

*Scavengers and Constitution of Dry***(ix) Need to modernise proposed civil
Aerodrome at Bhubaneswar**

SHRIBRAJAKISHORE TRIPATHY (Puri)
: After formal allotment of an area of 68. 319 acres of land by the state Government for the expansion of Bhubaneswar Civil Aerodrome, the foundation stone for New terminal Complex was laid on 17. 3. 1993. The scope of modernization programme includes extension of the airports runways from the existing 7441 ft. to 9000 ft. But in order to upgrade the airport to receive international flights, it will need further extension to the standard length of 11, 000 ft. In view of favorable geographical location, highly rich tourist potential and growing industrial importance, immediate commencement of modernisation work and extension of runway length in this airport may also be taken up.

The Vayudoot Services between Bhubaneswar—Jaypore—Vizag and Bhubaneswar—Rourkela—Calcutta Sectors and Delhi—Bhubaneswar—Port Blair service plane should be reintroduced immediately.

Therefore, the Union Government should take all necessary steps to mitigate these problems of the traveling public and for the sake of development of tourism in Orissa.

14.32 hrs.

MR CHAIRMAN: We will now take up the employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Bill.

**EMPLOYMENT OF MANUAL SCAVEN-
GERS AND CONSTRUCTION OF DRY
LATRINES (PROHIBITION) BILL**

**THE MINISTER OF STATE IN THE MINIS-
TRY OF HUMAN RESOURCE DEVELOP-
MENT (DEPARTMENT OF YOUTH AFFAIRS**

**AND SPORTS) AND MINISTER OF STATE IN
THE MINISTRY OF PARLIAMENTARY AF-
FAIRS (SHRI MUKUL WASNIK):** Sir, on behalf
of Shrimati Sheila Kaul, I beg to move:*

"That the Bill to provide for the prohibition of employment of manual Scavengers at will as construction or continuance of dry latrines and for the regulation of construction and maintenance of water—seal latrines and for matters connected therewith or incidental thereto, be taken into consideration."

MR. CHAIRMAN: Motion moved:

"That the Bill to provide for the prohibition of employment of manual scavengers as well as Construction or continuance of dry latrines and for the regulation of construction and maintenance of water—seal latrines and for matters connected therewith or incidental thereto, be taken into consideration."

SHRI DAUDAYAL JOSHI (Kota): I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 17th August, 1993. (1)

SHRIMATI GIRIJA DEVI (Maharaj Ganj): I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 25th August, 1993. (2)

SHRI GIRDHARI LAL BHARGAVA (Jaipur): I beg to move:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 16th August, 1993. (4)

MR. CHAIRMAN: Now, Shri Shyam Bihari Misra may speak

*Moved with the recommendations of the President

[Translation]

SHRI SHYAM BIHARI MISRA (Bilhour):
Mr. Chairman, Sir, we welcome the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Bill, 1993 presented by the Government open—heartedly. Actually this Bill should have been brought much earlier. Today, we have marched from the year 1947 to 1993 and have undertaken many big projects and development works. We even dreamt of landing on the moon but could not eliminate the inhuman practice of employing persons for carrying Night soil on head even after 46 years of Independence.

Even today in spite of too much efforts, discussion and framing laws, we are finding the prevalence to the practice of manual scavenging in the country. The practice of manual scavenging is very common today and it is very much in practice in big cities, towns and villages. We are not doing justice to the proper development of human being. We are playing with the dignity of man in the world as well as in India.

The Congress Government which has ruled the country for the most of the period made promises to uplift the citizens belonging to the Scheduled Castes but in fact, it did not take any measures to eliminate this inhuman practice. Unless we take measures to eliminate such inhuman practices, it is useless to think over or even imagine to promote the standard of living of the people belonging to the Scheduled Castes. When we are banning the employment of persons for manual scavenging and the construction of dry latrines through this law, we will have to consider other aspects of the problem and chalk out certain other programmes as well

Even after passing of 46 years we have not been able to make arrangements of latrines for our sisters and mothers who want to lead their lives with honour in this country? The women living in villages have to ease themselves in open fields. I have been elected from a rural area and when I go on a visit to my constituency and

other places then I see that the womenfolk of our society have to go to ease themselves on the roadside or in the open field and that is very embarrassing for those honorable ladies. When a pass—by passes through the road, they have to stand up to protect their honour. After witnessing such a scene, can we claim that this country has made any progress and heading towards any development?

We have accomplished many research works, but we could not make any arrangements even for latrines for our people living in villages, slums and for the farmers and labourers so that they are not compelled to ease themselves in open fields. We shall have to make arrangements for it.

It has been mentioned in this Bill that the legislation will come into force only in the States of Government of Goa, Karnataka, Maharashtra, Tripura and West Bengal because the Governments of these States have passed such laws in their respective States but in other states this law will come into force only after they also pass such resolutions. Today the State Governments are facing financial crunch. They are not in a position to provide such facilities on large scale. I, therefore, urge upon the Central Government to make some amendments in this regard and make arrangements for providing funds to the State Governments. It should chalk out time—bound programmes for the States so that every state Government may be able to pass a law in this regard in two years, five years or ten years we will do this, until it is implemented in other states, the general public of the country as a whole will not be able to derive any benefit.

In order to solve this problem, we should provide adequate funds in the Eighth—Five Year Plan and forthcoming Five—Year Plans. Under the provisions of this Bill which is going to be on. We will have to make arrangements for Public Latrines, Community Latrines or common Latrines in villages and towns. It has been mentioned in this Bill also. Such kinds of latrines should be constructed and when we ban the

[Sh. Shyam Bihari Misra]

construction of dry latrines, the common people who cannot construct water seal latrines, will also get relief from it.

Some schemes have been formulated by HUDCO but these are not sufficient. These have been provided in three States only. In the light of the present situation in the country—side especially the launching of schemes in villages by HUDCO in those three States alone cannot be considered sufficient. Therefore, it will be essential to construct public conveniences all over the country on a large scale and such Justice should percolate down to the Panchayat level, and Gram—Sabha level. So that people living in rural areas and slums also may benefit from these schemes.

