundare said that he was made to bear a disproportionate share of the work by the men he worked with. He also discovered from a friend that his colleagues had publicly challenged his appointment to the water supply department, because of his caste, at a *panchaya*t meeting. Kundare explained, "One of them said, 'How can a *Bhangi* work with me and get the same payment?' He said this in the *panchayat* monthly meeting."[209]

Kundare approached the *sarpanch* directly to request a wage increase and to report that he was being made to do a disproportionate share of the work. But he was ignored. After five or six months, Kundare said he left the water supply position and returned to his previous job:

> I did this work for five or six months, then I left. I understood they were oppressing me. I went directly to ask *sarpanch* about my wage increase. I said, "If you are not increasing my payment, give me my broom back. I will do that instead of working too hard for no increment." I have not applied for any other work in the *panchayat*. They are doing injustice, so why would I even ask?[210]

Although India's Equal Remuneration Act, 1976, amended by Act 49 of 1987, requires an employer to pay women and men equally for the same work or work of a similar nature, this

[208] Human Rights Watch interview with Kailash Pokerji Kundare, Nhavi village, Jalgaon district, Maharashtra, March 21, 2014.
[209] Ibid.
[210] Ibid.

protection does not extend to protecting workers from wage discrimination along caste lines.[211] India currently has no laws specifically outlawing caste-based wage discrimination.

In Bharatpur city, according to contractor Rajkumar Jain, only Valmikis hired directly by the municipal corporation are actually required to do sanitation work; non-Valmikis are given other work:

> The non-Valmiki *safai karmacharis* hired by the municipal corporation in 2004 don't really do sanitation work. They make adjustments through the system to get out of the work. They were hired as *safai karmacharis*, but they all have found other positions, working in offices, or as peons [messengers]. They promise to do sanitation work when they are hired, but they don't actually do this work at all. [212]

Rohan, who was hired as a sanitation worker by the Bharatpur municipal corporation, said, "Only Valmikis are hired to do this work by the subcontractor."[213] Jain, the contractor, confirmed that "all of our subcontracted workers are from the Valmiki community—no other community would do this work. It is just not possible. If there is excrement to pick up, they [Valmikis] have to pick it up."[214]

Withheld Wages and Eviction Threats from Local Government Officials

Where families are employed by *panchayats* to clean dry toilets and open defecation, they are often given government-sponsored housing and wages, and officials sometimes use this as leverage to keep the families engaged in manual scavenging. Replicating customary exploitation, some *panchayats* deny or delay wages, and worse, threaten to withdraw housing if people no longer continue manual scavenging tasks. As Bika Juma Ral of Kingaon village, Jalgaon district, Maharashtra, said: "We have a lot of problems. Our problems are housing and wages."[215]

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[211] The Equal Remuneration Act, 1976 [Act 25 of 1976 amended by Act 49 of 1987], Chapter II, Section 4.

[212] Human Rights Watch interview with Rajkumar Jain, Bharatpur city, Rajasthan, June 26, 2014.

[213] Human Rights Watch interview with Rohan [pseudonym], Malipura village, Bharatpur municipal area, Rajasthan, June 26, 2014.

[214] Human Rights Watch interview with Rajkumar Jain, Bharatpur city, Rajasthan, June 26, 2014.

[215] Human Rights Watch interview with Bika Juma Ral, Shripur, Dhule district, Maharashtra, March 15, 2014.

Rajubai was recruited and brought in for manual scavenging by the Kasumba village *panchayat* in 2010 from her home in Akkulkuwa, a town in Nandurbar district, a tribal area on the border of Maharashtra and Gujarat. She wanted to go home, but it would not be easy to do so.[216] The *panchayat* held back payment of her wages to keep her tied to manual scavenging. She said:

> We actually want to go back. We don't like it here… Because of this work, my health has declined. I eat very little food. It is very dirty work we have here. People are saying, the *panchayat* will not allow us to leave and that is why they are not giving the full payment.[217]

In Maharashtra, several people engaged in manual scavenging reported to Human Rights Watch that they do not receive wages properly. Shantabai Nemichal Kundare said that the Kingaon *panchayat* is erratic in paying wages. As of March 2014, she and the other women and men hired by the *panchayat* for manual scavenging were owed 10 months of wages. "They don't give us payment," she said. "I don't know the reason. Every time it is delayed. … We have to go as a beggar to the *panchayat* and ask for our wages."[218]

Without regular wages from their government-sponsored employment, she begs in the village for food:

> Every week in the market, we go with our baskets and beg and everyone gives us a small portion. Then I also go to the houses in the village and ask for food. Since I came here 30 years back, I have been asking for food. If I got payment I would not have to do this. If my payment came on time, why would I ask?[219]

Mayabai Ramesh Pawar from Fagne village in Dhule district, Maharashtra, also does not get regular wages from the village council and goes door to door collecting *rotis*:

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[216] Human Rights Watch interview with Rajubai Karneya Salonki, Kusumba, Dhule district, Maharashtra, March 20, 2014.
[217] Ibid.
[218] Human Rights Watch interview with Shantabai Nemichal Kundare, Nhavi village, Dhule district, Maharashtra, March 19, 2014.
[219] Ibid.

> Every three to four months I get some payment [from the *panchayat*]. It doesn't come every month. In the money I get, I somehow adjust. In the village I go and beg for *rotis*.[220]

Even when they do not receive wages, some women and men said that they continue cleaning dry toilets and open defecation because they fear that they will be evicted from the government-sponsored houses where they live—and in many instances, where their families have lived for generations.

When the six families responsible for cleaning dry toilets and open defecation in Kingaon village in Maharashtra's Jalgaon district went on strike to demand their wages, local government officials threatened them with eviction. Bika Juma Ral told Human Rights Watch, that within three days of going on strike, all six families received eviction notices from the *panchayat*:

> When we went on strike, the *panchayat* told us to empty the house. Within two or three days of the strike, the notice was given. The notice said, "If you are on strike you have to leave the house and we will bring in someone else to do that work."[221]

After eight days, the striking workers settled for three months of back pay and returned to work with assurances from the *panchayat* that they would receive regular payment going forward and the remainder of the wages owed.[222] However, since they returned to work, Jagdish Samparji Kundare said they have received no further compensation. "Since then, they are saying they will give the payment but we have yet to get the wages. Even two or three days back they said we will clear all your pending payments."[223]

Bika Juma Ral says he would like to stop manual scavenging but the threat of eviction from the *panchayat* keeps him from doing so:

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[220] Human Rights Watch interview with Mayabai Ramesh Pawar, Fagne village, Dhule district, Maharashtra, March 20, 2014.

[221] Human Rights Watch interview with Bika Juma Ral, Shripur, Dhule district, Maharashtra, March 15, 2014. Copies of the eviction notices on file with Human Rights Watch.

[222] Ibid.

[223] Human Rights Watch interview with Jagdish Samparji Kundare, Shripur, Dhule district, Maharashtra, March 15, 2014.

> No one in Kingaon has been forced out of the house, but I think they will remove us because the house is not in our name. Where will we go with our family then? The place does not belong to us. When they gave us the notice, they did not make us leave—but if they are not giving payment, then that shows they will also throw us out. It is our helplessness that we continue to do the work. We don't know a way out. We only want a house. Then we would just do farming.[224]

An employer's obligation to provide remuneration to their employees is recognized under the ICESCR, to which India is a party, as well as other international legal standards.[225] India's constitutional commitment to labor rights for all workers—"agricultural, industrial, or otherwise"—requires the state to secure "work, a living wage, [and] conditions of work ensuring a decent standard of life."[226] This constitutional commitment is further articulated in the Payment of Wages Act, 1936, which makes every employer responsible for paying all required wages to people they employ,[227] and applies to work relating to water supply and generation, transmission, and distribution of electricity.[228] While water supply and electric workers hired by *panchayats* are covered by the Payment of Wages Act, people hired for sanitation work are not.

Families hired as sanitation workers say they have no recourse when wages are late. Unlike other government employees of the *panchayat* who are protected by the Payment of Wages Act, they are uniquely vulnerable to exploitation.

Nine men and women from five Mehatar families work as *safai karmacharis* in Nhavi village. They are responsible for sweeping the village, cleaning water toilets, and manually cleaning open defecation.[229] Families who do manual scavenging in Nhavi are allowed to live in houses provided by the *panchayat*. In November 2013, all five families went on strike to demand a wage increase, but the *panchayat* punished them by threatening to take away their houses, said Bimal Kundare.

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224 Human Rights Watch interview with Bika Juma Ral, Shripur, Dhule district, Maharashtra, March 15, 2014

225 ICESCR, art. 7(a); see also ILO Convention No. 95 concerning the Protection of Wages, adopted July 1, 1949, entered into force September 24, 1952.

