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National Human Rights Commission, Recommendations on Manual Scavenging and Sanitation, 2008

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6. The issue of lack of space and scarcity of water in some pockets in some States has to be addressed by adopting appropriate technology and methodologies.
7. The municipal and panchayat bye laws of the States should have provisions not to allow the construction of any new house with dry latrine or without a water shield latrine or sanitary latrines with appropriate technology and measures should be taken so that dry latrines made in the past can be demolished and new water shield latrines or sanitary latrines with appropriate technology be constructed. There should be a time bound limit for conversion of dry latrines into wet latrines and construction of new latrines. It should be one of the criteria for deciding grants to Municipal bodies and there should be some measures to take penal action against municipalities not fulfilling their obligations in this regard.
8. The Ministry of Social Justice and Empowerment may evolve modalities for payment of immediate relief of Rs.10,000 to manual scavengers as in the case of bonded labour, pending their rehabilitation.
9. The scholarship to the children of manual scavengers should not be stopped even after their parents have been liberated from manual scavenging and rehabilitated.

10. It should be ensured that the identified manual scavenger families who are entitled to get the BPL cards are issued the BPL cards.
11. Banks must simplify their procedure for giving loans to manual scavengers for their rehabilitation.
12. State Governments must issue advertisements in leading newspapers about cases of manual scavengers and dry latrines and also publish the same on the notice boards of the Panchayat/Municipal bodies. The list of identified manual scavengers should be displayed on website and at important public places for inspection by public at large and must be given wide publicity. Any person who is left out can approach the notified authority. After identification, the District Magistrate should issue a certificate to the manual scavenger based on which all concerned agencies should extend benefits to which he or she may be eligible.
13. The State Human Rights Commissions should start monitoring elimination of manual scavenging and consequent rehabilitation of manual scavengers in the States.

(Approved by the Commission in its meeting held on 19 November 2008)

RECOMMENDATIONS OF THE NATIONAL HUMAN RIGHTS COMMISSION ON MANUAL SCAVENGING AND SANITATION



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RECOMMENDATIONS OF THE NHRC ON MANUAL SCAVENGING AND SANITATION

The National Human Rights Commission has been set up for 'better' protection and promotion of human rights.

The Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 seeks to abolish manual scavenging. This Act was notified by the Central Government on 24th January, 1997.

The National Human Rights Commission has been periodically reviewing the steps taken by the State and Central Governments for speedy implementation of provisions of this Act.

On 12th August, 2002, the Chairperson wrote a letter to the Prime Minister of India to consider the desirability of making an announcement on the Independence Day so that a general awareness is created among the people and concerned authorities to put an end to the degrading practice of manual scavenging forthwith. In pursuance, the Prime Minister, vide letter dated 21 August, 2002 informed that the Commission's request has been included as a part of the 15 point initiative on the Independence Day. In keeping with the Prime Minister's announcement, the Planning Commission formulated a National Action Plan for total Eradication of Manual Scavenging. The salient features of the Plan are:-

- i. Identification of Manual Scavengers
- ii. The Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 should be adopted by all the States where manual scavenging exists
- iii. Involvement of NGOs
- iv. Ministry of Finance should issue necessary instructions to Nationalized Banks for providing loans
- v. Incentives for implementation

Recommendations of NHRC

National Human Rights Commission organized a National Workshop on Manual Scavenging and Sanitation in New Delhi on 28th August, 2008 as a part of programmes to commemorate 60th Anniversary of Universal Declaration of Human Rights. Based on deliberations in the workshop, the following recommendations are made by the Commission.

1. Though surveys on manual scavenging have been conducted, several anomalies have been found. Therefore, periodic comprehensive survey, at least once in three years, should be conducted in collaboration with credible NGOs. It should cover dry latrines, manual scavengers and alternative livelihood options for rehabilitation.
2. As per the information available with the Ministry of Housing and Urban Poverty Alleviation, Government of India, there are dry latrines in UP, Bihar, J&K and Assam. Therefore, these four States should take all necessary

measures for the complete conversion and demolition of dry latrines and rehabilitation of manual scavengers in their respective states. Based on comprehensive Survey, all other States should also take necessary steps.

3. Jammu & Kashmir and Delhi must quicken the pace of adoption of the Act which should be done at the earliest.
4. The Definition of manual scavengers is different from sanitary workers and all authorities may restrict to the definition of manual scavenging as given in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
5. The presence of too many agencies is often delaying the elimination of the practice of manual scavenging and the rehabilitation work. Therefore, District Magistrates should be made the nodal agency and joint instructions from the three Central Ministries concerned with manual scavenging should be issued to the States/ Union Territories and the District Magistrates to take necessary steps for coordination and convergence of efforts. At State level also, there should be a coordinating body to monitor framing of appropriate rules and regulations, survey as envisaged in recommendation 1, conversion or demolition of dry latrines, rehabilitation of manual scavengers, prosecution of defaulters etc..