

Empowering the Socio-economically Disabled

Pamela Singla

In India the caste system is a very complex phenomenon and plays an important role in deciding one's status in society. This attitude reached its peak during the Manu period when the notion of pollution and contamination by touch, in other words, untouchability, became a unique and added dimension of the prevailing caste system. The untouchables were set apart and below the four divisions and were categorized as people who pollute with mere touch of their body or belongings.

According to some theorists these untouchables were the captives of war while according to some others they emerged from the then forbidden mixing between the high and the low castes. Regardless of the theories of their origin, the fact remained that they were cut away from the community, made to live on the outskirts of the villages and towns and assigned unclean tasks which had concept of pollution attached to them, like that of scavenging, sweeping, butchering etc...Panchams, Uti-shudras, Avarnas, Namashudras and Antyajias were some of the words used in various Indian languages to address this group of living beings. But there never was any single term to cover this great mass of people except for the term 'untouchability' which was abolished by the New Indian Constitution of 1949 and its use was subsequently declared a personal offence under the Untouchable (offences) Act, 1955. Various terms were coined to address them such as the Depressed Classes, Exterior Castes, Excluded Castes, Backward Classes, but the term that came into vogue with the Government of India Act of 1935, that of 'Scheduled Castes', was found most appropriate, and is being retained in the Constitution till date.

The Constitution of India provides no definition of "Scheduled Castes". It merely mentions that the President is empowered to draw up a list in consultation with the Governor of each state, regarding the castes, races and tribes which shall be deemed as the Scheduled Castes in relation to that state. The Scheduled Castes are included in the 'Backward Classes' and are thus characterized as the socially and educationally backward. A look at some of the Scheduled Castes list highlights the fact that castes and groups considered to be a part of Scheduled Castes is not a homogeneous category. It is a term created by legislation which has low occupational castes including those with the concept of pollution attached to them.

The present report focuses on a particular occupational group within the Scheduled Castes, which was and still has been ordained to do the lowliest of the low tasks, that is 'Scavenging', a practice which prevails till today in many Indian states. Since the list of Scheduled Castes varies from state to state in India the castes assigned the task of scavenging also differ except for Doms and Bhangis who were universally assigned to do this work. The other castes were the Chuhra in Punjab, Bhangi Mehtar in Rajasthan and Bombay, Haddi in Orissa, Mala in A.P. and Pariyan in Tamil Nadu and so on.

The Concept of Term Scavengers

The National Classification of Occupations (Census of India, 1991) has put 'Scavengers' under the 'Group 54', differentiating between a wet and a dry scavenger. The classification, however, makes no difference between a scavenger and a sweeper. According to this classification, a wet scavenger or sweeper is the one who cleans and washes bathrooms, lavatories, drains, etc., and removes the night soil. It also includes those who sweep and wash floors of operation theatre rooms in hospital and remove garbage and other material in closed buckets to dustbins. Hospitals, private houses, flats, public buildings, railway coaches, local bodies, etc. are included in their places of work.

A dry scavenger or sweeper has been defined to include one who cleans, sweeps and scrubs buildings, streets, parks, etc. and removes garbage. Sweeping is done with a broom or a floor brushes. He also removes dust and garbage in basket to dustbin and garbage in basket to dustbin and may clean carpets and rugs with brush and dust furniture. Local bodies, educational and other institutions, residential buildings, roads, parks, etc. are included under this.

But the New Scheme of Rehabilitation and Liberation of Scavengers and their dependents, launched in the Eighth Five Year Plan defines scavengers as 'those involved in the obnoxious occupation of the manual removal of the night soil'. In other words it covers persons working in the dry latrine areas. The same concept and definition is used in the present context.

Scavengers as the Most Disabled Group

In ordinary parlance the word “disabled” refers to those individuals who are physically handicapped and thus devoid of their normal functioning. According to W.H.O., in the context of health experience, a disability is any restriction or lack of ability (resulting from an impairment) to perform an activity in the manner or within the range considered normal for a human being. Behaviour, communication, personal care, locomotor, dexterity are some of the types of disabilities covered under the definition.