226 Constitution of India, article 43.

227 The Payment of Wages Act, No. 4 of 1936, section 3.

228 Ibid., section 2(II)(g),

229 Human Rights Watch interview with Bimal Kundare, Shripur, Dhule district, Maharashtra, March 14, 2014.

> When we were on strike, the *panchayat* members stopped the water in our houses. Then they stopped the electricity. They threatened, "If you are not working, then why are you staying here. If you are not working we will not let you stay."[230]

Gita Anil Chaure said the *panchayat* threatened to physically remove them from the houses where they lived:

> While we were on strike, they said, "We will give you notice. We will ask you to empty the house. Then, we will call the police and throw you and all of your belongings out from the house."[231]

"If I had my own house, I would not go for scavenging work," Bimal Kundare explained. Said Chaure, "If I had a house, within a second I would stop this work." According to Gopal Harilal Bohit:

> I am very ready to leave this work but the only thing is I would lose the house. They always threaten, "If you leave this work we will throw you out from the house." If I had a house, I would leave scavenging and do any other hard work. I just need to be sure I can keep a roof over my head—for my son, my wife, and myself.[232]

While agricultural and labor work is available to the Mehatar community in Nhavi, Bimal explains that they do not go for this work due to fear of eviction:

> In our village there is farming and labor work, but if I go for farming, I get threats from the *panchayat* that I must empty the house. The *panchayat* does not allow us to do other work. They say, "This is your work, stick to your job. Otherwise, leave."[233]

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[230] Ibid.

[231] Human Rights Watch interview with Gita Anil Chaure, Shripur, Dhule district, Maharashtra, March 14, 2014.

[232] Human Rights Watch interview with Gopal Harilal Bohit, Shripur, Dhule district, Maharashtra, March 14, 2014.

[233] Human Rights Watch interview with Bimal Kundare, Shripur, Dhule district, Maharashtra, March 14, 2014.

The last time Bimal worked gathering peanuts, she was reprimanded by the *sarpanch*:

> Two or three years ago, they saw us women going to harvest peanuts and they wrote in the register we were absent from cleaning. When they saw me farming— somebody saw, I don't know who—they informed the *sarpanch*. The next day when I went for my cleaning work the *sarpanch* and *panchayat* members came and said "Why do you go there to do that work, you are not working properly here."[234]

The *sarpanch* did not threaten eviction that day, but Bimal feared she would lose her home: "They did not say anything about the house that time, but I myself am scared. I fear if they remove me from this work, I will lose my house."[235]

Like Bimal, her sister Gita would rather do any other work, but she does not leave scavenging because she fears losing the house where she has lived for 20 years:

> I would do anything else instead—any business. I would sell vegetables. I could raise goats. I could do farming. I would prefer to do that but it is not easy. First of all, we will be asked to leave the house. We don't have money, how will we pay rent?[236]

[234] Ibid.

[235] Ibid.

[236] Human Rights Watch interview with Gita Anil Chaure, Shripur, Dhule district, Maharashtra, March 14, 2014.

IV. Barriers to Ending Manual Scavenging

Government intervention is needed to end caste-based labor designations that bind women and men to manual scavenging. To overcome the entrenched obstacles discussed above, individuals need immediate access to alternate livelihoods and housing, and an effective government response when they face threats of violence.

The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, contains provisions aimed at rehabilitating people working as manual scavengers including one-time cash assistance, scholarships for their children, housing, alternative livelihood support, and other legal and programmatic assistance.[237] Endorsing these provisions, the Supreme Court in 2014 directed all manual scavengers to be rehabilitated accordingly.[238]

Under the 2013 Act, however, rehabilitation is left to be implemented under existing central and state government schemes— the same set of programs that, to date, have not succeeded in ending manual scavenging.[239] One important reason for past failures to end manual scavenging is that relevant government officials have not been held accountable.

Problems with Implementation and Accountability

Promising policy initiatives in India often falter due to poor implementation. Programs to rehabilitate manual scavenging communities are no exception. In their report on the 2013 Act, the Standing Committee on Social Justice and Empowerment noted, "successful implementation of the new Act would largely depend on how the Corporations,

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[237] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, The Gazette of India, No. 25 of 2013, Chapter IV, Section 13. *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014, para. 14(i).

[238] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014, para. 14(i).

[239] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter IV, Section 13 (1)-(2) and Chapter V, Section 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 to 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").

Municipalities and Other Local Bodies would be motivated and geared up for meeting the challenges to be thrown up by the new Act."[240]

Effective implementation of the 2013 Act will require accountability at every stage of the process: in identifying people working as manual scavengers, intervening effectively when there are threats of violence, facilitating access to rehabilitation, and imposing penalties on officials who fail to take the prescribed measures to end manual scavenging.

Inadequate Surveys and Failure to Identify People Still Engaged in Manual Scavenging

Under the 2013 Act, one must be included on a government list of manual scavengers to be eligible for rehabilitation.[241] The Act provides two ways of identifying manual scavengers: local government surveys and individual self-identification.[242] The Act does not, however, require surveys, instead leaving decisions on whether to conduct surveys to the discretion of authorities.

According to the Supreme Court, government surveys have been ineffective. In particular, the court notes, the 2013 central government survey "has shown remarkably little progress" and has identified "only a miniscule proportion of the number of people engaged in manual scavenging."[243] To illustrate the shortcomings in the survey, the Supreme Court compared data collected by the petitioners in *Safai Karmachari Andolan* and data collected by Rajasthan state.[244] The Rajasthan state report, which did not extend to the entire state and excluded rural areas where manual scavenging is prevalent, identified 46 people engaged in manual scavenging.[245] In the very same area, the petitioners identified 816 people engaged in the practice.[246] Recent government surveys, moreover, fail to include people who have voluntarily left manual scavenging since the 1993 Act, often risking threats and retribution.

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[240] Lok Sabha Secretariat, Parliament Library and Reference, Research, Documentation, and Information Service, "Manual Scavengers: Welfare and Rehabilitation," Reference Note No.18/RN/Ref./August/2013, http://164.100.47.134/intranet/Manual%20Scavengers%20welfare%20and%20Rehabilitation.pdf (accessed August 3, 2014).

[241] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter IV, Section 13(1).

[242] Ibid., Chapter IV, Sections 11(1) and 12(1).

[243] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014, para. 10.

[244] Ibid.

[245] Ibid.

[246] Ibid.

A woman, among the many still considered "untouchable," enters a home in Uttar Pradesh through a back entrance to remove excrement from dry toilets. © 2014 Digvijay Singh

Finally, while some surveys address only dry toilets, people are also employed as manual scavengers to clear open defecation areas and pour-flush toilets in public places, to provide sanitation in hospitals and nursing homes, and to clean sewers, septic tanks, drains, and railway tracks.

According to the National Advisory Council (NAC), an advisory body tasked with providing guidance in the formulation policy during the previous government,[247] discrepancies between community and government surveys reflect state denial:

> The recurring experience of past official surveys of manual scavengers and dry latrines is that state governments are mostly in denial; having declared

[247] Website of the Government of India National Advisory Council, http://www.nac.nic.in/ (accessed August 4, 2014).

that manual scavenging has been eradicated, they reject community findings, even when backed by strong evidence.[248]

To address state denial, the NAC recommends that joint surveys be conducted by governments and community members.[249]

Obstacles to Local Government Implementation of Rehabilitation Schemes

Under the 2013 Act, rehabilitation is to be implemented under relevant government schemes by local authorities.[250] In rural areas, the 2013 Act assigns the responsibility for implementation to *panchayats*.[251]

Many members of manual scavenging communities, however, report significant challenges in accessing support through the *panchayats*, whether it is information about their rights, identification cards and other essential documents, or proper participation in *panchayat* meetings.[252] As Lalibai from Piplia Rao Ji village in Mandsaur district, Madhya Pradesh, said: "The *sarpanch* never helps us. There is no point in asking."[253]

Due to low literacy levels, itself the product of systematic caste discrimination, many individuals engaged in manual scavenging lack information about social welfare schemes.[254] Without government initiative to inform people of their rights, they depend

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[248] National Advisory Council, Note on Recommendations for Follow-up Measures to Eradicate Manual Scavenging, undated, http://nac.nic.in/pdf/manual_scavenging.pdf (accessed August 3, 2014), para. 4.1.

[249] Ibid., paras. 4.1-4.2.

[250] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, chapter V, section 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 to 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.")

[251] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter IV, Section 16.

[252] Required documents include Below Poverty Line (BPL) identity cards required to procure subsidized food grains, and caste and other certificates.

[253] Human Rights Watch interview with Lalibai, Rashtriya Garima Abhiyan co-convener, Dewas, Madhya Pradesh, February 9, 2014.