One more thing has been mentioned here and attention will have to be paid to it. This issue is that there is acute shortage of latrines in villages. Therefore special attention will have to be paid to construct water—seal latrines in villages. For this both economic and technical facilities will have to be made available. Moreover, we shall have to accomplish research works on such issues, the latest and the sophisticated equipments will have to be provided so that men are not directly involved in cleaning of water—seal latrines, because even today when the sewers are blocked in big cities, they are cleaned by scavengers manually. We have not been able to make available equipments in sufficient quantity. We will have to pay attention to it.

It has been proposed that some fee will be charged for using the Community latrines. I would like to make a request that India is a poor country. This facility should be provided to people free of cost and the responsibility of maintenance and cleaning these latrines should be entrusted to local bodies. These local bodies should be provided financial help by the State

Governments or Central Government. The fees fixed for using International Sulabh Sauchalaya in Uttar Pradesh and other places is too much and general public and other people who live below the poverty line are unable to pay that fees and thus they go in open fields or other places. They are unable to use those latrines. Therefore, I request that a small amendment may be made in the provision of duty for which the State Government has been given rights. The local bodies should be entrusted with their maintenance and sanitation.

No provision should be made to charge fee from users. I would like to submit that when the Government bans the system, the workers already doing this job will become jobless, so it should also make arrangements for their rehabilitation. There is a reference to rehabilitation in this Bill but it has been left to the State Governments. They can't be made dependent on the State Governments for their rehabilitation. The Governments should make such arrangements and frame rules that workers engaged in doing scavenging work manually may be rehabilitated and provided jobs when they become jobless.

I would like to make another submission that one thing has been mentioned in this Bill that a Government machinery has been made to provide them employment. It is good and it should be done because unless we do so, it will not be implemented. The Government has made a provision in this Bill for constituting three committees. One Committee will evaluate the schemes of water—seal latrines... The other Committee will oversee the progress of these schemes. My suggestion is that a committee should be constituted which will ensure that after this law is passed, whether these schemes are working properly in those states where it is implemented or not. The Government will have to constitute a Committee to monitor the working of the scheme to ensure that the states, where such law is not in force, should implement this law in those states.

In the end, before concluding I would like to say that it has been stated in the survey conducted by the Government that an expenditure of Rs. 10,000 only will be incurred on this scheme. I have said earlier that more funds should be allocated for this scheme so that we may provide such facility all over the country. This law will be implemented in those states only. It should be implemented all over the country. It is written on page 1 that this law will be implemented in Goa, Karnataka, Maharashtra, Tripura, West Bengal and all Union territories and the remaining states have been left in darkness. The Government should make such arrangements so that this law may be implemented all over the country. When this inhuman act is abolished in the country and system of cleaning night soil manually or carrying it on heads is abolished and country moves on the path of progress, then we can say with pride that such system does not exist in India.

With these words I support this Bill and hope that it will be implemented soon. I would like to thank you for providing me an opportunity to speak.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF YOUTH AFFAIRS AND SPORTS) AND MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI MUKUL WASNIK) : Mr. Chairman, Sir, I want to make a small announcement. It has been decided in the meeting of the leaders of various political parties that today by 5.00 p. m. when we are going to start the discussion on the Verma Commission report, before that we will have to pass this Bill as well as the Bill on Salary and Allowances of the Members and the Bill on the Tezpur University. So, I would request that before 5.00 p. m. we have to complete these three Bills.

[Translation]

SHRI RAM VILAS PASWAN (Rosera) : Mr. Chairman, Sir, I rise to support the Bill presented by the hon. Minister with some amendments.

The system of carrying night soil on head is a glaring example of how dangerous the caste system in this country is. This system has been continuing in the country even after 45 years of Independence. What can be more shameful than this. I would like to cite an example that I was in jail in 1971. I was lodged in Bhagalpur jail and I remained there in 5—6 jails. When I was put behind bars, I did not know how long I would have to live there. I thought that the prisoners should be asked under which section they had been lodged. There was a prisoner. I asked his name. He said name is Hitler. I asked him for how many days he is there in the jail. He replied that he had been there for twelve years. Then I asked what was his crime. He replied that he did not know what was his crime. Then I went through his papers. I found that sections 109, 110 and 1BL in his papers. I asked him what post he held in jail. He replied that he had been in the jail for four years before these twelve years. I asked him as to what is the reason. He said that earlier he had been put behind bars and nothing was stated to him. He was released after four years and when he was arrested again, the policeman replied that he was helpless. Nobody was available in the jail to do scavenging work manually and cholera had broken out there, so they were lodging him in jail. He was kept behind bars without any crime. He was put in jail only because he was born in the Valmiki community and since nobody could do manual scavenging nighting he had to do so. Hence, he was put behind bars. A person who did not do that work, who did not face those tortures cannot understand such suffering. That is why, I am saying that this law is being enacted after 45 years of Independence while it should have been enacted at that time. I am glad that we are going to do these things. I would like to say that this work should be completed as soon as possible.

[Sh. Ram Vilas Paswan]

How this thing should be done is a serious issue. The Planning Commission has priority for other things but it has no priority for humanity. We talk of development, the development of the country should take place but we are seeing what development is taking place. Though developmental activities are taking place in Delhi roads are being constructed and fountains are being installed but the greatest thing is that something should be done on human consideration which is not being done. We are going to enact this law but even after the law is enacted, what is the guarantee that they do not engage themselves in this work again? What scheme is being formulated for this purpose? Sir, at the time when we were in power, we had formulated a scheme earmarking a sum of Rs. 50,000 crore through the Ministry of Welfare in consultation with Works and Housing Ministry and the Planning Commission. I had said that when people engaged in this work are liberated, in that case arrangements should be made for their rehabilitation with this amount. Cottage industries should be set up and arrangements for their training made. Just now one of my colleagues has said something about Sulabh Shauchalaya. What is Sulabh Shauchalaya? In fact, it is an instrument of fleecing people. There is a person by the name of Bindreshwar Pathak in my constituency. He is a great fraud and I know this thing well. My constituency comes under Ghazipur.