There is yet another category of disabled in India who are not disabled in the physical sense of the word, but because of the nature of their work they are shunned and hated, which makes them unseeable, unapproachable and unbearable. They are the scavengers, the people clearly denied of social justice. As Harold R. Isaac puts it,

.....The details were frequently unbelievable. In many places they could not enter at all upon streets or lanes used by high caste Hindus, or else they had to carry brooms to brush away their footprints in the dirt behind them as they passed. In some places they could not contaminate the earth with the spittle but had to carry little pots around their necks to keep the ground reserved for caste Hindus spittle only. In one southern region, there were prescribed distances that untouchables had to keep from the different levels of upper caste people, 33 feet from the lowest rated group, 66 feet from the second middling caste and 99 feet from the Brahmins, the highest rated of all. By some rules, an untouchable had to shout a warning before entering a street so that all the holier folk could get out of the way of his contaminating shadow. Some rules fixed the manner of house he could live in, the style of dress until well clothes above the waist and in some places even today nothing resembling ornaments or finery is allowed to the women of this class. In many areas, untouchables could not have music at their private festivals, nor could they enter any Hindu temple, caste Hindu house or take water from common village well.....

Their present state is not better, though the theory of occupational classification, on basis of caste, does not seem to hold true these days when people of all castes are found in all types of jobs, particularly in the big cities. Yet this occupation due to its so called ‘status’ is still the monopoly of certain castes and words like pollution and contamination are still associated with them.

Owing to centuries of social discrimination they are a socio-economically and psychological submerged and ostracized group who till today remain have-nots in a

real and brutal sense. They are seen living together in mohallas known as the 'Balmiki Mohallas' which are characterized by badly ventilated one room houses with poor or no sewerage facilities and unhygienic surroundings where pigs, heaps of garbage, still water with plethora supply of insects are a common sight.

Illiteracy among adults and children, lack of proper schools, higher school drop-out rate, malnourished, lower purchasing power, low monthly earnings, gambling and consumption of alcohol, indebtedness and to top it all stigmatization are some of the disabilities associated with this occupational group even today.

Efforts

Efforts to empower the untouchables and to lessen their socio-economic disability have been going on since long, right from the medieval period, though a mention of a degraded caste is found in the Smritis and that too with special reference to the 'Chandals'. However, the mode adopted for empowerment has somewhat varied from time to time. For instance, during the medieval period, it was done by attempting to change the minds of people while the social reformers of the nineteenth century aimed at change of thought and education of masses. Gandhiji aimed at a 'directed change' and provision of services of which they had been debarred for long. Ambedkar emerged as a revolutionary who tried to draw the attention of the British Government by carrying out the Satyagrahs, holding Round Table Conferences, going in for Conversions, etc. The Government of India, made provisions in its Constitution for the Scheduled Castes and Scheduled Tribes and practice of untouchability was made an offence. The government introduced scavengers as a special category in the plans and introduced schemes for their liberation and rehabilitation.

Medieval Period

It was during the medieval period, i.e. the period of Bhakti Saints, Buddhism and Jainism, that the division of the society and the elaborate rituals of the Brahmins were attacked. This was done by popularizing the messages in the form of songs and stanzas for all sections of the society. Caste free society, irrelevance of birth in a particular caste and free access to worship of God were some of the messages that

were spread by the saints of that time. Ramanya, Kabir, Basav, Namdev, Ramanands were some of the popular names who attempted at the change.

Social Reforms Period – 19th Century

This was the time when the Britishers were ruling and the country had been exposed to westernization. Western education had a great impact on the minds of the country men and social reformers who set up various religious reform institutions. Brahamo Samaj (1828), Prarathana Samaj (1867), Ramakrishna Mission, Satya Sodha Samaj (1873), Arya Samaj (1875) were some reforms institutions set up of which Brahamo Samaj and Prarthana Samaj were started as anti-caste movements. These movements were steered by social reformers like Raja Ram Mohan Roy, Ranade, Phule, Tilak, Gokhale, Vittal Ram Ji Shinde who worked for the emancipation of the untouchables. Shinde for instance opened schools and hostels for their wards, founded the Depressed Classes Mission and did substantial research work on their lives. These social reform movements, on the whole, set the foundation of the transformation of the Hindu society and that too an egalitarian one.