[254] A 2013 survey of 480 women from manual scavenging communities in nine districts in the three Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh, undertaken by Jan Sahas Social Development Society with the support of UN Women, found that 12% of all survey respondents were educated until the primary level, 5% received education until the middle school level. Just 1% of respondents studied till the high school and beyond. Bihar had 98% of illiterates, which is the highest, compared to Uttar Pradesh and Madhya Pradesh which is 60% and 30% respectively. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 4.

upon support from civil society organizations. Rekhabai from Devgarh village in Dewas district, Madhya Pradesh, a vocal leader in the Rashtriya Garima Abhiyan, relies upon a campaign by social workers to inform her of relevant schemes:

> In the village, they don't inform us about the schemes. Even the *sarpanch* doesn't inform us. I want to go for those schemes so I try. I have been to the *panchayat* many times now. I have even had a fight.[255]

Challenges in accessing information and claiming benefits are heightened for these communities because they are excluded from participating in local governance and decision-making processes.[256] Most often they are not invited to *panchayat* meetings. Women such as Lalibai, from Piplia Rao Ji village in Mandsaur district, Madhya Pradesh, who insist on attending, say they have to put up with humiliation by *panchayat* and community members. For Lalibai, this is despite the fact that under the quota system for Dalits, her husband was a member of the *panchayat*:

> From 2009-2013, my husband was a member of the *panchayat*, but he was never asked to any meetings. He was elected in a Dalit seat. When meetings came, he was not informed of the meeting. They did not want him to attend, sit on a chair, and drink from the water pot. Instead, he was just made to sign. He signed when they brought the paper because he was afraid of the *sarpanch*.... I don't like to go to *panchayat* meetings because they make me feel ashamed. We have to cover our faces and drink with our hands. We are not allowed to drink from the cup. Sometimes I make an effort to go, but I make sure I don't take water from there.[257]

When Lalibai and members of her family do attend *panchayat* meetings, local officials prohibit them from speaking. She said:

> Whenever I speak, they stop me. They say, "Why are you speaking? You cannot speak here." While I was attending a meeting, my brother-in-law

[255] Human Rights Watch interview with Rekhabai, Indore, Madhya Pradesh, February 9, 2014.

[256] Sukhadeo Thorat, *Caste, Social Exclusion, & Poverty* (New Delhi: Gautam Printers, 2013), p. 10.

[257] Human Rights Watch interview with Lalibai, Rashtriya Garima Abhiyan co-convener, Dewas, Madhya Pradesh, February 9, 2014.

raised a question and the *sarpanch* asked him to leave the meeting. When I was asking what happened, they asked me to shut up. My brother-in-law was asking questions about blocked water, the roads, and the work guarantee.[258]

Lack of Accountability for Failing to End Manual Scavenging

Under the 2013 Act, district magistrates and local authorities are responsible for ensuring that no person within the jurisdiction does manual scavenging, no insanitary latrines are constructed, and all manual scavengers are rehabilitated. In addition, the act contains provisions for state governments to appoint inspectors to examine premises for insanitary latrines and persons employed as manual scavengers. Finally, the act calls for central and state monitoring committees, and vigilance committees in each district. The National Commission for Safai Karamcharis is charged with monitoring and implementation.

The 2013 Act permits the state government to conduct special trials. Complaints have to be made before the court within three months of the offense. However, since the same district authority responsible for adjudicating offenses under the act may also be the authority responsible for implementing the law, in some cases, there is a potential conflict of interest.

For these provisions in the new law to be effectively implemented, it is crucial that sufficient resources and training are provided to activate these monitoring mechanisms in collaboration with manual scavenging communities, rights activists, and civil society organizations.

Lack of Alternative Employment Opportunities

People engaged in manual scavenging rely upon the daily food donations they receive for subsistence. In order to leave manual scavenging they must have immediate access to alternate employment. These communities, however, face significant barriers to entering the labor market, including social boycotts and economic boycotts[259] in retaliation for

[258] Ibid.

[259] The Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities) Amendment Ordinance, 2014, awaiting passage in both houses of the Indian parliament at the time of writing, defines economic boycott as " (i) refusal to deal with, work for hire or do business with another person; or (ii) to deny opportunities including access to services or contractual opportunities for rendering service for consideration; or (iii) to refuse to do anything on the terms on which things would be commonly done in the ordinary course of business; or (iv) to abstain from the professional or business relations that one would maintain with another person." The 2014 Amendment Ordinance defines social boycott as "a refusal to permit a person to render to other person or receive from him any customary service or to abstain from social relations that one would maintain with [the] other person or to isolate him from others."

refusing to clean toilets in the village, gender- and caste-based discrimination in access to employment, and corruption, such as being asking to pay bribes in order to be appointed to reserved government positions. For many, these obstacles are exacerbated by low education levels and an absence of marketable skills.

While in rural Madhya Pradesh, many women who left manual scavenging have been able to find seasonal work[260] in the fields,[261] the availability of agricultural labor and other unskilled labor from private employers depends upon the willingness of landholders to hire women who have left manual scavenging. And, as discussed in the previous section, individuals who leave manual scavenging report facing social and economic boycotts that last for varying amounts of time.

Recognizing the need to facilitate access to alternate employment, the 2013 Act contains provisions aimed at securing income—namely, training in livelihood skills and access to loans to take up other occupations on a sustainable basis. While successful vocational training and loans may offer long-term livelihood options, they do not meet the immediate need for employment that households require for survival. Moreover, people from these communities report significant difficulties in accessing and benefiting from existing training and loan schemes.

While the rehabilitative provisions specified in the 2013 Act do not facilitate immediate access to employment, The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA), a legislative enactment of India's constitutional commitment to the right

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The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Ordinance) Amendment Ordinance, 2014, No. 1 of 2014, 3(i)(bc) and (ii)(eb).

[260] Women who work as agricultural laborers in Madhya Pradesh cannot rely upon regular work. As explained by Prembai, "My ability to work depends upon what crops are in season. Sometimes I can work for a whole month. Sometimes I will have no work at all." Human Rights Watch interview with Prembai, Amlataj village, Dewas district, Madhya Pradesh, January 9, 2014.

[261] In Madhya Pradesh, Human Rights Watch interviewed 48 women who left manual scavenging between 2002 and 2009 with the support of the *Garima Abhiyan* Campaign. Twenty-three of these women worked as agricultural laborers. Those who did not work as agricultural laborers either reported being physically unable to do agricultural work due to age or physical disability, or reported alternate sources of employment. Alternate employment included continuing to do traditional caste-designated labor (excluding manual cleaning of excrement, but including cleaning blood after childbirths, sweeping, and removing garbage and dead animals) due to reliance upon the *jajmani* system to meet their basic needs; working in slate mines and brick kilns; and selling fruit, eggs, and *papad* within their communities. Two women joined their husbands doing skilled labor (one worked in a tailor shop and one worked in a welding shop); and two women had secured positions working in the village anganwadi center.

to work,[262] has the potential to provide immediate livelihood security.[263] This potential avenue, however, is not easily accessible to individuals who practice or previously practiced manual scavenging.

Irregular Implementation of the Mahatma Gandhi National Rural Employment Guarantee Act

The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 aims to provide immediate livelihood security in rural areas by guaranteeing 100 days of employment to every household.[264] Work projects permitted under MGNREGA include water conservation, drought proofing, flood protection, land development, and road construction.[265]

As explained by Subhalakshmi Nandi and Rebecca Reichmann Tavares from UN Women India:

> MGNREGA also offers a "way out" for daily wage labourers from traditional feudal structures, which not only offer piecemeal wage rates but are intrinsically linked to class and caste-based discrimination; often "bonded" forms of labour. The law is particularly significant for women workers belonging to marginalized communities, who would otherwise have no access to just employment opportunities.[266]

People from manual scavenging communities, however, report challenges in accessing employment under the scheme including lack of information, inability to access formal processes, and discriminatory exclusion by the *panchayat*.[267]

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[262] Constitution of India, article 41 ("The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness and disablement, and in other cases of undeserved want").

[263] The National Rural Employment Guarantee Act, 2005,The Gazette of India, No. 42 of 2005. MGNREGA employment may not be a feasible alternative for all individuals working as manual scavengers, and cannot, therefore, be viewed as a comprehensive immediate alternate livelihood option. Although not a comprehensive solution, ensuring that MGNREGA is accessible would provide at least one channel to immediate livelihood security for manual scavenging communities.

[264] Ibid.

[265] Ibid., Schedule I.

[266] Subhalakshmi Nandi and Rebecca Reichmann Tavares, "Making the NREGA more Gender Responsive: Reflections from the Field," *Policy in Focus: Protagonist Women,* No. 27, March 2014, pp. 16-19.