PROF. PREMDHUMAL (Hamirpur) : Oh ! he hails from that place, naturally.

SHRI RAM VILAS PASWAN : You may say what you like. I am telling you about it. You please find out as to what was his property 15—20—25 years ago and what is it today. He appears on T. V. daily, undertakes works in foreign countries that involve billions of rupees besides the works in the country. What is he doing. He has made the 'Safe Karmcharis' bonded labourers. He gets works done by them for longer periods up to three months and six months

and when these workers demand their wages, he gets them beaten with stick and get their hands and legs fractured. Despite that, he is sitting unharmed. Nobody hears complaints. In such a situation, how can this contract system be abolished. In order to abolish this system the Government may open training centres and provide finance to those youths of daily classes whose parents are engaged in this work and hand over Sulabh Shauchalayas to them. But that too is not done and contract system continues. Under this contract system, this thing is not likely to come to an end. I would like to tell you that nobody does to scavenging work manually on his own. In fact, he is helpless to do so.

Suppose, tomorrow if they face starvation, then what will they do, they will again begin to do that work in some form or the other. Therefore, you will have to make alternative arrangements for them. You may even provide them with Government jobs. You are going to pass this law but what will be its fate in Municipality. A sanitary worker, who works in Municipality and all those who sweep roads in and around the Parliament are not permanent. Nobody is permanent. Why it is so? The plea that is made is that they work for only one hour and so they cannot become permanent. But they work during the prime time of the day for 1 hour and rest of the day they are idle. I had given a suggestion that a sanitary worker should take care of his children in the morning and should do his job in the evening. The job of sanitation should be undertaken once in 24 hours. If he does cleaning during evening time then he can attend to the study of his children but what happens actually that while he does his job in the morning his child also accompanies him, as a result of it, his child remains illiterate because he cannot take proper care of his children.

Sir, I have a suggestion, that Government should prepare a comprehensive scheme and large scale rehabilitation on work should be undertaken socially for scavengers. They should be provided with a Government job to the extent possible. Those who are working on temporary

basis or on casual basis in this field should be made permanent because you cannot employ them on contract basis as the job is of permanent nature. The contract system has already been abolished. You cannot get this work done on daily wages. You must regularise such persons. They should be given a class III status. Now people will oppose it saying why class—III, why not class—IV? Can anybody do this work even for a day unless we attach, dignity of labour to it, I feel we cannot do justice to them.

Sir, I want to submit that we had made a provision of Rs 5000 crore but the Government has reduced this amount to Rs. 500 crore. But I do not think that this amount will be sufficient. This amount will be spent on bureaucracy only. Therefore, you should prepare an extensive scheme in consultation with the Planning Commission and the Prime Minister which may ensure toll ban on scavenging and do not let them take up such jobs thereafter. If you have made any provision for reservation, they will get it. Similarly you have given one relaxation in this clause. I spoke to the hon. Minister and he said that he has seriously given thought to that and this clause says that he would be given some relaxation in some areas "The State Government, through ordinary or special order published in the official gazette and on such terms, if there are any, which it considers proper to impose, will be able to give relaxation to any area, or individual or group of persons from a prescribed requirement of any rule, order, notice or scheme formed under this Act or any clause of this Act." Sir, I want to submit to you Mr. Minister. that as and when you provide this relaxation, he will start availing this relaxation after paying the whole amount. As you know, another Bill has been introduced in the House. That is related with a National Commission on scavengers. You should remove this clause from that Bill and provide in the rules that if there is any problem Suppose the Railways require such persons for cleaning purpose and if there is any problem in this regard, then this commission and representatives of scavengers can de-

cide about it but if you leave it, as it is, then I feel it will be an injustice to him.

15.00hrs

Mr. Chairman, Sir, you should write to the State Government in this regard. You have made a mention the Goa, Karnataka, Maharashtra, Tripura and West Bengal have given their consent and rest of the States have not given their consent in this regard as yet. Such a big task cannot be left on the State Governments, if some States have not given their consents then you may write to them, hold press conferences and tell the people that these State Governments do not intend to put a ban on such inhuman job done by Dalit and poor. It will exert pressure on those Governments and they will take up it seriously.

Mr. Chairman, Sir, I do not want to take much time and conclude after drawing your attention to two—three points which I have mentioned earlier. First of all, the Government should take it very seriously and monitor it. Maximum funds should be arranged in this regard not from the Ministry and Planning Commission should make provision for it. The States, which have not given their consent, should be pressurised to do so through negotiations. You should abolish contract system for good. There should be a legislation by which scavenging worker may be considered as scavenging employee and some alternative arrangements made for the people engaged in such jobs. The abolition of scavenging needs greater infrastructure. I visited some of the cities where this system was abolished but in absence of alternative jobs those workers have returned to this job again. Therefore, an arrangement in respect of a alternative job is very essential.

If these points are taken seriously only then we can for hope the fulfillment of the objectives of this Bill.

Scavengers and Constitution of Dry

[English]

SHRI UDDHAB BARMAN (Barpeta) : Mr. Chairman, I welcome the present Bill. I have to thank the five State legislatures namely, Goa, Kamataka, Maharashtra, Tripura and West Bengal for passing the necessary resolution in pursuance of Clause 1 of article 252 of the Constitution empowering Parliament to undertake legislation.

The Employment of Manual Scavengers and Construction of Dry Latrines Prohibition Bill should have been brought forward earlier. This legal measure is sought to be brought into force now after 46 years of independence. In think that is a very great stigma on our society and it is also an epitome of great social injustice. This section of people the scavengers, are not considered as human beings. They come mostly from downtrodden and deprived section of society, I mostly the tribal and SCST. They are discriminated against as if they are born to carry human excrete and this practice is still continuing in our society. They have no housing, no education and they are suffering like anything.

