

This case study is dedicated to the members of scavenger community and their undaunting spirit, who have catapulted from the extreme margins, to march towards dignity and liberation defying invisibility, non-recognition and indignity.

'From now on, the 'Thamate' will be used for the empowerment of the community, not as an instrument of slavery and discrimination'

EXECUTIVE SUMMARY

This case study through the narrative of THAMATE enunciates the story of how the agency of 'community mobilization' of the subaltern group of manual scavengers has come to play a significant role in attacking the de-humanizing practice by confronting the opacity of systemic institutions and concomitantly working towards its eradication, rehabilitation of the manual scavengers and marching towards restoration of their dignity. THAMATE is a community based organization in Tumkur district of Karnataka state in India. It unravels the struggle of a community to combat the reluctance of the state to dilute the conspicuously available constitution and legal provisions and rights.

This case study explores how mobilized marginalized voices have steered collectively a struggle under the banner of THAMATE demanding accountability from the governance institutions to visibilize deaths of manual scavengers occurring while working in manholes and underground sewages and drainages, to prove their existence to the state machinery which keeps them uncounted. It unfolds the multi-pronged approaches and strategies used by THAMATE at different levels from local to national, for ensuring answerability through advocacy, networking, documentation and evidences. It attempts to delineate the different outcomes it has achieved in the process along with the different bottlenecks experienced in the journey while interacting with different governance institutions. This case study discusses the processes which THAMATE has adopted for providing platforms to amplify marginalized voices, avenues for younger generation to break the cycle of hereditary occupation of manual scavenging, of providing educational support to children and initiatives of demanding access to entitlements like minimum wages, Provident Fund (PF), health insurance, safety equipment etc.

It also recounts the processes of THAMATE that has earned a front of negotiating for denial of entitlements and rights of the manual scavenging community though filing PILs (public interest litigation) on different discrepancies defying the implementation of the diverse legislations and court orders, filing Right to Information (RTI) applications to seek information on entitlements and policy provisions, apart from conducting fact findings in deaths of sewage and manhole workers and ensuring compensations for the deaths. This case study also discourses the evolution of empowered leaders and the collective platform of manual scavenging community leaders and members, the Safai Karmachari Kavalu Samiti (SKSS) and how members of THAMATE have claimed their space in policy advocacy at different levels.

METHODOLOGY

This case-study adopts the qualitative research methodology wherein methods of document analysis and in-depth interviews and focus group discussions conducted with key activists and community leaders of the manual scavenging community in the field area of THAMATE in Tumkur and in Bangalore. It draws on published and unpublished archived sources on THAMATE, annual reports of THAMATE, published documents on manual scavenging, case stories, legislation documents, informal discussions and interactions conducted with mobilized members and community leaders, Dalit rights activists and experts on rights of manual scavenging community. It also relies on the deliberations of lived experiences as shared by the members of the manual scavenging community during discussions held with them.

CONTENTS

Executive Summary &Methodology

Chapter I-Larger Context of Manual Scavenging

Chapter II- Context of Karnataka (Tumkur) and Manual Scavenging in the state

Chapter III- Locating the Genesis of THAMATE: The Story of THAMATE

Chapter IV- Phases of struggle for Dignity and Entitlements of Manual Scavengers in Karnataka:
THAMATE makes presence

Chapter V-Strategies and Approaches of THAMATE

Chapter VI- Two Campaigns: Struggle for the Rights of Safai Karmacharis and Manual
Scavengers –Some Outcomes, Gains and Challenges