[267] While some of these obstacles are not unique to communities that traditionally work as manual scavengers, they nonetheless undermine the current viability of MGNREGA as an avenue for securing the immediate access to alternate employment. A 2013 survey of 480 women from manual scavenging communities, undertaken by Jan Sahas Social

Under MGNREGA, adult members of rural households willing to do unskilled manual work are entitled to work on demand. To obtain a job card, they need to register with the *panchayat* in writing or orally.[268] The card provides a time-bound work guarantee: employment must be provided within 15 days of application for work.[269] In instances when employment is not provided, applicants are entitled to daily unemployment allowance.[270] Under MGNREGA, work must be provided within a five-kilometer radius of the village, and wages are calculated according to minimum wages.[271]

Many in the manual scavenger community say that instead of the guaranteed employment provided by the law, they have to rely on the *panchayat* for access. For instance, in Kasela village, in Etah district, Uttar Pradesh, the Valmiki community cannot formally request work and instead must wait for the *pradhan* (village headman) to select and "call" them for work. Said Mukesh, "I want MGNREGA work but when we go to the *pradhan* and ask for work, he says there is no work. Whenever we ask the *pradhan*, he says that there is no work."[272]

While MGNREGA should be requested and allocated through a formal *panchayat* process, when Mukesh asked to fill out forms requesting work on April 6, 2014, he was not given the form he requested. Mukesh says he was given work only twice in the last three years, for a total of 18 days[273]—far short of the 100 days of work legally guaranteed each year. He said:

> I went to the *pradhan's* house and asked, "Can I fill out the form?" He did not give me the form, but said, "In three or four days I'll get you work." I

Development Society with the support of UN Women, in nine districts in the Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh found that just 17% of respondents in all three states had someone from their family employed under MGNREGA. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 4.

[268] A job card is a basic legal document that enables registered households to demand guaranteed employment. A job card must be issued to a registered household within 15 days and is valid for five years. A household job card contains photographs, names, and details of each registered adult member of the household on it. Job cards are to be entered into a job card register in the *panchayat* and the actual card is to remain in custody of the registered household. NREGA, "National Rural Employment Guarantee Act," presentation from National Level Monitors Workshop, May 7, 2008, http://nrega.nic.in/presentations/nlm_workshop_07.05.08.pps (accessed August 3, 2014).

[269] In order to demand work, an applicant must submit form 6. Form 6 can be requested from the *panchayat* as well as from anganwadi centers and can be completed by up to five people at one time. Human Rights Watch interview with Digvijay Singh, Mazdoor Kisan Shakti Sangathan field worker, Delhi, April 9, 2014.

[270] NREGA, "National Rural Employment Guarantee Act," presentation from National Level Monitors Workshop, May 7, 2008, http://nrega.nic.in/presentations/nlm_workshop_07.05.08.pps (accessed August 3, 2014).

[271] Ibid.

[272] Human Rights Watch telephone interview with Mukesh, April 7, 2014.

[273] Mukesh worked for eight days in December 2013 and ten days in February 2014. Ibid.

> have done MGNREGA work four times. Each time, I have not filled the form. The *pradhan* just called me.[274]

Where the formal process for accessing MGNREGA work is not implemented, authorities can exclude eligible adults on the basis of gender and caste. While men from the Valmiki community are at times called to work in Kasela, women are effectively excluded. Mukesh said: "Women don't get work because the *pradhan* doesn't call them."[275]

When formal MGNREGA processes are circumvented, people hired by *panchayats* to do manual scavenging work are left particularly vulnerable to exclusion. In Nhavi village in Maharashtra's Jalgaon district, when Gita went to apply for MGNREGA through the *panchayat*, she was wrongly told that she is not eligible:

> I went to apply for MGNREGA but the *panchayat* member said this does not apply to you. You already have a job. My husband filled the form and took it to the *panchayat*. They took the form and rejected it. They told him that we were not eligible.[276]

For rural women who lack formal training, there may be no alternate employment available, especially in areas where they are not hired for agricultural labor and cannot access MGNREGA. In Kasela village, in Etah district, Uttar Pradesh, for instance, where only men are hired to work in the fields, Munnidevi, says she cleans dry toilets because there is no other work she can do:

> I have three daughters and three sons. If I do not work, how will they eat? There is no work for women here. Women don't work in the fields. They only take men. Women can go with a man to help if the husband or son is hired, but they will not take just us. If the woman helps her husband, we don't get paid.[277]

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[274] Ibid.

[275] Ibid.

[276] Human Rights Watch interview with Gita Anil Chaure, Shripur, Maharashtra, March 14, 2014.

[277] Human Rights Watch interview with Munnidevi, Kasela village, Etah district, Uttar Pradesh, January 19, 2014.

Corrupt Enforcement of Government Employment Quotas

Although there are quotas for Scheduled Castes in government positions, manual scavenging communities report being excluded from these jobs due to an inability to pay bribes. For communities engaged in manual scavenging and living below the poverty line, this is, in most cases, an insurmountable barrier.

Anil Prakash — employed by the *panchayat* for manual scavenging in Kaparna village, in Dhule district, Maharashtra— has applied for government positions reserved for Scheduled Castes but said he was unable to pay bribes required for selection.

He told Human Rights Watch:

> I went to Dhule for the exam. Then I was called for an interview. At that time, the head of the department said—"Now you need to give money. Only then will you be selected." I had no reply. What reply would I give? I had no money so I left.[278]

In Adavad, a town in Jalgaon district, Maharashtra, where 30 men and women from the Mehatar caste are hired by the *panchayat* for manual scavenging, such experiences are common. According to Raju Shankar Chaundale, people from his community are unable to secure jobs, regardless of their education level, because they are unable to pay bribes:

> We have people who have studied more than the tenth [grade]. We even have graduates. They still don't give us any other opportunity. Two or three people I know have applied in the employment office, but they are not given any jobs. The first reason is the bribe. Wherever we go, they ask for two to three lakhs [US$ 3,350-5,000]. The people who get their name on a list for a position, we hear from them that they gave the bribe.[279]

[278] Human Rights Watch interview with Anil Prakash Pandit, Kaparna village, Dhule district, Maharashtra, March 14, 2014.
[279] Human Rights Watch interview with Raju Shankar Chaundale, Adavad town, Jalgaon district, Maharashtra, March 21, 2014.

Inadequate Training Programs for Alternate Employment

In order to facilitate access to alternate employment, the 2013 Act entitles one adult member of the family to training in a livelihood skill. During the period of training, the enrolled individual is entitled to a monthly stipend.[280]

This is a crucial addition to the law since lack of marketable skills is a significant barrier to entering the labor market when people leave manual scavenging. In the course of our interviews with those formerly or presently employed in manual scavenging, none reported that they had received training. Many, like Rekhabai in Indore, expressed a need for training. "I am ready to do any work," Rekhabai said. "But I don't know how to do any other work. I need to have some training."[281]

Unlike the provisions for access to education, housing, and loans, the 2013 Act does not designate an entity responsible for providing training. While there are training schemes directed at Dalits more broadly, there are currently no central government training schemes directed specifically at supporting individuals identified as manual scavengers who seek rehabilitation in accordance with the 2013 Act.

Between 1992 and 2005, the central government ran the National Scheme for Liberation and Rehabilitation of Manual Scavengers (NSLRMS), which included training.[282] During this time, 770,000 people working as manual scavengers were identified, 400,000 were assisted in transitioning to alternate occupations, and 178,000 were given training.[283] A 2003 assessment of the scheme by the Comptroller and Auditor General, however, found that implementing agencies did not have reliable databases of targeted beneficiaries,

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280 The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter IV, Section 13(d) directs that people identified as manual scavengers be rehabilitated in the following manner: "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."

281 Human Rights Watch interview with Rekhabai, Indore, Madhya Pradesh, February 9, 2014.

282 Key elements of NSLRMS included time-bound programs to identify manual scavengers and their dependents, training in identified trades at local training institutions run by state and central government organizations, rehabilitation in trades and occupations through subsidy margin loans and bank loans, and rehabilitation of people working as manual scavengers for municipalities or local government bodies. Under NSLRMS, the government of India also issued guidelines to all states and their Special Central Assistance (SCAs) to form groups of 5-25 manual scavengers to run commercial service centers for large-scale conversion of dry latrines, called "Sanitary Marts." Sameer Taware, "Report on Overview and Comparative Analysis of Legislation and Schemes for Eradication of Manual Scavenging Practice in India," report prepared for the ILO Project on Promotion of Equality at Work, (unpublished document), p. 10. On file with Human Rights Watch.

283 Ibid.

and after a decade, 40 percent of targeted beneficiaries were not rehabilitated.[284] Moreover, no special curriculum was developed to train people working as manual scavengers.[285]

Sona, from Bharatpur city in Rajasthan state, said that her National Safai Karmachari Finance and Development Corporation (NSKFDC) sewing training in 2012 did not provide adequate training or follow-up support for her to earn a livelihood as a seamstress:

> Three people came from Delhi and asked us to attend sewing training. They told us there would be three months of training. Then they trained us for two months. The classes started late each day. They didn't have fabric for us to learn, so we learned to cut a blouse on newspaper. I didn't learn how to stitch a blouse, only how to cut it. We took our own cloth when we could. We also complained and then got one meter of cloth each. When the training ended, we were supposed to get a loan to start our business. We filled out the forms but have not heard anything. This January, I filled the forms again, but it is June now and we have no more information. Each time I pay for the forms to send to the government but I still have no livelihood skill.[286]

While Sona has refused to return to manual scavenging after leaving the practice, her neighbors Bhuri and Babita, who also left manual scavenging to enroll in the sewing training in 2012 have since returned to the practice. Bhuri explained:

> In 2012 I left my own *jagiri* to go for the sewing classes. The class ended after two months and I waited for two months for the loan to buy my sewing machine, and then I could not sit at home any more. I needed to work. So now, today, I clean the latrines. I get roti every day and Rs. 20 to30 [30 to 50 US cents] each month. We are all waiting to leave the work, but I have to have something else. [287]

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284 While 350,000 eligible manual scavengers and their dependents were targeted for training from 1992-1997, less than 200,000 were provided with training by March 2002. The total shortfall in training during the Ninth Plan period (1997-2002) was nearly 77 percent. Ibid., p. 11.