I think this section of our society is suffering not only from the present but also from the past. This is the section which is deprived for a long time and it still continues as a remnant of our age—old caste—dominated society. Even today they are being thought of as offsprings of *chandal*. The belief goes that because of the sin they committed in their previous life, they are born as *chandals*. Now, they are treated as scavengers and they are being used for carrying the human excreta. This practice of considering them as *chandals* still continue in our society. They will continue to suffer. We have to take measures to uproot such practice.

Sir, at the same time, they are also suffering from the present capitalistic society. They are suffering from the price rise, unemployment problem etc. All these things are there. As they happen to be the downtrodden people and de-

prived section of our society, there is no alternative but to continue this practice. In spite of the social reform and in spite of the steps being taken for their upliftment, they are still working as scavengers. All these things are there. So, I think, this practice should end for ever. At the same time, what we have seen in our society is that they are neglected and deprived in such a way that they are suffering. They are not having any housing facility. Even in some States, they are not allowed to rent a house. People are neglecting them in that way.

In this Bill, the Government has proposed measures to provide for the regulation of construction and maintenance of water—seal latrines etc. We have seen in different villages and towns not only in the East and in the South but also in different parts of the country that there is no proper latrine facilities. People are also not educated about hygiene. As they are poor people, they are not in a position to construct such latrines. Now, the programme for the construction of water—seal latrines is there. If this programme is properly implemented, there is scope for elimination of the manual scavengers. All these things should be taken care of.

In this Bill, the States and the Central Government are allowed to form Committees at the State and Central level. They are also given the right to make the rules. But, what I think is that there should be a time—bound programme not only at the State level but also at the Central level it should be there. Necessary funds should be allocated for them for the construction of these latrines. There are so many laws. But they are not effectively implemented. Mere making a law will not do. If the Government is not rendering financial and technical help as also the other help, this problem cannot be solved. At the same time, I am of the opinion that there should also be a movement and popular education of the masses. For that, not only the Governmental agency but also the other social, voluntary organisations should involve themselves so that this age—old practice can be abolished for ever. If that is done, the people not

only in the towns but also in the villages can have an opportunity to make India not only strong but also enlightened. With these words, I conclude. Thank you.

[Translation]

SHRI VISHWANATH SHASTRI (Gazipur)
: Mr. Chairman, Sir, I support the Bill. This Bill should have come forward much before Mahatma Gandhi, launched a movement of cleaning the latrines himself during National Movement in order to pay respect to this job and the persons engaged in it. After a long period this Bill has taken shape, which is a welcome step. But merely enactment of law does not ensure social justice. Five State Governments have given their acceptance to ensure justice to Dalits and neglected people of society and the rest of the States should also be asked to follow it. As you know, there are no arrangements of flush latrines in district jails under State Governments. Some of the tribals who are called Mushars are arrested under section 109 and they are made to clean latrines in jails, although it is not their profession. They are replaced by other Mushars after 1 or 2 months' period. You should take steps to do away with such practice.

Generally, it is seen that in comparison to local population, less number of scavengers are appointed by Municipalities. Due to which their number is decreasing day by day. This Bill can be effective only if it is aimed at providing employment to them, adopting strict methods may help you to some extent but actually we should try to make them conscious through public awareness. Voluntary organisations should be involved in this process and by providing employment and training and making alternative arrangement we can achieve the aim of this Bill. If we do not take such steps then we will have to satisfy ourselves by merely making laws but we cannot achieve our aim.

With these words, I conclude.

[Translation]

SHRI GIRDHARILAL BHARGAVA (Jaipur)
: Mr. Chairman, Sir, I welcome the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Bill which has been brought for the upliftment of the workers. There is no opposition to this Bill.

Sir, earlier such Bill was brought to benefit the scavengers but only 8 per cent people could be benefited. At present there are about four lakh workers who are engaged in carrying night soil on head all over the country. They are engaged in a dehumanising practice and the step taken by the Government to convert dry latrines into flush latrines is a welcome step. The persons who want to do some other alternative jobs should be given loans from Nationalized Banks. The Central Government should also provide special grant for this purpose. The Municipality is proposed to introduce fresh taxes in lieu of special ban imposed on construction of dry latrines. Therefore, if the Government provides some concession to people, they would construct flush latrines and financial assistance would be given to them by the State Government. They can repay their loan in installments with water bills otherwise due to financial constraints they will not be able to convert dry latrines into flush latrines.

Mr. Chairman, Sir, people talk about pit system for constructing flush latrines but in that case the dirty water gets mixed with drinking water. In Jaipur people are facing such problem and it causes many diseases particularly abdominal diseases. Therefore, I would like to say that Sulabh Souchalayas should be constructed at different places and minor fee can also be charged from the users. In Eighth Five Year Plan a provision of Rs. 464 crore has been made for this purpose. The Task Force has given information about it. I also would like to say that construction of dry latrines and employing scavengers for them should be declared as a crime

[Sh. Girdhari Lal Bhargava]

under law. It is the duty of the Central Government to provide loans to such workers for their rehabilitation or alternative jobs should be provided to them. The conversion work of dry latrines into flush latrines should be carried out within a specific period of six months to one year.

Mr. Chairman, Sir, arrangements should be made to provide subsidy, marginal money and Bank loans for this purpose. It can be done only if the State Governments take interest in it. The Central Government should make water arrangement otherwise converting of dry latrines into flush latrines will be of no use. Therefore, besides drinking water, the Central Government has to make water arrangement for flush latrines also. In some areas of the country people are facing water problem. As one of the hon. Members was saying that only one per cent population of Rajasthan are getting river water whereas it consists of five per cent of the total population of India. The water level of the wells has gone too down and people are not getting even drinking water there, so the conversion of dry latrine into flush one will not prove to be fruitful. Therefore, the Government of India should provide grant and training to the people and arrangement of drinking water should be made for them. If the Government provides water to the Sulabh Souchalayas along with drinking water only then this scheme can be successful.