Gandhi

Then came “Gandhi”. Gandhi showed great concern for the untouchables and devoted his life for their uplift. It was Gandhi who in 1931 popularized the term Harijans ‘Children of God’, the purpose being to convey that they too were the creations of the same God. Gandhi was totally against the practice of engaging a scavenger and cleaned his own night soil. This practice, he followed even at the conventions of the National Congress and wanted the members of the Congress to follow it too. In 1933, Gandhiji started the Harijan Sewak Sangh for the uplift of the Harijans and their families. The Sangh opened schools and hostels for the children of the untouchables so as to bring them into the mainstream of the society by providing services which were till then thought to be the privilege of the upper castes. The Sangh, till today runs these services.

Ambedkar

Ambedkar emerged from amongst the section which had undergone the pain and suffering. He was a revolutionary in his approach. For instance, in 1929 he had the first organized attempt to get rid of this casteism by publicly burning the Manu Smriti. This was followed by the temple entry satyagrah in 1930. It was during the same year Ambedkar issued his 'Declaration of Fundamental Rights' for safeguarding the cultural, religious and economic rights of these untouchables at the Second Round Table Conference. Besides these, his Ram Mandir Satyagrah, Poona Pact of 1932, Exposition of views on religious conversion in 1936, establishment of a separate trade union in 1942, conversion to Buddhism in 1956 all were landmarks in the movement for liberation of the untouchables.

Indian Government's Efforts

The new Indian Constitution framed in 1949 legally abolished the use of the term untouchability and its practice in any form became forbidden. Further, untouchability was made an offence by the Government of India, under the Untouchables (Offences) Act, 1955, which was amended and renamed as 'The Protection of Civil Rights Act, 1955' in 1976. The Constitution was amended with special provisions for the Scheduled Castes so as to maintain justice, liberty, fraternity and equality. Some of the main provisions for removal of disabilities and discrimination against Scheduled Castes are as follows:

- a. Article 17 provides for abolition of untouchability and forbids its practice in any form.
- b. Article 15 provides for prohibition of discrimination on the grounds of Religion, Caste and Race. The Article further provides access to shops, public restaurants, hotels, and places of entertainment, use of wells, ghats, and roads etc. to all sections of the society.
- c. Articles 16(4), 16(i) and 335 provide for reservations in employment to ameliorate the socio-economic conditions of backward classes including

Scheduled Castes and equality of opportunity in employment irrespective of religion, race, caste, creed and sex.

- d. Article 23 provides for restriction of traffic in human beings and forced labour.
- e. Article 25 provides for guarantee of right to profess, practice and propagate religion.
- f. Article 29.2 provides for protection of right to admission to educational institutions.
- g. Article 46 provides for promotion of educational and economic interests of weaker sections particularly Scheduled Castes and Schedules Tribes.
- h. Article 244 in its schedules provides for administration and control of scheduled and tribal areas.
- i. Article 330 and Article 332 provide for reservation of seats for the Scheduled Castes and Schedules Tribes in the House of People and the Legislative assemblies of the states.
- j. Article 335 provides for reservations for Scheduled Castes and Schedules Tribes in services.
- k. Article 338 in its schedules provides for a Special Officer, who shall investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes.

Special Enactments

The constitutional safeguards are further supported by special enactments relating to the Schedule Castes and Scheduled Tribes. These are protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The former provides for penalties for various offences against the Scheduled Castes while the latter specifies the atrocities which are liable to penalties under the Act.

In addition to the special enactments which are meant exclusively for the Scheduled Castes and Scheduled Tribes, there are other welfare enactments of general applicability which are of relevance to the Scheduled Castes and Scheduled Tribes. These are the Bonded Labour (Abolition) Act, 1976, Child Labour (Prohibition & Regulation) Act, 1986 and the Minimum Wages Act, 1948.