Chapter VII- Gender Disparity and Power Dimensions in Manual Scavenging System

References

ABBREVIATIONS

BBMP- Bengaluru Mahanagare Palike

CBMG- Community Based Monitoring Group

CBO-Community Based Organization

ESMA-Essential Services Maintenance Act

GP- Gram Panchayat

MS- Manual Scavengers

NCDHR- Campaign on Dalit Human Rights

NGOs –Non Governmental Organizations

NHRC- National Human Rights Commission

PEMSRA-Prohibition of Employment as Manual Scavengers and the Rehabilitation Act

PIL- Public Interest Litigation

RDPR- Rural Development and Panchayati Raj

RTI- Right to Information

SHRC- State Human Rights Commission

SK- Safai Karmachari

SKA-Safai Karmachari Andolan

SKKS- Safai Karmachari Kavulu Samiti

SC- Scheduled Castes

STP- Sewerage Treatment Plant

UGD- Underground Drainage

ZP- Zila Panchayat

CHAPTER I

Larger Context of Manual Scavenging

The structurally marginalized and the disempowered groups often face challenges claiming their entitlements, negotiating with service providers and in seeking accountability and responsiveness of the systems in the caste stratified societal structure in India. Amidst the marginalized sections also, subaltern communities existing on extreme margins like sub-castes/categories of *Dalits*¹/Scheduled Castes (SC) who are involved in work of manual scavenging, sewage work/cleaning septic tanks, removing garbage and carcasses etc. are particularly vulnerable. The discrimination and systemic deprivation experienced by these disadvantaged sections of manual scavengers, falling in the last rungs of social hierarchy and amongst the Dalits also is more acute than other marginalized sections. 99% of the people forced to do this work are Dalits, and 95% of them are women (Mander (ILO), 2014)² and the manual scavenging persists with the support and collusion of local officials. (Human Rights Watch: 2014).³Lack of accountability of systems and absence of recognition of their basic rights and dignity, absence of quality of care are amongst some of the noticeable hurdles for these marginalized groups.

Despite manual scavenging being outlawed under different legislations in India⁴ and host of programs, policies, commissions, committees (See Table 1) orders from the apex court of India⁵ for eradication of manual scavenging and elimination of insanitary latrines and policies for rehabilitation of the workers in place, these communities continue to face structural barriers of social exclusion, caste based discrimination and untouchability; financial vulnerability, extreme health hazards and untimely deaths due to involvement in the menial work. They continue to remain deprived of their basic entitlements, resources, health, education besides employment opportunities and dignity. (Singh 2009, Janvikas 2012, Human Rights Watch 2014, Ravichandran 2011)

¹ The term Dalit literally means downtrodden or broken. The literature uses 'Dalit' to refer to one's caste in South Asia; it applies to members of those subordinated castes which have borne the stigma of "untouchability" based on birth. They are also traditionally forced into occupation such as tanning leather, manual scavenging and sweeping streets etc. which is considered "impure" or "polluting." Due to their caste identity Dalits regularly face discrimination and violence which prevent them from enjoying the basic human rights and dignity promised to all citizens of India. <http://www.ncdhr.org.in/dalits-untouchability/>

The Scheduled Castes (SCs) are various officially designated groups of historically disadvantaged people in India <https://web.archive.org/web/20121005040156/http://socialjustice.nic.in/sclist.php>

² Mander, H., International Labour Organisation (ILO). (2014): Resource Handbook for Manual Scavenging, Delhi

³ Human Rights Watch. (2014). Cleaning Human Waste, "Manual Scavenging," Caste, and Discrimination in India

⁴ Government of India, Employment of Manual Scavengers and Construction of Dry Toilets (Prohibition) Act 1993, No. 46 of 1993; The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013; in The Gazette of India, Ministry of Law and Justice, September 19, Delhi

⁵ Safai Karamchari Andolan And Ors vs Union Of India And Ors available on <https://indiankanoon.org/doc/6155772/> and <http://safaikaramchariandolan.org>

Table 1: Some of the main committees and commissions constituted by the Government in India for assessing situation of manual scavenging