Mr. Chairman, Sir, if it is not done and law is enacted for awarding punishment for constructing dry latrines that would not be helpful. First of all alternative jobs should be provided to the workers and the law should be enacted later on. If it is done by the Government, it would create public awareness among the people. Secondly I would like to say that neither the scavengers nor the public like this dehumanising practice of carrying night soil on the head so, we should adopt a balanced approach to this problem. Therefore, I think the Government should implement the scheme being announced by the

Government for constructing Sulabh Souchalayas and declaring the construction of dry latrines as crime. Public awareness is must for this purpose and the Government should create such awareness among the people and we all are with the Government in this endeavor. A good Bill has been brought in the House and I on behalf of myself and on behalf of my party thank the Government for bringing this Bill and welcome this Bill.

SHRI KAMLA MISHRA MADHUKAR (Motihari): Mr. Chairman, Sir, first of all I would like to thank the Government for bringing such a Bill and there is no dispute over this Bill. Till now, it was a blot on our society and on our country. Even today many people in Uttar Pradesh, Bihar, Tamilnadu and many other states are compelled to engage in dehumanising practice and the steps taken by the Government to abolish this practice should be wholeheartedly welcome but we have certain apprehensions about this Bill.

The apprehension is that the Centre will enact this law but what would be the guarantee of its implementation by the State Government. So long as such guarantee is not given, we would not be able to achieve its objectives.

Sir, I hail from Bihar and the condition of Bihar Government is not good. I am not defending the Bihar Government but would like to say that in Uttar Pradesh the conditions in this regard is worse than the Bihar. Therefore, my first suggestion is that with a view to improve the condition, a conference of the concerned Ministers of the States should be called and it should be made mandatory for the states to eliminate this malpractice within a specific period.

My second suggestion is regarding Sulabh Souchalayas that such Souchalayas should be constructed all over the country. One hon. Member was saying that Shri Pathak ji has made enough money. It may be correct but he has also given a new directions to the society by innovating Sulabh Souchalaya system and we

should admit that fact also. He was a simple man and I know him but by innovating Sulabh Souchalaya system he has earned fame all over the world and has given a new directions to the society. Therefore, this Sulabh Souchalaya system should be expanded to all over the country.

Thirdly, I would like to say that the local self Government and Municipality create hurdles in the implementation of this law. I know that Mahatma Gandhiji went to Champaran district in 1917 and launched an agitation against the malpractice of carrying night soil on the head and at that time that agitation was similar to a National movement but this malpractice is still prevailing in that district. The condition of Municipal workers is pitiable. They do not have houses to live in, drinking water facility and they do not get their salary on time. They are not being treated as human beings even today and it happens because ours is a capitalist and feudal society.

Mr. Chairman, Sir, you know the plight of this community. All are equal in the eyes of Almighty. The Caste system in our country has divided our society in many parts and as a customary one particular community is being encouraged from generation to generation to carry night soil on their heads. Such social customs came into being that some people, who are called Shudra, have been sent by the God on earth for this particular work. That is why we would like that the Government should make it mandatory under the law to the State Governments to improve the condition of these workers, provide training to them and try to rehabilitate them. Under the caste—system, which is prevailing in our society for the last thousands of years, Brahmin is at the top, then comes Kashatriya and vaish and the Shudra comes in the last to serve the above three. This conception has to be changed through social movement only then this law can be fully enforced in the real sense. With these words I welcome the Bill.

SHRIMO HANSINGH (Deoria) : Mr. Chair-

man, Sir, I rise to support the Bill introduced in the House to ban manual scavenging. Scavenging is the result of social evils and is a blot on India.

Recently a conference of Parliamentarians of the world was organised in India. Along with the delegates of the conference I too visited Agra. In the morning on both sides of the rail track people were seen squatted in large numbers to attend the call of the nature along with pots. On being inquired by an Australian delegate what were the people doing I informed him that they were performing yogic exercises. except this I could not give any other reply. We can very well understand the disgrace being brought to the country all over the world because of this practice. I thank the Government for having introduced such a well intentioned Bill in the House.

In 1968, during the centenary year of the birth of Mahatma Gandhi, the State Governments were directed to enact laws to ban scavenging. However, I am sure that many State Governments have not enacted laws in this regard. This issue is connected with the social awareness.

In my town the great saint and social reformer Baba Raghav was born. I remember that during my childhood at a meeting convened by the officials of the Municipality Baba Raghav Das was informed that it is not the job of a particular caste and we all are prepared to undertake the job. Thus even in the early days an environment against this social practise was sought to be created. After independence movement against this practice was started by Baba Raghav Das in Eastern Uttar Pradesh. As a result of this in 1955 scavenging was banned by the local Municipality. I would like to submit that only by creating social awareness this unhealthy practice could be totally done away with

It has been mentioned and even I have seen that roads in Patna are illuminated by the power generated with the use of Sulabh Sauchalayas.

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[Sh. Mohan Singh]

Power supply in Patna is erratic but the bulbs connected to power supplied with the use of Sulabh Sauchalayas continue to illuminate the roads. Ministry of Railways had also prepared a programme to use the energy produced from human night soil etc. for cooking purposes. For the absence of social awareness people still are not prepared to accept this change of scenario. If passengers are informed that the tea had been prepared with the gas supplied from the Sulabh Sauchalayas then they would start throwing their cups. Therefore I want to submit that there is the need to create awareness in this regard. This energy is the alternative source of energy and has got many uses. Social change should be brought about in a manner that it is largely accepted and we are able to liberate the people engaged in the menial task of scavenging. It will be nice if this objective is achieved.

Sulabh Shauchalayas have been constructed all over. I fully agree with the contention of Shri Ram Vilas Paswan that the people employed with the Sulabh Sauchalayas do not generally belong to the caste which was traditionally engaged in scavenging. People employed with the Sulabh Sauchalayas used to consider scavenging menial and degrading.