285 Ibid.

286 Human Rights Watch interview with Sona, Bharatpur city, Rajasthan, June 25, 2014.

287 Human Rights Watch interview with Bhuri, Bharatpur city, Rajasthan, June 25, 2014.

According to an official at the Rajasthan Scheduled Castes and Scheduled Tribes Development Corporation, the Bharatpur sewing training was subcontracted in 2012 to a Delhi-based company.[288] According to him, the company did not fulfill its contract:

> The MOU [Memorandum of Understanding] had a clear understanding that they would provide these women with training, prepare a letter certifying their training so they could receive loans from the National Safai Karmachari Finance and Development Corporation, and work with the women to become self-employed. In March 2013, a year after the training, the letters still had not been written. Since loans have not been received and women are not self-employed, the company has not been paid, at least we have not paid them. [289]

Currently, while the National Safai Karmachari Finance and Development Corporation (NSKFDC)[290] and the National Rural Livelihood Mission (NRLM)[291] run skill development programs, they primarily target unemployed youth. The Ministry of Textiles, Integrated Skill Development Scheme (ISDS), aimed at developing skills in the textile and apparel sectors, also targets distinct beneficiaries. These programs do not address the needs of manual scavenging communities, which require significant support to break out.[292]

The Ministry of Social Justice and Empowerment does, however, provide grants to nongovernmental organizations and training institutions that support Dalits in attaining

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288 Human Rights Watch interview with Harishchand Sharma, Bharatpur city, Rajasthan, June 26, 2014.

289 Ibid.

290 Through state channeling agencies, NSKFDC sponsors "skill development training programs" for educated unemployed youth in emerging areas, including garment technology, computer technology, electronic test engineering, mobile phone repair, BPO call center service, and automobile repair. These programs are conducted by government and autonomous institutions. Beneficiaries are provided free training, a stipend during the training period, and placement, assistance, and entrepreneurial guidance to start their own ventures. Sundara Babu Nagappan, *Social Security Schemes for Sanitation Workers and Workers Engaged in Manual Scavenging: Resource Guide for Civil Society Organizations and Trade Unions*, resource guide prepared by the ILO (publication pending), p. 28. On file with Human Rights Watch.

291 The Ministry of Rural Development runs Special Projects for Placement Linked Skill Development of Rural Youth under *Aajeevika* or the National Rural Livelihoods Mission. Under this Scheme, rural BPL youth are provided training and placed in the organized sector. Training, which is typically less than three months, is entrusted to private sector Project Implementing Agencies. Funds for this program are disbursed from the central government and state Rural Livelihoods Missions are responsible for implementation. Ibid., p. 30.

292 Government of India Ministry of Textiles, Integrated Skill Development Scheme (ISDS), http://www.isds-mot.com/ (accessed August 5, 2014).

employment.[293] This is a potential existing avenue to develop training programs aimed at individuals who work as manual scavengers.

Challenges in Accessing Loans

The 2013 Act entitles at least one adult member of each eligible family to obtain a concessional loan to take up an alternative occupation on a sustainable basis.[294]

Previous efforts to provide loans, however, have not been properly implemented. In 2007, the central government launched The Self-Employment and Rehabilitation of Manual Scavengers Scheme (SRMS) and budgeted Rs. 7,356 million (US$186 million). The objective was to rehabilitate 342,468 people working as manual scavengers who had not been assisted under the National Scheme for Liberation and Rehabilitation of Manual Scavengers. SRMS ended in 2010, when the Ministry of Social Justice and Empowerment, charged with implementing the scheme, wrongly reported that all eligible and willing manual scavengers had been rehabilitated.[295] The ministry claimed it had spent Rs. 1,870 million (US$47 million) to assist 78,941 manual scavengers.[296]

Among the more than 100 Human Rights Watch interviews with members of the manual scavenging community, only three reported applying for a loan under SRMS.[297] The experience of Lalibai in Madhya Pradesh is a good indication of the challenges our interviewees described:

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[293] Ministry of Social Justice and Empowerment, Scheme of Grant-in-aid to Voluntary and other Organizations Working for Scheduled Castes, http://socialjustice.nic.in/ngosch1.php (accessed August 3, 2014).

[294] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter IV, Section 13(e) directs that people identified as manual scavengers be rehabilitated in the following manner: "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 a manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority."

[295] Standing Committee on Social Justice and Empowerment (2012-2013), Report on The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Bill 2012, Thirty Second Report, March 2013, http://www.prsindia.org/uploads/media/Manual%20Scavengers/SCR%20Manual%20Scavengers%20Bill.pdf (accessed May 9, 2014), para. 1.5.

[296] Sameer Taware, "Report on Overview and Comparative Analysis of Legislation and Schemes for Eradication of Manual Scavenging Practice in India," report prepared for the ILO Project on Promotion of Equality at Work, (unpublished document), p. 12. On file with Human Rights Watch.

[297] Human Rights Watch interviews with Lalibai, co-convener of Rashtriya Garima Abhiyan, Dewas, Madhya Pradesh, February 9, 2014, Mehroom, Jharda, Ujjain district, Madhya Pradesh, January 11, 2014, Nirmala Gawre, Dewas, Madhya Pradesh, February 8, 2014.

> I have applied to get a loan on SRMS many times—I don't know exactly how many times, but I have the receipts. I have given the form. Each time it costs Rs. 1000 [US$17] to take the form, to get the documents. But I still haven't received the loan. No one that I know has gotten the benefit from the rehabilitation scheme.[298]

A 2010-2011 study conducted in Madhya Pradesh, Rajasthan, and Uttar Pradesh by the Rashtriya Garima Abhiyan and sponsored by the ILO revealed widespread misallocation of the resources disbursed under SRMS. For instance, 76 percent of all beneficiaries were not involved in manual scavenging; SRMS was not launched in 25 percent of districts due to false claims by states that manual scavenging did not exist in these districts; and 58 percent of benefits were given to men when 98 percent of people engaged in manual scavenging are women.[299]

Of those interviewed for the study, 85 percent reported problems in accessing benefits, including significant time investment, requests for bribes, difficulty producing required documents and completing processing requirements, and widespread manipulation of the process by middle-men or commission agents[300] resulting in confusion and misapprehension among beneficiaries about how much money had been borrowed in their names.[301] Kuldeep Ghanwari, Rajasthan coordinator for the Rashtriya Garima Abhiyan campaign explained that the Valmiki community is particularly vulnerable to manipulation from middle-men and commission agents:

> Loans don't get to the Valmiki community and loan schemes even cause harm. Middle-men know that this community is disempowered and lacks education and awareness, so they take advantage of this. People are asked to sign papers for loans they don't understand. I have even seen cases where people did not know that loans for Rs. 25,000 (US$400) were

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[298] Human Rights Watch interview with Lalibai, co-convener of Rashtriya Garima Abhiyan, Dewas, Madhya Pradesh, February 9, 2014.

[299] Rashtriya Garima Abhiyan, "Violence Against Manual Scavengers: Dalit Women in India," Report Submitted to UN Special Rapporteur on Violence Against Women during her visit to India between April 22-May 1 2013, http://www.dalits.nl/pdf/violenceagainstmanualscavengers.pdf (accessed August 3, 2014).

[300] This was 68 percent of all people interviewed in Madhya Pradesh, 62 in Rajasthan, and 63 in Uttar Pradesh.

[301] Rashtriya Garima Abhiyan, "Violence Against Manual Scavengers: Dalit Women in India," Report Submitted to UN Special Rapporteur on Violence Against Women during her visit to India between April 22-May 1 2013, http://www.dalits.nl/pdf/violenceagainstmanualscavengers.pdf (accessed August 3, 2014).

> taken in their names and they only find out when they have defaulted on the loan.[302]

Nirmala Gawre from Devgarh village, in Dewas district, Madhya Pradesh, left manual scavenging work in 2002. She and her husband, Dhanalalji, wanted a loan to sell soya beans so she applied for a loan under SRMS.[303] It took Gawre one month to prepare the paperwork to file for her loan. According to Gawre, the bank official told her that the loan was approved. But when she went to collect the money, she discovered that the funds had not, in fact, been allocated. She spent a year chasing the bank officials and then gave up. She told Human Rights Watch:

> We thought this loan would give us a livelihood. For one month we collected all signatures, all photos. Everything was submitted. For one year, I went back and forth. Then I stopped. I was tired of not getting an answer. I was frustrated and I left it. It is difficult for us to keep going to look for the loan.[304]

Inability to Take Possession of Land Grants

While the new law does not include land grants as a rehabilitative entitlement, state initiatives have allotted land to landless Dalit families in the past. According to Martin Macwan, other Dalit communities besides the Valmiki community have been able to leave customary labor with the support of government land grants.[305]

However, in several cases, Human Rights Watch found that simply granting land to marginalized manual scavenging communities is not sufficient. Kuldeep Ghanwari said information is not properly shared:

> Sometimes people are not even informed by the government that land has been given in their name. Or people aren't told the location or even the

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[302] Human Rights Watch interview with Kuldeep Ghanwari, Rajasthan state coordinator for Rashtriya Garima Abhiyan, Bharatpur city, Rajasthan, June 25, 2014.