Committee/Commission	Suggestions/ Recommendations
1949: The Scavengers' Living Conditions Enquiry Committee (Barve, B.N.), Government of Bombay. The Committee submitted its report to the Government of Bombay in 1952. In 1955 the Ministry of Home Affairs circulated a copy of the major recommendations of the Barve Committee to all the State Governments requesting them to adopt these recommendations	Suggested ways and means to improve their conditions of work and to fix their minimum wages.
1953: Backward Classes Commission (Kaka Kalelkar), Government of India.	Described the condition of manual scavengers as sub-humans and highlighted the outdated techniques of night soil removal and sanitation which included manual removal of human waste by scavenging communities.
1960: Report of the Scavenging Conditions Enquiry Committee (Malkani, N.R.), Ministry of Home Affairs, Central Advisory Board for Harijan Welfare, New Delhi. The Committee started to work from January 1958 and submitted its report in December 1960. 1969: The Committee on Customary Rights to Scavengers (Malkani, N.R) Govt. of India, Ministry of Home Affairs, New Delhi.	The committee in its report blamed the existence of dry latrines as a major impediment to the abolition of manual Scavenging in India.
1969: Committee on Conditions of Sweepers and Scavengers (Pandya.B.P) National Commission on Labor, Govt. of India. New Delhi.	Recommended the enactment of a central legislation to regulate the working condition, living condition of the sweeper and scavenging communities and also recommended creation of adequate and efficient enforcement mechanism
1989: Basu Task Force(The sub-committee of the task force constituted by the Planning Commission)	Besides other recommendations, suggested for social Rehabilitation Programmes that would provide alternative jobs

(Source: Ravichandran, B. (2011). Scavenging Profession: Between Class and Caste , Economic & Political Weekly, vol. 45(13), Parameshwara, N. (2016) The role of BBMP in the rehabilitation of Pourakarmikas in Karnataka special reference to Bangalore city a sociological study, PhD Thesis Bangalore University & Gupta Abhishek (2016) Manual Scavenging: A Case Of Denied Rights in ILI Review)

Different studies and reports, recent research studies have established that the manual scavenging is thrust upon the Dalit community who occupy the lowest rung in the hierarchy and work done by them is degrading and the mainstream has always kept them at a distance. The existing literature outlines that the situation of manual scavengers is a grim picture of denial and neglect of human rights and severe violations. Manual scavengers end up doing the work as they hardly have any other alternative employment skills and opportunities and have little access to medical care. Contracting out of sanitation and manual scavenging work is a common practice and there is a variance in the remuneration of contract and permanent manual scavenging workers. Gender disparity is visible in manual scavenging, women contract workers are relatively more marginalized and get lesser remunerations relative to men contract workers. Manual scavenging community members have no savings, and there is no job security and contract workers children mostly drop out of school due to financial constraints. Poor job opportunities in other occupations other than scavenging are rampant. (Jan Sahas and UN Women, 2014; Janvikas,2012). Almost all manual scavengers (and Safaikarmacharis) remain temporary workers on contract even after decades of service, and barely earn minimum wages. Alcohol intake is a common habit among men and largely the manual scavengers are working without any safety equipment's, face serious health hazards and accidents and meet untimely deaths on work due to effect of obnoxious gases while cleaning manholes and septic tanks. Their health problems are not only attributed to their occupational hazards, but also to the compounded effects of poverty, malnutrition and alcoholism. (Sainath, 2014; Ramaih, 2015). Broadly it has manifested that there is lack of registration of FIRs in case of deaths of manual scavengers besides absence of compensation on deaths of manual scavengers and lack of proper rehabilitation even after pronounced by legislation (Janvikas 2012;Telumbe, 2016)

i. Who are Manual Scavengers?

There is a host of definitions existing for those involved in the manual scavenging work in the discourse. The people who remove human excreta have been addressed as manual scavengers in the country by the existing literature and they largely belong to the Dalit community (in some places low castes Muslims also pursue the work) and rank the lowest in the hierarchical structure. The scavenger community in India is heterogeneous and is subsumed under layers of sub-castes. Manual Scavengers have been largely addressed as Bhangis, Chuhars, Arunthathiyars, Rellis, Madigas, Mehtars, Pakhis, Thotis, Sakiliars etc. depending upon the state/region of residence. The Census defines Manual Scavenger, who cleans a dry latrine or carries human waste to dispose it off. The definition like much of the discourse is centred upon dry latrine cleaning.⁶

⁶ Ingole, A. (2016). Scavenging for the State, Economic and Political Weekly, Vol. 51, No. 23