Therefore, I would like to suggest that with the Sulabh Sauchalayas only the persons belonging to the caste traditionally engaged in scavenging should be associated as this will open for them the new avenues of employment. The Government should pay all attention towards the social upliftment of these people through education etc. I once again support this well intentioned Bill, introduced by the Government, with these suggestion. To propagate it further a massive programme should be launched. I support this Bill.

[English]

SHRI P. C. THOMAS (Muvattupuzha) :
Sir, I am congratulating this Government for

having brought this social change and this legislation which is of great importance. It is also in tune with the declared policy of this Government to uplift the downtrodden in all its faces. I am happy that this has been taken very seriously by the Government of India.

This is a State subject. So there are some difficulties. Being a State subject, as per article 252 of the Constitution, it is necessary that the States should pass necessary resolutions. But it is disheartening to note that only six State Governments have so far passed such resolutions. It is for the other State Governments to do so.

A reading of this Bill would show that the major thrust of the Bill is the implementation of this policy by the respective State Governments. These laws have to be implemented by the State Governments. The State Governments must pass the notification. But the State Governments cannot pass the notification if they do not have enough facility to provide for change of dry latrines or areas where there are dry latrines to the water—seal types. So the question of finance would come. I think the Centre should take up the responsibility of declaring that the State Governments will be given due aid. Of course the world organisations also would be helpful here.

I know one scheme which has been put a for ward by the Government of Kerala. It is a grand scale housing scheme in the name of our beloved late Prime Minister Rajivji, the Rajiv Gandhi Ten Lakh Housing Scheme. In that the most important thrust that has been given is on the very poor and the downtrodden. In Kerala where One lakh Housing Scheme was started earlier, unfortunately could not be completed. At that time 60 thousand houses were constructed for the poor. But now all those houses are in a dilapidated condition; there are no latrines and there has been no provision to provide latrines for them. Under the new policy the Government of Kerala has sought the Central Government's help to give a massive help because this is a

very massive programme where all these 60000 small houses given to very poor people which are all in a dilapidated condition are to be renovated for which at least Rs. 5000 or so per house is necessary. The voluntary organisations are starting it. But the Government of Kerala is in a very poor state; it cannot provide funds. So I plead with this Government for help for this grand scheme which has already been promulgated and the work of which has already been started, which will be of great help to the downtrodden, to the SC, to the Government of Kerala in this regard. I also plead that if this Act is really to be implemented in its proper perspective as thought out by the Central Government, I think the Government should find proper schemes to fund the State Governments.

I once again congratulate the Government. I am happy that this legislation has been brought without waiting for a long time.

[Translation]

SHRIMATI GIRIJA DEVI (Mharaj Ganj)
 I rise to support Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Bill, 1993 introduced in the House which concern a particular class.

It is a bit painful that after so many year of independence, in the land of Mahatma Gandhi, the need for introducing the Bill prohibiting manual scavenging has been felt. Equality has been enshrined in the Constitution of India. However, on the basis of birth some are born kings while other are handed over the basket to carry night soil. Till date we have not broken the shackles of India and also has the premonition of things taking place in independent India. This is the reason why in Phoenix Ashram he started the practice of cleaning latrines by one and all. This is not only the principle being followed in India but all over the World. In the land of Gandhiji dry latrines are still seen everywhere.

India has celebrated centenary year of Gandhi ji and Dr. Ambedkar. Though many

resolutions were adopted yet no law till date has been enacted for the liberation of Safai Karamcharis. Even in the President's address mention is made of the heart moving plight of the backwards of society. When all this could not be done for all these years so how it could be done within a short time by simply setting up a commission to formulate and implement programmes in this regard that too in a few states. Constitution empowers the Government to impose Emergency and enact TADA etc. yet nothing is being done to stop serious crime of asking others to carry night soil. Often persons refusing to carry night soil are severely punished and even put in jails under the law. In this scenario I doubt whether the objectives of the Bill could be achieved, even if passed.

There is the need to create social awareness and it could be early created if persons holding senior posts come forward to clean their own toilets. All the hon. Members present in the House should resolve either to clean their own toilets or if employing others for the same to vow to have tea in the company of these persons. Then only social awareness will be created. Mere passing of Bills will serve no purpose. Just on the lines of National Commission for Women if another Commission for Weaker Sections is constituted then a new system of exploitation will start on the plea that the recommendations of the commission cannot be overlooked and exceeded. Scavengers liberation work cannot be taken beyond the recommendations of the Commission.

In view of the urgency I support the Bill but cannot resist myself from expressing my viewpoint. Earlier Rs. 500 crores were allocated for the liberation of manual scavengers and concrete steps could have been taken in this regard. However, nothing was done. If 5 to 7 thousand crore rupees are swindled away in scam and other scandals then allocation and spending of Rs. 500 crore could have speedily improved the lot of scavengers all over the country.

A little while ago Shri Mohan Singh praised

[Smt. Girija Devi]

the power supply scheme from Sulabh Sauchalayas. I hail from the same place and very well understand the amount of power that could be made available through this source. Night soil is naturally a good manure. However, if the example of Patna regarding power supply could be imitated upon all over the country i. e. at railway stations and at public places then awareness level in the country will improve and a conducive environment for the liberation of scavengers will be created.

Review of reservation made for the backwards in jobs should be undertaken and after survey the reservation limit should be increased. Gandhiji once remarked that true democracy will dawn in India only when the daughter of a scavenger occupies highest office in the country. Not to talk of girls even boys of these castes rarely come in Government service.

Therefore, I request you once again to conduct a survey and also provide protection to them. There are no light and water facilities in their 'Basties'. Arrangements should be made to provide Sulabh energy and Kutir Jyoti to them. Being untouchables, their children cannot study in schools, in which our children go. Schools with all facilities should be started for the children of these scavengers and the castes engaged in scavenging job. Only then, this Bill can be effective. With these words I conclude.