[303] Human Rights Watch interview with Nirmala Gawre, Dewas, Madhya Pradesh, February 8, 2014.

[304] Ibid.

[305] United Nations Development Programme and UN Solution Exchange (Gender Community of Practice), Report of National Round Table Discussion on Social Inclusion of Manual Scavengers, New Delhi, December 21, 2012, http://www.undp.org/content/dam/india/docs/pub-povertyreduction/Social-inclusion-of-Manual-Scavengers.pdf, (accessed August 3, 2014), para. 3.7.

> measurements. This can be intentional if the person who is using the land has given a bribe to officials so they can continue to use the land undisturbed.[306]

Leelabai from Amlataj in Dewas district, Madhya Pradesh, who was given land by the Madhya Pradesh government in 2002, knows the boundaries and location of her land but she still has no access to it because it is occupied by another family. Not only has the state failed to assist her in securing her property, the village council failed to uphold her claims. She said:

> I have land on paper, but we cannot use it because another family says it is their land. Though it is my land, the other family is using it. If I try and go, I am not allowed to enter. I went to the *sarpanch* and said, "It is in your hands, and you can decide this." The *sarpanch* said, "The land belongs to that man—it is family land that the man has owned for generations." Then I went and asked the *patwari* (land registrar) in Dewas district. The *patwari* said, "We have done our work, now it is your responsibility to take your land or not."[307]

Badambai from Kukdeshwar village in Neemuch district, Madhya Pradesh, required police support to take possession of the land she was granted by the government. "Twenty-eight of us were given land," Badambai explained, "but the land was really close to the Banjara community, and when we went to sow the seeds, they came after us with sticks."[308] In response to harassment from the Banjara community, Badambai first went to the police station alone, but she was unable to make progress until she approached the police together with the other 27 women and support from Rashtriya Garima Abhiyan:

> I went to the police station, but the police officer spoke very rudely to me. Then I learned that the Banjara community had given the police money. After that we collected all the women to create a women's group and went to the police superintendent in Neemuch. He did not help us. Then we went to Ujjain to meet the inspector-general.[309]

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[306] Human Rights Watch interview with Kuldeep Ghanwari, Rajasthan state coordinator for Rashtriya Garima Abhiyan, Bharatpur city, Rajasthan, June 25, 2014.

[307] Human Rights Watch interview with Leelabai, Dewas, Madhya Pradesh, February 8, 2014.

[308] Human Rights Watch interview with Badambai, Dewas, Madhya Pradesh, February 6, 2014.

[309] Ibid.

With the support of the inspector-general, Badambai and the other women in the group were ultimately able to secure access to their land. "The police came in 30 jeeps and went to each house in the Banjara community and made them take an oath at the temple that they would allow us to farm on our land."[310]

Recognizing these challenges in taking and maintaining possession of land for Dalit and Tribal communities, the Scheduled Castes and Scheduled Tribes, (Prevention of Atrocities) Amendment Ordinance, 2014, awaiting passage in both houses of the Indian parliament at the time of writing, makes it a crime to "wrongfully occup[y] or cultivat[e] any land, owned by, or in the possession of or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or Scheduled Tribe."[311]

Barriers to Housing

Threats of eviction and displacement act as barriers for those attempting to leave manual scavenging. Access to housing is thus critical to ending the practice. Recognizing this, the 2013 Act, and the 2014 Supreme Court judgment in *Safai Karmachari Andolan v. Union of India,* include an entitlement to housing—both a residential plot and financial assistance for house construction.[312] As with the other rehabilitative entitlements under the 2013 Act, this housing provision is to be implemented as set forth in relevant central and state government schemes.[313]

Indira Awaas Yojana

Indira Awaas Yojana, a social welfare program operated by the Rural Development Ministry, aims to provide housing for the rural poor.[314] Started in 1985 as part of the Rural Landless Employment Guarantee Program, Indira Awaas Yojana provides housing for the rural poor

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[310] Ibid.

[311] The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, No. 1 of 2014, 4(i)(za)(A).

[312] *Safai Karmachari Andolan & Ors. v. Union of India & Ors.*, Supreme Court of India, Writ Petition (Civil) No 583 of 2003, judgment, March 27, 2014, paragraph 14(i).

[313] The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, *The Gazette of India,* No. 25 of 2013, Chapter IV, Section 13 (1)-(2) and Chapter V, Section 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 to 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").

[314] Government of India, Ministry of Rural Development, "Indira Awaas Yojana (IAY) Guidelines," June 2013, http://iay.nic.in/netiay/IAY%20revised%20guidelines%20july%202013.pdf (accessed August 3, 2014).

through subsidies and cash assistance to construct independent houses.[315] People who work as manual scavengers—including Dalit Muslims who are not included in the list of Scheduled Castes—fall within the target group for this program.[316] Despite being targeted for the program, manual scavenging communities report very low levels of access to such housing.[317]

Where accessible, the housing program has been instrumental in overcoming threats of displacement and harassment faced by manual scavenging communities. However, the responsibility for selecting beneficiaries for this program lies with the *panchayats*. Without a process to appeal decisions, it creates the potential for *panchayat* officials to deliberately exclude people who work as manual scavengers from access to housing.

Makarduaj Maruti Meshram, who has worked for 21 years as a *gram sevak* (*panchayat* secretary) in Dhule district, Maharashtra, said the *panchayat* is responsible for determining who receives government housing support:

> How the Indira Awaas Yojana scheme runs is that everyone from the gram *panchayat* chooses the beneficiary and sends the name to the central government. Then, from the *gram panchayat*, the *gram sevak* contacts a person and tells them to get a bank account. When the account is established, money is transferred.[318]

Bimal, from the Mehatar community in Nhavi village in Jalgaon district, Maharashtra, has applied for independent housing through Indira Awaas Yojana, but her application has not been successful:

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[315] Government of India Ministry of Rural Development, "Addition of New Beneficiaries," undated, http://iay.nic.in/netiay/new_initatives.htm (accessed August 3, 2014).

[316] Government of India Ministry of Rural Development, "Addition of New Beneficiaries," undated, http://iay.nic.in/netiay/new_initatives.htm (accessed August 3, 2014).

[317] A 2013 survey of 480 women from manual scavenging communities, undertaken by Jan Sahas Social Development Society with the support of UN Women, in nine districts in the Indian states of Bihar, Uttar Pradesh, and Madhya Pradesh found that only 4% of respondents were assisted to construct houses under IAY. Data by state revealed that only 2% of respondents in Madhya Pradesh, 4% in Bihar and 7% in Uttar Pradesh got financial support from the government for building houses under IAY. Jan Sahas Social Development Society, "Socio Economic Status of Women Manual Scavengers: Baseline Study Report, 2014," http://www.unwomensouthasia.org/assets/Baseline_-Jan-Sahas.pdf (accessed August 3, 2014), p. 4.

[318] Human Rights Watch interview with Makarduaj Maruti, Fagne village, Dhule district, Maharashtra, March 20, 2014.

> I do know about Indira Awaas Yojana, but they do not give it to us. I have applied for it. In every *panchayat* meeting, I ask the *sarpanch* about my application and he says, "Yes, your number will come." We have submitted written applications many times, but our name has not come.[319]

Gita Chaure, hired by the Nhavi *panchayat* to manually clean open defecation, says that people from other caste groups in Nhavi have built homes through the Indira Awaas Yojana scheme.[320] However, she has no information on her application: "Two or three years ago, my husband gave the application. But whenever we go ask about our application, they say 'There is no application from your side.'"[321]

Bimal was told by *panchayat* members that this is because she already has a house. However, Bimal says that they would prefer government housing so that her family cannot be held to ransom by the *panchayat*, which threatens to evict families when they say they want to stop manual scavenging. She said:

> See, the *panchayat* has given us a house. So they say when we give our application, "We have already given you a house. Why do you need it?" I know that in the *panchayat*, the *sarpanch* and council members decide who gets Indira Awaas Yojana [housing]. Not one single person from our community has gotten a house.[322]

[319] Human Rights Watch interview with Bimal Kundare, Shripur, Maharashtra, March 14, 2014.
[320] Human Rights Watch interview with Gita Anil Chaure, Shripur, Maharashtra, March 14, 2014.
[321] Ibid.
[322] Human Rights Watch interview with Bimal Kundare, Shripur, Maharashtra, March 14, 2014.