BOX 1: Some Definitions related to Manual Scavenging

Manual Scavengers: According to The Prohibition of Employment as Manual Scavengers and the Rehabilitation (PEMSR) Act 2013, Manual Scavenger (MS) means a person engaged or employed, at the commencement of this Act or at any time thereafter, by any individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed or, or on a railway track or in such premises, as the Central government or a state Government may notify, before the excreta fully decomposes in such a manner as may be prescribed, and the expression “manual scavenging” shall be construed accordingly. Manual Scavengers are invisible and non-recognized, but they are involved in the manual scavenging work. (Source: PEMSAR Act, 2013, GOI, Gazette of India)

Safai Karmacharis (Sks) /Pourakarmiks: Safai Karmacharis means the person who are engaged or employed by agencies or local authority or contract basis in manually sweeping of the road and handling sanitary activities. Basically Safai Karmacharis (SKs) are not Manual Scavengers. However according to activists 80% of the SK's are MS as they are also doing manual scavenging work.⁷

Insanitary Latrines mean one without flush and underground drainage, open defecation place, and dry latrines

Manual Scavenging Community: The manual scavenging community includes various communities like Bhangis, Arundhattiyars, Rellies, Methars, Madigas, Balmikis, Mushahars, Mangs etc. and in some places members of some Muslim community are also part of this community. Traditionally they were agricultural labourers and got engaged in the work of tanning, making shoes, cleaning garbage, carcasses and latrines etc. because of poverty and lack of skills to pursue other livelihood. But it is not necessary that the manual scavenging community is involved in the manual scavenging work.

ii. The Number Paradox of Manual Scavengers

Statistics from the Socio-Economic Caste Census (2011)⁸ data released in 2015 outline that 1, 80,657 households (in rural areas)⁹ are engaged in manual scavenging for their livelihood in the country. Around 167,487 households work as a manual scavenger, according to a reply in the Lok Sabha (Parliament's lower house)¹⁰ by the Ministry of Rural Development on February 25, 2016. However findings of independent civil society organizations establish that the official figures are understatements

⁷ Source: KA Annual Report 2016, Karnataka State Commission for Safai Karmacharis, Govt. of Karnataka, Bangalore

⁸ <http://secc.gov.in/>

¹⁰ <http://164.100.47.192/Lok Sabha/Questions/QResult15.aspx?qref=29086&lsno=16>

and underreports of the existing number of people involved in this inhuman practice,¹¹ as there are a much larger number of people involved in this practice.

iii. Banned by Legislation but continues Unabated

The de-humanizing practice of manual scavenging is officially banned since more than two decades in India under The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993¹² (which makes provisions for the abolition of this practice and for the identification and rehabilitation of manual scavengers). “This Act had received the presidential assent on June 5, 1993; but it remained unpublished in the Gazette of India till 1997, and no state promulgated it till 2000.”¹³ (Teltumbe, 2016.) The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013;¹⁴ revised and broadened the Act of 1993 and established much stricter penalties. It laid out statutory requirements to identify manual scavengers and for alternate provision for them. In December 2015, the Rajya Sabha (upper house of the Parliament) unanimously passed the SC/ST bill that provided for stringent action against those compelling any member of Dalit or tribal communities to carry human or animal carcasses or do manual scavenging.¹⁵

The 1993 Act outlined prohibition of and or maintenance of dry latrines and employment of manual scavengers. However, as reflected by figures of Census 2011, there are still 26 lakh insanitary latrines in the country where human excreta is either being deposited into open drains or removed manually and manual scavengers continue to clean these dry latrines inspite of the bans imposed. Barred legally and with periodic appointment of various committees and commissions by the government to look into the plight of the scavenging community, manual scavenging continues unabated across different states of India in contravention to these legislations and Acts. The states complicity in its continuation reflects gross violation of human rights. The Census of 2011 found that 7,94, 000 cases of manual scavenging were existing across India, but the state governments have been on denial spree of existence of the practice(Teltumbe, 2016.) Estimates from Safai Karmachari Andolan (SKA)¹⁶ pitch that nearly 22,000 MS’s meet untimely deaths on work due to effect of obnoxious gases while cleaning manholes and septic tanks, every year across India. In the Supreme Court order (dated March 27, 2014) in the Safai Karamchari Andolan vs. Union of India case, the court also observed that handling human excrements with bare hands, brooms or metal scrappers or in baskets is an “inhuman practice,” but it still continues unabated.