SHRI S. M. LALJAN BASHA (Guntur): Mr. Chairman, Sir, I welcome this Bill which has been brought for the welfare scavengers. Actually this Bill has been brought long back. It will certainly provide relief to scavengers.

The Central Government prepared a scheme for my constituency and provided Rs. 1 crore for it. Under this scheme, Rs. 1200 was earmarked for each family. The Municipality run by the Congress, misappropriated funds. Out of Rs. 1 crore, funds worth Rs. 70 lakh were misappropriated and only a sum of Rs. 30 lakhs

was spent for the construction of latrines. An inquiry commission was set up in this connection. The findings of the commission also confirmed the misappropriation of Rs. 70 lakh. In fact, it is necessary to frame some rules in order to implement a scheme. The amount which is sanctioned for such purposes is not used properly.

In my constituency, ladies have to go out of their home at night in order to ease themselves. There are no arrangement for latrines there. This is something very humiliating for them. Latrines in that area should be constructed immediately. Water shortage is another problem. Special sources should be generated to provide water in latrines. The Central Government should put in all efforts. The manual scavengers should be provided with good facilities like banking, education for their children and others.

With these words, I welcome, this Bill and conclude.

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHEILA KAUL): Sir, I am grateful to all those members, who have expressed their views on this subject. We are seized of this problem since long. This is a stigma on our society. Today, we wish to remove this stigma. All of you have given your valuable ideas to which we will have to give serious thought. I want to tell you that we have covered a number of things which we want to complete. I want to say that.....

[English]

I am indeed grateful for the keen interest shown by all sections of the House in discussion on this very important Bill which will be historic in the sense that we are banning an occupation in this country which we recognise as being dehumanising as well as providing conditions which would eliminate this practice and has set into motion a process which was so close to the heart of Father of the Nation, Mahatma Gandhi.

Some of our Members have given their viewpoints for certain things. I would like to thank especially Shri Shyam Binary Misra, Shri Ram Vilas Paswan, Shri Uddhab Barman, Shri Girdhari Lal Bhargava, Shri Madhukar, Shri Mohan Singh, Sri P. C. Thomas, Shrimati Girija Devi and Shri Laljan Basha.

[*Translation*]

Shri Shyam Bihari Mirsa, Shri Ram Vilas Pwaswan, Shri Uddhab Barman, Shri Bhargava, Shri Laljan Basha have expressed their views which are very important. Everybody has analysed this problem in his own way. Shri Shyam Bihari Misra has expressed the need to rehabilitate them. Shri Ram Vilas Paswan also stressed on it. In this connection I want to submit that the rehabilitation programme is being looked after by the Ministry of Welfare, for which it has allocated huge funds. I have said that those who get scavenging work done manually will be penalised or even sent to jail. If you have gone through it attentively, you might have read that we have made a provision.

SHRI RAM VILAS PASWAN: If a Government gets such work done manually, will that Government also have to go to a jail? For examples some Municipality.....

SHRIMATI SHIELA KAUL: I am telling you. The hon. Member has asked why some States have been exempted in respect of some matters. I want to submit in this connection that sometimes there is a very unusual situation. We have to send police forces to some States. For them, latrines etc. cannot be constructed immediately. In that case, pits are dug up. Similarly, when a train stops at station, we need scavenging services because there are no containers fitted beneath the latrines in compartments. Only in few countries there is the facility of such containers. So, in such cases we have to exempt the States. Paswanji one thing is there. I have written to the Minister of Home Affairs to do away with the dry latrine system in jails. When we are helpless to do something, only then we do so. I

think your doubt might have been cleared now.

I have gone through your suggestions given to me in this connection. I wish to submit that you will be happy to know that Planning commission will not withhold funds for the purpose. But we need some concrete programmes in this regard. I have written to every State to implement it. As I have told you earlier that 5—6 States have given their acceptance. Acceptance in respect of this programme is awaited from rest of the States I wish this programme reaches every nook and corner of our country. This is a comprehensive programme. As all of you know, this is the programme of Mahatma Gandhi. I want that this dehumanising practice is abolished as soon as possible. Paucity of funds should not come in the way of this mission. If you insist, I shall go with you to Planning Commission to get funds for this purpose. But I need your cooperation.

SHRI SAROJ DUBEY (Allahabad): Mr. Chairman, Sir, I have to make a submission to the hon. Minister. She has said that she will leave no stone unturned to get funds to make this scheme a success. But I want to ask that during 1991—92 a rehabilitation scheme was launched with an aim to rehabilitate 20,000 persons and to impart training to them. When the Scheme Was reviewed, it was found that only 1678 persons were provided with jobs. The Central Government had already released a sum of Rs. 22 crore 93 lakh for that purpose. Does the Government want to liberate the scavengers in this fashion? How will the hon. Minister be able to regulate this programme? Today the Government has presented this scheme. If the Government proceeds with good intention, then something can be done. Mere passing of a Bill is not going to help.....

(*Interruptions*)

SHRIMATI SHIELA KAUL: Why is the hon. Member doubting the intention?

(*Interruptions*)

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SHRIMATI SAROJ DUBEY: Only 1678 persons were rehabilitated out of 20,000 persons. It was an ambitious scheme of the Government. If this scheme works in this way, how will it succeed then.

(Interruptions)

SHRIMATI SHEILA KAUL: What Girija Devi and Lal Pashaji had said

(Interruptions)

SHRIMATI SAROJ DUBEY: Please reply to my question.

SHRIMATI SHEILA KAUL: I have asked as to why is she doubting my intention.....*(Interruptions)*.....

SHRIMATI SAROJ DUBEY: Sir, in Uttar Pradesh.....

MR. CHAIRMAN: This topic is not in the list of business for today.

SHRIMATI SAROJ DUBEY: Sir, I would like to tell your that in Uttar Pradesh only.

SHRIMATI SHEILA KAUL: I am not yielding.