V. The Way Forward

To India's Central Government

Take steps for the effective implementation of The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (2013 Act), including:

- Identify all individuals currently engaged in manual scavenging and those who have engaged in the practice since it was outlawed under the 1993 Act (so the latter are entitled to benefits under the 2013 Act)
    - Require local officials to take immediate, proactive steps to identify people engaged in the practice of manual scavenging, and those who have left the practice since 1993. This should include not only individuals who manually clean insanitary toilets, but also those who clean open defecation and excreta from open drains, pits, and any other area; and not only individuals who belong to Scheduled Castes, but also members of Muslim and Christian communities engaged in the practice.
    - Conduct surveys jointly with communities engaged in manual scavenging and civil society organizations.
    - Provide all identified individuals with a photo identification card and registration number granting them access to state and central schemes relevant to the rehabilitative entitlements outlined in the 2013 Act.
    - Establish a transparent, centralized, easy-to-use online database that all eligible individuals can access using their registration numbers to allow them to independently track the status of their applications for all relevant government schemes.
- Ensure that rehabilitation entitlements under the 2013 Act—including financial assistance, scholarships, housing, alternative livelihood support, and other important legal and programmatic assistance—are available to manual scavenging communities
    - Immediately undertake a complete assessment and audit of all current schemes for ending manual scavenging and all schemes relevant to

rehabilitating manual scavengers with attention to overcoming existing barriers to implementation.

- Create a rehabilitation scheme in consultation with communities engaged in manual scavenging and civil society organizations that corresponds with the rehabilitative provisions under the 2013 Act. In particular, this scheme should provide for both immediate and long-term access to sustainable livelihoods.
- Develop a comprehensive checklist to assess the health, financial, housing, and social empowerment needs of individuals who have left or seek to leave manual scavenging in order to provide targeted support.
- Ensure that training programs are based upon up-to date market analysis so that training results in sustainable livelihoods, imparts marketable skills, and includes ongoing support to participants until they have secured a job or established a functioning business.
- Train women from manual scavenging communities to work as liaisons between their communities and government systems, banks, and other relevant rehabilitation institutions.
- Coordinate action between all concerned ministries and government stakeholders, including but not limited to the Ministries of Social Justice and Empowerment, Drinking Water and Sanitation, Rural Development, Housing and Urban Poverty Alleviation, Urban Development, Railways, Women and Child Development, Labor, and the Planning Commission.

- Facilitate immediate and long-term access to livelihoods
  - Ensure that manual scavenging communities can access employment under MGNREGA. Recommendations from UN Women on facilitating women's access to and participation in MGNREGA should be applied to women from communities that traditionally practice manual scavenging.
  - Ensure that livelihood training and support programs are gender sensitive because the majority of people who practice manual scavenging are women; all rehabilitative entitlement should be granted in the name of the woman or man previously engaged in this work.
  - Develop grant-based schemes in consultation with engaged civil society organizations in order to decrease the challenges of loan processes;

implement recommendations from the National Advisory Council with respect to grant-based schemes.

- Reserve employment in non-sanitation related positions for women and men who leave manual scavenging or who are willing to leave manual scavenging; where individuals were previously employed by municipal, government, semi government, or private companies, they should be hired by these employers in tasks not connected with scavenging.
- Provide the one-time cash assistance provided for under the 2013 Act after proper identification. However, this cannot be considered a substitute for the livelihood support necessary to provide both immediate and long-term access to livelihoods.

- Fairly distribute housing under the Indira Awaas Yojana program to families engaged in manual scavenging and to those who left since the practice was outlawed under The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993; families headed by single women should be granted particular priority.
- Take immediate steps to ensure that officials effectively intervene to stop communities from being coerced to practice manual scavenging, including when members of such communities face threats and intimidation for attempting to leave manual scavenging. The steps should include holding officials accountable for properly enforcing relevant laws, including the 2013 Act and The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
    - Enact The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance, 2014, No. 1 of 2014.
    - Instruct the Ministry of Home Affairs to take steps to ensure effective intervention in cases where communities face threats and intimidation for leaving manual scavenging.
    - Make the employment of people to manually clean excreta, including Dalit Christians and Dalit Muslims, an offense under the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989.
    - Strictly enforce the law against local government officials who themselves employ manual scavengers.

To India's State Governments

Comply with Supreme Court directives and central government initiatives and take immediate steps for the effective implementation of The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, and in particular:

- Identify all individuals currently engaged in manual scavenging and those who have engaged in the practice since it was outlawed under the 1993 Act (so the latter are entitled to benefits under the 2013 Act) by establishing a state-level committee to supervise the work of identifying such people. This committee should include the chief secretary of the state, and representatives from the Scheduled Castes Commission, Scheduled Castes Welfare Department, Secretary of the Ministry of Social Justice, Health Ministry, and representatives of civil society organizations working with impacted communities.
- Ensure accountability for implementing the 2013 Act
    - Investigate complaints of corruption in allocation of rehabilitative entitlements, and impose penalties and suitable administrative measures upon local officials in cases of delays in delivering rehabilitation benefits to manual scavengers.
    - Investigate all reports of failure to convert insanitary latrines by both individual households and *panchayats*, and impose penalties on individual households and local officials in cases of delays in converting insanitary latrines and constructing sanitary latrines.
    - Run a state-level help line to be used by individuals engaged or formerly engaged in manual scavenging to identify themselves for inclusion in the list, report coercion and threats from the community and within their families, and obtain assistance in accessing rehabilitative provisions.
- Train district collectors, village councils, chief executive officers of municipal corporations, police officials, and any other local officials tasked with implementing The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, on the provisions of the 2013 Act and the Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989. Establish a policy that under no circumstances should police refuse to register a complaint or

dissuade or intimidate a complainant, with disciplinary consequences for those who do.

- Initiate public health awareness campaigns on sanitation, including the health and human rights consequences of the persistence of manual scavenging and open defecation. Involve youth in clean and healthy village campaigns and recognize villages and districts for exemplary performance in changing sanitation habits and facilities.

To District and Village Authorities

Take steps for the effective implementation of The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013. These should include:

- Identify all individuals currently engaged in manual scavenging and those who have engaged in the practice since it was outlawed under the 1993 Act (so the latter are entitled to benefits under the 2013 Act)
    - Establish block-level committees to monitor the survey process. These committees should include relevant department officials, women engaged in manual scavenging or those that have stopped manual scavenging, and representatives from civil society organizations working with communities that traditionally practice manual scavenging.
    - Establish a district-level committee to oversee the progress of the block-level committees appointed to monitor the survey process.
    - Accept applications for inclusion in the list of manual scavengers on an ongoing basis from individuals engaged or previously engaged as manual scavengers who have been excluded from initial surveys; these applications should be reviewed by the block-level committee responsible for monitoring the survey process.
- Ensure the conversion of insanitary dry latrines
    - Take disciplinary action against local officials who fail to convert insanitary latrines in a timely manner, such as within 30 days of receiving a final notice.
    - File cases under The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, against heads of households that continue

to hire people to work as manual scavengers following a formal oral or written warning.

- Take proactive measures to ensure that rehabilitation entitlements under the 2013 Act are available to manual scavenging communities
    - Implement National Advisory Council recommendations to presumptively include manual scavengers in the Below Poverty Line list so that they have access to government schemes.
    - Investigate any complaints related to failures to identify and rehabilitate individuals currently or previously engaged in manual scavenging work.
- Facilitate access to alternate livelihoods
    - Ensure that local officials employ people who work or have worked as manual scavengers in *panchayats,* municipalities, municipal corporations, and other local bodies including in jobs that break down untouchability practices.
    - Assist individuals from manual scavenging communities who have been awarded land to take possession.
- Facilitate access to housing
    - Instruct local officials to give fair consideration in housing as granted under Indira Awaas Yojana to families engaged in manual scavenging, and those who have left since the practice was outlawed under The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993.
    - Implement the National Advisory Council recommendation that people from the manual scavenging community have the choice to access housing in a mixed colony in order to escape the permanent caste identification that persists with the effective ghettoization of manual scavenging communities.

To Donors, Aid Agencies, and Concerned Governments

- Encourage the Indian government to uphold its commitments to end manual scavenging.
- Ensure that all support for sanitation projects in India require an immediate end to manual scavenging and contain effective mechanisms for ongoing monitoring to ensure the practice is discontinued.
- Support government initiatives and provide technical assistance to develop suitable livelihood programs, both immediate and long term, to assist manual scavenging communities. Livelihood programs should be gender sensitive and designed with the participation of manual scavenging communities and civil society organizations that work with such communities.
- Support civil society initiatives to pilot holistic empowerment programs to support individuals who have left manual scavenging, seek to leave manual scavenging, and remain engaged in the practice. Such support should include comprehensive health, education, social empowerment, and livelihood support—including not only skills training but also ongoing support to ensure job placement or viable self employment. Programs should be gender sensitive, designed with the participation of manual scavenging communities, and based upon evidence-based practices that can be replicated and up-scaled.
- Recognize caste-based discrimination as an ongoing human rights violation and endorse the UN Draft Guidelines on Discrimination Based on Work and Descent.