¹¹ <http://www.safaikarmachariandolan.org/>

¹² Government of India, Employment of Manual Scavengers and Construction of Dry Toilets (Prohibition) Act 1993, No. 46 of 1993

¹³ Teltumbe, A.(2016). Dalits Cry on the Eve of the Ambedkar festival in Economic and Political Weekly, Vol. 51, Issue 11, No.19 pg 10-11 and <http://safaikarmachariandolan.org>

¹⁴ The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013; in The Gazette of India, Ministry of Law and Justice, September 19, Delhi

¹⁵ http://zeenews.india.com/news/india/rajya-sabha-unanimously-passes-sc/st-bill_1836972.html

¹⁶ <http://www.safaikarmachariandolan.org/>

CHAPTER II

Context of Karnataka (Tumkur) and Manual Scavenging in the state

The context of the case study is the state of Karnataka and the district of Tumkur. Karnataka holds the standing of banning manual scavenging by a Government order as early in 1970's.¹⁷ Similar to the larger context of manual scavenging, the degrading practice is pervasive in the state also even after four decades of the ban order. The 2011 Census¹⁸ puts the figures of Karnataka as topping in Southern areas of India with nearly 15,375 (in rural areas) manual scavengers. In 1993-94 the Karnataka state along with different NGOs conducted a survey putting up a figure of 14,555 manual scavengers in the state both in rural and urban areas. In 2002-03 to figures went up to 26,004 and in 2007-08 it were 40,692 scavengers. The government sources in Karnataka estimate the manual scavengers to be nearly 57,000; however the surveys and studies carried on by different human rights organizations and the civil society organizations, pitch the number of manual scavengers to be more than 3.3 lakhs now.¹⁹ According to the human rights activists likewise across the nation the figure asymmetry in the state also show the crass disregard of the state to deny the existence of manual scavengers.

Table 2: Number of MS in Karnataka: The Number Paradox

Number of MS	Source
15,375 MS (in rural areas)	2011 Census
14,555 MS (rural & urban)	1993-94 (state and NGO survey)
26,004 (rural & urban)	2002-03
40,692 (rural & urban)	2007-08
57,000 (rural & urban)	2017 (Government Sources)
3.3 lakhs (rural & urban)	2017 (Independent Civil society organizations)

Progressive move in Karnataka to ban manual scavenging -1973

As mentioned earlier, Karnataka was the first state to ban by a Government order carrying of night soil as head loads or in any other form. In Karnataka, the term '*Pourakarmikas*' has been used post 1970's for the persons employed in all forms of collecting waste, cleaning sewage pits and drains, sweeping roads and collecting and disposing of human and animal excreta, and animal corpses and these include manual scavengers, sewer workers and sanitation workers. The Government of Karnataka had constituted a committee on the improvement of living and working conditions of sweepers and scavengers headed by I P D Salappa way back in 1973, which did extensive reviewing of the work and living conditions of workers in Karnataka and other states and outlined recommendations for the betterment of the *Pourakarmikas*. The Minister of Municipal Administration B Basavalingappa in

¹⁷ Government of Karnataka (1976). Report of the Committee on the Improvement of Living and Working Conditions of Sweepers and Scavenger (Salappa Committee Report), Pg 2

¹⁸ <http://secc.gov.in>

¹⁹ From different documents of THAMATE

Karnataka took this bold and concrete step to eliminate the carrying of night soil in any form in the state in 1973.

New Nomenclature for Manual Scavengers: 'Pourakarmika'

Basvalingappa changed the nomenclature of sweepers and scavengers to that of 'Pourakarmikas' as decided at a conference in New-Delhi in September 1972. He changed the name to *Pourakarmikas* as they were called as sweepers or by their caste names, which were abusive and value loaded terms.²⁰

Even with such an affirmative move the practice in the state continues unabated and the community involved in the practice continues to face different disadvantages and face untimely deaths due to the work is illustrated through different statistics, media reports and several studies. The high court of the state of Karnataka had in its interim orders/ directives prohibited entry of persons in manhole unless absolutely necessary, and not without safety equipment's, yet underground drainage workers employed with municipal bodies enter manholes without safety equipment (Janvikas, 2012.)