Five Year Plans and Scavengers

The adoption of systematic institutional methods after independence by the government were also evident through the Five Year Plans wherein a special category of the Schedule Castes and other backward classes have been provided. Further, it has also been clearly spelt out in the successive plan documents that welfare and development of weaker sections of the society, especially Scheduled Castes and Scheduled Tribes is a major concern of Indian Planning. For instance, the second five year plan stresses on 'Scavenger Free Latrines' to be included in the construction of the new houses. The fourth five year plan mentions about tackling the situation in totality. The sixth five year plan which adopted the 'Special Component Plan' for the Scheduled Castes invited special attention to modernizing scavenging in order to remove the stigma attached to this occupation through improved technology. It also had the provision to provide for education to the children of scavengers. The thrust in the seventh five year plan is on total elimination of scavenging as one of its objectives and adoption of low cost sanitation and whole town approach for this purpose. It also mentions about training and alternative occupations to be provided to them. The eighth five year plan, also, focuses on the elimination of scavenging from the country. This plan adds a new dimension of liberation and rehabilitation of scavengers and their dependents.

Committees and Commissions

Appointment of committees to analyze the working and living conditions was another measure adopted by the Government besides the constitutional and five year plan provisions, for the uplift of the castes performing the task of scavenging. Till now approximately eight such committees have been appointed of which Malkani Committee is one of them. This committee appointed way back in 1960 made a complete study of the existing scavenging systems and their life-styles and suggested that the scavengers should be provided with gloves, gumboots and scrapers so as to avoid direct physical touch of the night soil. The Committee's suggestion also included provision of trolleys so as to avoid carrying of night soil on head. These suggestions were implemented by various state governments including the conversion of dry latrines into wet ones, as suggested by the Malkani Committee.

The National Safai Karamchari Finance and Development Corporation(NSKFDC) was formed in 1997. It is an apex institution formed for the socio-economic upliftment of Safai Karamcharis. The National Human Rights Commission(NHRC) was formed around the same time and has taken serious note of the status of the scavengers in the country. The NHRC and the Union Government had mutually agreed to eradicate manual scavenging by 2nd October, 2002.

National Scheme of the Eighth Five Year Plan

The Government of India, after Prime Minister P.V.Narshima Rao's statement in 1992, launched the National Scheme for Liberation and Rehabilitation of the Scavengers and their Dependents, which it planned to achieve by the end of the 8th Five Year Plan. This ambitious national scheme planned to cover all scavengers in urban, semi-urban and rural areas belonging to the Scheduled Castes community. No age limit for the purpose of rehabilitation of scavengers was laid down. However, for the purpose of training in various trades, the age limit was prescribed as 15 to 50 years. This scheme was launched by the Scheduled Castes Corporations in the various states of the county. For instance, in Delhi, the Delhi Scheduled Castes Financial & Development Corporation Ltd. was responsible for its implementation by providing training in different trades with the help of training institutions like— Shramik Vidyapith, R.K. Puram, New Delhi; Directorate of Technical Education, Rouse Avenue, New Delhi; State Transport Authority Loni Road, Delhi; Sangeet Natak Kala Academy, New Delhi; Government Poultry Farms, Mehrauli, New Delhi, etc.

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

The Act introduced in 1993 prohibits firstly--employment of manual scavengers i.e. engaging in or employing any person for manually carrying human excreta, secondly construction or maintaining a dry latrine. The Act provides for a complete system for implementing the Act by providing for appointments of executive authorities, inspectors, officers and other employees. The HUDCO (Housing and Urban Development Corporation Limited) has been given an important role in terms of extending financial assistance in certain cases. The Act provides for Constitution of Committees, penalties and procedures. It says that whoever fails to comply with or contravenes any of the provisions of the Act, shall be punishable with imprisonment for a term which may extend to one year or with fine, which may extend to two thousand rupees, or with both; and in case the failure continues the fine would be rupees hundred for everyday.

Non-Governmental Efforts

Voluntary organizations in every developing country have a vital role to play, especially in the areas or fields of development and welfare. Some notable voluntary organizations connected with the liberation of the scavenger's programmes in India are:

1. Harijan Sewak Sangh, Delhi
2. Gandhi Samarak Nidhi, Pune
3. Safai Vidyalaya, Ahmedabad
4. Sulabh International, Delhi

Harijan Sewak Sangh and Sulabh International are the most prominent ones functioning actively in Delhi with regard to the uplift of scavengers.