SHRIMATI SAROJ DUBEY: You should say that you would conduct an inquiry into it or the action would be taken against the officers involved in it, otherwised your scheme will remain on papers only. It is not good to play with the sentiments of manual scavengers like this...*(Interruptions)*... Your are making such announcements.....*(Interruptions)*.....

SHRIMATI SHEILA KAUL: Sir, I am not talking to her. How are you allowing her to speak.

MR. CHAIRMAN: You please continue.

SHRIMATI SHEILA KAUL: A good thing is

being done but you are repeating a thing which happened twenty years back. What is the use of talking such irrelevant things which happened long ago....*(Interruptions)*...

(English)

MR. CHAIRMAN: Nothing will go on record without permission.

(Translation)

SHRIMATI SHEILA KAUL: What I wanted to tell that this law would definitely be enacted and the one who should violate it would be punished. He will be fined also. After the enactment of this law, there will certainly be restrictions on the people and they would think before they violate it.

I am grateful to the hon. Members who participated in the discussion on this Bill and hope that it will be passed. I hope that all the hon. Members would support it and pass it...*(Interruptions)*

(English)

MR. CHAIRMAN: Nothing will go on record.

*(Interruptions) **

MR. CHAIRMAN: Please sit down. *(Interruptions)* No cross—questioning.

(Interruptions)

MR. CHAIRMAN: I shall now put amendment No. 1 to the consideration, motion moved by Shri Dau Dayal Joshi, to the vote of the House.

Amendment No. 1 was out and negatived.

SHRIMATI GIRIJA DEVI: Sir, I seek leave of the House to with draw my amendment to the consideration motion.

MR. CHAIRMAN: Has the Hon. Member leave of the House to withdraw his amendment?

MR. CHAIRMAN: The question is:

SEVERAL HON. MEMBERS: Yes.

"That Clauses 3 to 24 stand part of the Bill

Amendment No. 2 was put and negatived

"That motion was adopted

[*Translation*]

(*Clauses 3 to 24 were added to the Bill.*)

SHRI GIRIDHARI LAL BHARGAVA (Jaipur) Sir, I am satisfied with the reply of the hon. Minister. She has brought a good will and therefore, seek leave of the House to withdraw my amendment.

Clause 1 *Short tile application and commencement*

Amendment made:

[*English*]

Page 2, line 1,
after "States of
insert "Andhra Pradesh" (9)

MR. CHAIRMAN: Has the Hon. Member leave of the House to withdraw his amendment?

Page 2, line 6,
after "States of"
insert "Andhra Pradesh" (10)

SEVERAL HON. MEMBERS: Yes.

Amendment No. 4 was, by leave, withdrawn

(Shrimati Shiela Kaul)

[*English*]

MR. CHAIRMAN: The question is:

MR. CHAIRMAN: I shall now put the consideration motion to the vote of the House. The question is:

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted

"That the Bill to provide for the prohibition of employment of manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water-seal latrines and for matters connected therewith or incidental thereto, be taken into consideration"

Clause 1, as amended, was added to the Bill.

MR. CHAIRMAN: The question is:

"That Enacting formula stand part of the Bill

The Motion was adopted

The motion was adopted

Enacting Formula was added to the Bill

MR. CHAIRMAN: The House will now take up clause-by-clause consideration of the Bill.

Amendment made: Preamble

MR. CHAIRMAN: The question is:

Page 1, line 24.
after "of"
insert "Andhra Pradesh

"That Clause 2 stands part of the Bill."

The motion was adopted.

(Shrimati Shiela Kaul)

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MR. CHAIRMAN: The Question is:

"That the Preamble, as amended stands part of the Bill"

MR. CHAIRMAN: The question is;

"That long title stand part of the Bill"

The motion was adopted

The Preamble, as amended, was added to the Bill.

The Long Title was added to the Bill

The Motion was adopted

MR. CHAIRMAN: The Minister may now move that the Bill as amended, be passed.

SHRIMATI SHEILA KAUL: I beg to move:

"That the Bill, as amended, be passed"

MR CHAIRMAN: The motion moved- "That the Bill, as amended, be passed."

{ Translation }

SHRI RAM VILAS PASWAN (Rosera): Mr. Chairman, Sir, I would like to give one suggestion that in the proposed important committees, more than 50 per cent representation should be given to the people belonging to these sections of the society only then the objective of the Bill could be fulfilled.

SHRIMATI SHEILA KAUL: All right, it will be taken into consideration.

[English]

MR. CHAIRMAN: The question is:

"That the Bill, as amended be passed "

The motion was adopted

SHRI GIRIDHAR LAL BHARGAVA (Jaipur):

*Moved with the recommendations of the President.

Mr. Chairman, Sir, now-a days all the Member are facing the problem of receiving electricity tails of excessive amount. Some Members have received the bill of Rs. 13, 000 and Rs. 26, 000/ I would like to know the reason if issuing bills of such excessive amounts. The Members have been given exemption in the payment of electricity Bills upto Rs. 3600 in a year but the bill for s. 26,000 is being issued for one month only. On the one hand the Government is paying some extra amount by increasing pay and allowances of the Members and on the other the Telephone and Electricity departments are recovering it from the Members thorough their Bills.

Therefore I would like to say that the Minister of Parliamentary Affairs should also pay attention to it so that in future such bills excessive amounts are not issued and the previous bills should also be corrected.

MR CHAIRMAN: All right please sit down

[English]

MR CHAIRMAN: We shall now go to Item No. 13

[English]

16.04 hrs.

TEZPUR UNIVERSITY BILL

As Passed by Rajya Sabha

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (DEPARTMENT OF EDUCATION AND DEPARTMENT OF CULTURE) (KUAMRI SELJA): On behalf of Shri Arjun Singh, I beg to move.*

"That the Bill to establish and incorporate a teaching and residential university in the State of Assam at Tezpur and to provided for matter connected therewith or incidental thereto, as passed by Rajya Sabha, be taken into consideration."