Manual scavengers in the state belong to the Scheduled Caste and are predominantly from the Madiga, Mehtars, Mangarodis community and the manual scavengers end up doing the work as they hardly had any other alternative employment and have little access to medical care. Contracting out of sanitation and manual scavenging work is more common since the decade of 2000 and there was a variance in salaries of contract and permanent manual scavenging workers, besides permanent workers getting better opportunities. Women contract workers were relatively more marginalized and got lesser wages relative to men contract workers. It further revealed that the manual scavenging community members had no savings, and there is no job security, and contract workers children have to drop out of school due to financial constraints. Alcohol intake is a common habit among men (SOCHARA 2009, 2012)

Madigas the most disadvantaged amongst the Scheduled Castes

According to 2011 Census, Karnataka the Scheduled Caste comprise of 16% of the total population.²¹ The Scheduled Castes comprise 101 castes and sub-castes, the majority of whom were formerly classified as 'untouchables' and generally lived in a segregated area or separate colony on the outskirts of villages. The predominant castes among the SCs are Adi Karnataka, Holey a , Mahar, Mala, Madiga, Mang, Mochi, Dravida, Samagara, Dhor, Banjara and Bhovi. Scheduled Caste ownership of agricultural land is minimal and the majority of landholders have small and unviable holdings. Out of the 101 divisions, Madiga and Mala communities are considered untouchables within the Dalit community also. Compared to Madiga community Mala community is still better off in terms of socio-economic status, owing to the fact that they reside mainly in and around districts which have good agriculture activities. Madiga community mainly resides in the areas and districts which are drought prone and where

²⁰ Government of Karnataka(1976). Report of the Committee on the Improvement of Living and Working Conditions of Sweepers and Scavenger (Salappa Committee Report)

²¹ <https://www.censusindia.co.in/towns/tumkur-population-tumkur-karnataka-803157>, Status of Scheduled Castes in Karnataka - Im4change, <http://www.im4change.org/docs/4179-chapter.pdf>, <http://censuskarnataka.gov.in/Data%20High%20lights-Karnataka-PCA-2011.pdf>

agriculture activities are less. Madiga community is located at the bottom of the caste hierarchy of Indian society. The community is treated as outcaste and is involved in activities of cleaning sweeping the villages including manual scavenging, disposing of dead animals, processing and tanning etc.

Sadashiva Commission advocating for internal reservations for the most backward Madigas

The disadvantageous status of the Madiga community has been recognized by the state Government of Karnataka in 2005 and had appointed the Justice A. G. Sadashiva enquiry commission which submitted its report in 2012 highlighted that the Madiga community was backward in all the fields and suffered disparities in the distribution of reservations in jobs. The commission had recommended providing 6% internal reservation to Madiga and its sub caste and had suggested that backward groups within the Schedule Castes categories would require special capacity-building initiatives and constant evaluation and enforcement.²²

Context of Tumkur district

Tumkur district which is the context of the case study is amongst the under-developed districts of Karnataka. Tumkur is a dry and a drought prone district. Tumkur covers 10 Taluks i.e. Pavagada, Madugiri, Koratagere, Sira, Chikkanayakarahally, Guggi, Kunigal, Turuvekere, Tipatur and Tumkur. The dry and the drought prone areas include Pavagada, Madugiri, Sira and Koratagere. The Schedule Castes (SC) constitutes 12.3% of total population in Tumkur as per the 2011 Census.²³ The practice of untouchability is high in the district with a strong domination of upper caste. Overall 65% of the Dalits are landless and 22% have 1-3 acre land. But these people do not have the necessary documents for the land and the land is in possession of the landlords. In Tumkuru, the members of Madiga community are largely landless workers while some are engaged in cleaning occupations. Because of lack of resources, the community has remained under developed on various counts including low education among children, employment of youth in non-cleaning occupations, lack of access to government schemes.²⁴

Having established the context of the state of Karnataka and Tumkur district and the status of manual scavenging in these places the next section devolves into the story of the genesis of THAMATE.

²² http://shodhganga.inflibnet.ac.in/bitstream/10603/98826/13/13_chapter%206.pdf and from archived documents of Thamate.