1. Harijan Sewak Sangh

Established in 1932, the Sangh is a national organization functioning on the philosophy of non-violence. Initially known as the Anti-touchability League, the Sangh acquired its present name one later. One of its main objectives is the eradication of untouchability from the Hindu Society. Under the leadership of Gandhiji, the Sangh undertook several welfare activities for the untouchables, such as construction of schools and hostels throughout the country for Harijan boys and girls, securing them admission to temples specially in South, educating Harijan youths and providing them with technical training. Today, besides continuing with the above, the Sangh runs many more activities, for the betterment of the Harijans. These include schools, hostels, and homes for destitutes, health centres, balwadis, safai vidyalas and bhangi markets.

2. Sulabh International

A Patna based organization, it is a non-profit voluntary organization, working for the liberation of scavengers all over the country by converting the dry latrines into low cost hadn flush latrines. The traditional dry latrine system not only emits bad odour but also results in environmental pollution in addition to requiring the services of scavengers. The Sulabh International besides being practical in use and hygienic is a cheap and fast way of getting rid of night soil without requiring the services of scavengers. The Sulabh International requires little water to flush and can function where no water is available. It is free from pollution, provides manure on the spot and can be cleaned by house-owners themselves.

Besides setting up a number of Sulabh community complexes for public use, it has now extended its tasks of training the scavengers in Delhi, Bihar and Maharashtra. In Delhi, the organization has recently opened up training facilities in various trades such as short-hand, typing, auto-rickshaw drinving, stitching and embroidery mechanics etc. It has also opened up an English medium school for the children of the scavengers whereing they are provided free education, uniform, food, books, etc. These facilities are, to begin with, being provided within their complexes at Palam, New Delhi. The Sulabh is thus a totally revolutionary idea conceived and started by Dr. B. Pathak, in the area of sanitation.

What Went Wrong with the Efforts?

Due to non-availability of data on scavengers at the national level and at Delhi level, it is not possible to directly comment whether scavenging has increased or decreased since 1960s. The mere fact that Delhi in 1992 had approximately 9000 persons working as direct carriers of night soil, implies that things have gone wrong somewhere in our approach and implementation. A brief evaluation of efforts as perceived by the author is presented as under:

- a. The medieval period lacked an organized effort on the part of the Bhakti Saints, Buddhists and Jainist Reformers. The approach was too soft to have a strong impact.
- b. The social reformers of the 19th Century too worked more on individual basis, setting up their own Samaj and Organisations. They tended to take up too many issues at a time.
- c. Gandhiji, proved to be more of a reformer rather than a revolutionary. His political actions were socially motivated, in other words, Gandhiji's main objective was to achieve Swaraj for the country which was possible only if the society was emotionally integrated for which removal of untouchability was absolutely imperative. Gandhiji second drawback was that he wanted to remove untouchability without removing the caste system, which was just not feasible.
- d. 'Ambedkar' failed to get mass support from his own people who accused him of promoting the interest of Mahars, the community to which he actually belonged. Secondly, his revolutionary ideas were not easily accepted by his contemporaries and finally his early death left many tasks uncompleted.
- e. Government of India's efforts was suffering from many loopholes. For example, Article 17 of Constitution and the Untouchables (Offences) Act, 1955, face the legal dilemma, for both suffer for want of definition in the Constitution. In such a situation the Constitutional guarantee for its abolition

is vague. Same is the case with 'Scheduled Castes' which has not been provided with a definition. Most of the welfare schemes and policies were framed without carrying out prior research on the people for whom they are being devised. And the scheme implementation suffered for want of proper follow up.

- f. Visits to some of the voluntary organizations highlighted that the old voluntary organizations like the Harijan Sewak Sangh need to revive their methodology of working in this area of scavenging. The organization is merely continuing with its traditionally started activities for the children and families of the sweepers. They are not up-to-date as far as their methodologies are concerned. The employed staff has been working there since long with all benefits without even much knowledge of the governmental policies for the people for whom they are set up. This Sulabh is a comparatively new set up working with a different approach. It is involved in setting up the Sulabh Shauchalayas in areas where there is no sewer system. However, it will also do better by preparing a list of dry latrine areas of Delhi. The Schools of Training Programmes have been recently started by them which are at present catering to the nearby sweeper and scavengers only.

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