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Appendix I: Efforts in India to End Manual Scavenging

1955	Protection of Civil Rights Act, 1955, enacted to abolish untouchability, and social disabilities arising out of untouchability, against Scheduled Castes.
1977	Protection of Civil Rights Act, 1955, revised, making untouchability practices cognizable and non-compoundable offenses, and increasing punishment.
1981	Integrated Low Cost Sanitation Scheme authorizes funds to poor urban households to convert dry latrines to water flush latrines.
1989	Sub-Committee of the Task force Constituted by the Planning Commission estimates there are 72,050 million dry latrines in India.
	National Scheduled Castes and Scheduled Tribes Finance and Development Corporation established to provide financial assistance to all scheduled castes and scheduled tribes, including *safai karmacharis.*
	Low Cost Sanitation for Liberation of Manual Scavengers scheme formulated to convert dry latrines and construct new sanitary latrines.
	Parliament passes the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
1992	National Scheme of Liberation of Scavengers and their Dependents launched.
	Constitution (Seventy fourth) Amendment Act makes sanitation the responsibility of Urban Local Bodies.
1993	Parliament enacts The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act.
	Parliament passes the National Commission for Safai Karamcharis Act.
1994	National Commission for Safai Karamcharis constituted under the National Commission for Safai Karamcharis Act, 1993, to monitor and recommend specific programs.
1996	National Human Rights Commission sends letters to various authorities on elimination of manual scavenging.
1997	National Safai Karmacharis Finance and Development Corporation incorporated by central government as an apex institution for the socioeconomic uplift of *safai karmacharis* and their dependents and to

	extend concessions and financial assistance to beneficiaries for income generation.
	National Human Rights Commission writes to chief ministers to emphasize the need to adopt and enforce the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
1999	National Human Rights Commission sets up a group comprised of representatives from concerned ministries and the Planning Commission to make recommendations to end manual scavenging.
2000	National Commission for Safai Karamcharis submits its first report to parliament noting that the 1993 Act is not being implemented effectively, estimates that the number of manual scavengers is 577,288, and reports that people are employed to do manual scavenging by the military engineering works, the army, public sector, and Indian Railways.
2001	UN World Conference Against Racism held in Durban, South Africa. Caste is described as descent-based discrimination.
2002	Ministry of Social Justice and Empowerment estimates there are 78,700 million people engaged in manual scavenging.
	At 27th session of the UN Commission on Human Rights, Working Group on Contemporary Forms of Slavery presents note to the Sub-Commission on the Promotion and Protection of Human Rights and calls upon India to press all states to implement the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, and to prosecute all officials responsible for perpetuation of the practice.
	On Independence Day, August 15, Prime Minister Atal Bihari Vajpayee announces 15-point program to speed up the liberation and rehabilitation of manual scavengers.
2003	Writ Petition filed by *Safai Karmacharis Andolan* and six other civil society organizations requests that the Supreme Court take effective steps to eliminate manual scavenging and the use of dry latrines.
	Report submitted by the Comptroller and Auditor General, evaluating the National Scheme for Liberation and Rehabilitation of Scavengers, concludes that scheme "has failed to achieve its objectives even after 10 years of implementation."
	Ministry of Social Justice and Empowerment estimates there are 67.6 million people engaged as manual scavengers.
2004	The Planning Commission develops a national action plan for total eradication of manual scavenging by 2007.

2005	National Commission for Safai Karamcharis estimates that there are about 67.6 million manual scavengers, 5.4 million dry latrines in urban areas, and 2.4 million dry latrines in rural areas.
2006	National Human Rights Commission tells representatives of state governments to end manual scavenging within six months.
2007	Self-Employment Scheme for Rehabilitation of Manual Scavengers initiated to provide training, loans, and subsidies for alternate occupations.
	International Labor Organization's 96th Session releases "Equality at Work" report, which mentions manual scavenging.
	National Human Rights Commission calls on all states that have not yet adopted Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, to do so at the earliest time possible, calls for coordination between various governmental and nongovernmental agencies and an exchange of good practices between states, and makes specific recommendations to state and central governments on identification, liberation, and rehabilitation of manual scavengers.
	According to survey reports received from the states, the Self Employment Scheme for Rehabilitation of Manual Scavengers estimates that the total number of manual scavengers and their dependents is 770,338. From this number 427,870 people received assistance under the National Scheme for Liberation and Rehabilitation of Manual Scavengers, 2002, and 342, 468 were yet to be rehabilitated.
2008	Integrated Low Cost Sanitation Scheme reviewed and new guidelines put in place following implementation difficulties.
2010	Ministry of Social Justice and Empowerment reports that by the end of 2009, a total of 69,137 manual scavengers were provided loans to for alternate occupations under the Self Employment Scheme for Rehabilitation of Manual Scavengers, 13,700 intended beneficiaries were yet to be covered, and efforts being made to cover remaining beneficiaries by 2010.
	All concerned state governments confirm that all eligible and willing manual scavengers have been rehabilitated in alternative occupations under the Scheme for Rehabilitation of Manual Scavengers.
	National Advisory Council resolution expresses "deep anguish at the official failure to eradicate manual scavenging, the most degrading surviving practice of untouchability in the country."
	Based on surveys, Garima Abhiyan and Maila Mukti Gatbandhan estimate that the number of people engaged in manual scavenging across the country is 350,000. This does not include *safai*

	karmacharis employed by the Indian Railways, *panchayats*, and municipal corporations and made to manually clean excrement.
2011	National Human Rights Commission releases report, "Know Your Rights: Human Rights and Manual Scavenging."
	Consultation Meeting on Eradication of Manual Scavenging and Rehabilitation of Manual Scavengers is organized by the Ministry of Social Justice and Empowerment. The ministry establishes task force for a new national level survey to identify manual scavengers.
	Prime Minister Manmohan Singh reiterates government's determination to completely eradicate manual scavenging in a very short time.
2012	House Listing and Housing Census 2011 released by Registrar General shows there are still 2.6 million insanitary latrines in the country that are cleaned manually. The Registrar General determines there are three kinds of insanitary latrines—those cleaned by people, those connected to open drains, and dry latrines. Accordingly, the Ministry of Social Justice recommends stronger central legislation rather than amendment to the 1993 Act since the 1993 Act only covers dry latrines.
	Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012, introduced in Lok Sabha and referred to a parliamentary committee for review.
	UN human right rapporteurs on water and sanitation, Catarina de Albuquerque, and the rapporteur on contemporary forms of slavery, Gulnara Shahinan, call upon states to address caste-based discrimination.
	European Parliament passes a resolution criticizing caste-based discrimination in India.
2013	UN High Commissioner for Human Rights Navi Pillay appeals to the Indian government to pass new legislation to end manual scavenging.
	Parliament passes the Prohibition of Employment as Manual Scavengers Act, 2013.
2014	Supreme Court decision in *Safai Karmachari Andolan v. Union of India* directs that all people working as manual scavengers be rehabilitated "based on the principles of justice and transformation" and reiterates that states have a duty to implement the 2013 Act.
	Shortly before taking office as prime minister, Narendra Modi says: "My identity is of a Hindutvawadi [one who promotes the Hindu religion], but I say build toilets before you build temples."

In many parts of India, women and some men from particular communities considered lower caste still collect human waste from homes, community toilets, open defecation areas, and drains on a daily basis, load it into cane baskets or metal troughs, and carry it away on their heads for disposal at the outskirts of the settlement. "Manual scavenging," as it is called, is a centuries-old custom, enforced locally, that requires people of certain caste groups to collect and remove human excrement from unsanitary defecation facilities.

The Indian government for decades has enacted laws to end this practice. Most recently, The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, outlaws all forms of manual scavenging, and requires state authorities to provide alternate livelihoods and other assistance.

Manual scavenging persists because both the central and state governments have failed to protect manual scavenging communities from threats of displacement and violence when they attempt to leave this practice, and to help them enter the labor market. Instead, authorities at the local level often help perpetuate the practice. Women are often still compelled to continue this work for no wages, just access to food and community resources.

Cleaning Human Waste, based on more than 135 interviews conducted by Human Rights Watch in the Indian states of Gujarat, Madhya Pradesh, Maharashtra, Rajasthan, and Uttar Pradesh—documents the negative impact of manual scavenging on people's lives, and details the reasons it persists and the barriers that prevent communities from finding other work. We examine previous failures and gaps in the implementation of laws to end manual scavenging, and provide recommendations to make the 2013 Act lastingly effective.

(above) Cane basket, water bottle, brooms, and flat tool used to manually collect and remove excrement from dry toilets.

(front cover) Gangashree walks through the village to manually clean human excrement from dry toilets in Kasela, Uttar Pradesh, which she will collect in her basket and carry to the outskirts of the village for disposal.

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