²³ <https://www.censusindia.co.in/towns/tumkur-population-tumkur-karnataka-803157>

²⁴ Source: Archived documents of THAMATE

CHAPTER III

Locating the Genesis of THAMATE: The Story of THAMATE

Corroborating the situation of the manual scavenging community in Karnataka and delineating upon the struggle for accountability by the Manual Scavenging Community in Tumkur district Dorairaj K, member of Karnataka Dalit Movement and District President of PUCL Karnataka, shares the story of the genesis of THAMATE locating it in the context of the Dalit Movement.

Dorairaj shares, the Dalit movement is significantly quite old in the state and dates before independence. The visible moves towards addressing the issues of manual scavengers in Karnataka can be observed in the 1970's, inspired by the momentum generated by the Dalit movement and its vociferous leaders like Bisvalingappa and Prof. Krishnappa. It was the caste affinity which brought the different categories of Dalits together under the banner of Dalit Movement. Some mobilised Dalit youngsters formed the Dalit Yuvak Sangh in 1970s in Tumkur and took up the issue of the manual scavengers working with the civic body.²⁵

Collectivization of manual scavengers in Tumkur

The workers who were permanent employees of the Municipal Corporation were subjected to ill-treatment and untouchability, undue work pressures and were not getting timely salaries and other benefits such as pensions from the Municipal Corporation. The Dalit Yuvak Sangh (Dalit youth body) which was part of the Dalit movement collectivized and mobilized the manual scavengers, organized protest marches, staged dharnas and gheraoed officials of the civic bodies to apprise them with the situation of the permanent manual scavengers. This mobilization of the manual scavenging workers into collectives started yielding positive results and the workers started demanding the rights from the civic body and were able to get benefits of pensions and regular salary.

This collectivization had another layer to it as the Dalit Madiga women could raise the issue of the removing toddy vends (alcohol vends) in Tumkur and were successful to an extent. He adds that the Dalit Movement became a platform for the people belonging to depressed sections to raise their concerns and negotiate for their rights in many ways. Dalit movement including the youth wing provided an opportunity for up-coming leaders from the downtrodden sections to develop self-confidence. It united the people and provided an opportunity particularly to the youth and created conciseness to raise voice against violation of their human rights and demand land reforms, reservation in educational employment etc.

Dorairaj explains what followed as a process of collectivization in Karnataka was a hopeful and a forceful crusade to expose claims of the state bodies of eradicating manual scavenging by evidence-gathering and fact-finding on the existence of manual scavenging and the practice of night soil carrying in which different organisations and Dalit movement were involved. This initiated a process of ensuring state

²⁵ Source :Discussion held with Dorairaj, K in Tumkur in November 2015

accountability. However, he shares that as the contractual system paved in the manual scavenging work since early 2000, it was a difficult task to ensure accountability from the contractors.

During the course different groups, members of Dalit student movement moved forward together with a vision of dignity for the manual scavenging community besides eradication of the practice and THAMATE is spin-off of one such a struggle. THAMATE has emerged in its present form, from different campaign-movements like the Dalit movement, health rights movement etc. he adds.

Context of Establishing THAMATE

THAMATE has been working with manual scavengers and Dalits for over twenty years since 1996 as part of Karnataka Dalit student Movement and health movement in Karnataka. Formed by manual scavenging community members, it is an organization of the scavengers (Madiga) community. It is based in Tumkur and works intensively in 2 City Corporation, 2 municipalities, 10 slums and 56 villages and it also has a volunteer base across the state of Karnataka. It has reached to more than 15,000 Manual scavenging families in Tumkur through various interventions.

Table 3: Municipalities and Gram Panchayats in which THAMATE is directly involved

	Municipality	Gram Panchayats
Madhugiri	70	33
Pavagada	61	33
Tumkur	350	
Sira	70	

Exploratory Phase: Informal Situational Analysis of MS leads to formation of THAMATE

K B Obalesh founder member and Secretary of THAMATE recounts, many empowered likeminded Dalit youth including him and senior Dalit activists travelled across different parts of Karnataka in 2003-4 as part of the Dalit student movement and health movement and met several Dalit professionals to identify the situation of the manual scavenger community and build relations with different stakeholders. “We also explored the national landscape and met different stakeholders, movement activists including National Campaign on Dalit Human Rights (NCDHR) to understand the situation of the manual scavengers and Dalits,” he adds.

In the exploratory phase it discerned that different challenges faced by the community were existing like lack of education, addiction to alcohol, lack of benefit of government schemes, lack of equipment/resources from the government for cleaning activities, no representation in governing institutions, negligible wages, no established retirement age, transfer of manual scavenging work to the next generation, lack of vocational skills, over worked and overburdened manual scavengers, lack of awareness about their rights, no alternate job opportunity, practice of untouchability with manual scavenging community as they were still doing caste based work. The access to basic and essential services in the manual scavenging settlements including quality education, clean drinking water and sanitation, affordable healthcare and housing continued to be negligible.

It deemed significant to the activists that the challenges of accountability were too pronounced for the most marginalized communities of manual scavengers due to their poverty, caste related discrimination, and caste related occupation of manual scavenging into which their life-circumstances have pushed them. Non-recognition as workers was existing even after 20 – 30 years of work as manual scavengers.

The activists had realized the power of collectivization through earlier instances of confrontation with the state machinery. Thus going ahead with an understanding that an aware and mobilized community can successfully advocate for their own rights but collectively, THAMATE was initiated as first step to educate, mobilize and organize Madiga community in Tumkur and Pavagada city. The insights were concretized into a formal initiative and as a need was felt to develop a legal identity for an organization which would work towards eradication of manual scavenging and as a result THAMATE was registered in 2006. The organization was shaped as one that would be a membership one and would work towards eradication of manual scavenging and support manual scavenging community members to demand and seek justice collectively with other stakeholders and hold institutions accountable, and ensure that the human rights violations are remedied.

THAMATE- The Dalit Drum – To be used for Empowerment of the Community

The nomenclature ‘Thamate’ which means a drum made from animal hide is a distinct Madiga cultural instrument. The sound of the Thamate has long been used to continue discrimination and slavery with the Madigas and was used to disburse information, celebrate festive occasions and deaths in upper caste families. Madigas were routinely called to beat the Thamate. Following the development of the organization THAMATE, Obalesh, who is also from the Madiga community says, “From now on, the ‘Thamate’ will be used for the empowerment of the community, not as an instrument of slavery and discrimination, hence, the name THAMATE.”

CHAPTER IV

Phases of struggle for Dignity and Entitlements of Manual Scavengers in Karnataka: THAMATE makes presence

The trajectory of the movement for the struggle waged by human rights activists, civil society organizations and THAMATE along different movements as well by the state machinery for the dignity and entitlements of Manual Scavengers in Karnataka can broadly be divided into four phases. *(The categorization is done for this case study based on the broad inferences drawn of major occurrences and incidents, events and development of legislation etc. in relation to the Manual Scavenging issue in the state as well in the larger national context. The categorization is not exhaustive but indexical of the major events and occurring.)*

The history of repression against the Dalits (which includes manual scavengers also) goes back several hundred years in India and the state of Karnataka also mirrors the situation of the larger context. Historically, the people have been victims of repression and atrocities perpetrated by landlords- stigma, violence and crimes. For generations the Madiga community has been a victim of the practice of manual scavenging in Karnataka. But the voices from the Dalit communities gained impetus 1970's onwards when empowered expressions from the Madiga community people gained currency, like that of Prof. Krishnappa and the Minister of Municipal Administration, B Bisvalingappa as mentioned earlier.

PHASE I: 1970S' – 1993

Collective and continue advocacy work with the manual scavengers within the Dalit movement in Karnataka is more recent and is particularly challenging, owing to the fact that this community has been oppressed for decades and this oppression has multiple layers, outline members of THAMATE. Though sporadic efforts to eradicate manual scavenging have existed in the state of Karnataka for long, however what came forth as a turning point in addressing the issues of Manual Scavenging in the state was the I P D Salappa report (which is mentioned in earlier chapters in the case study.) Though the Salappa report is considered to be a turning point in the struggle for manual scavenging but much of the Dalit activists were also not aware of it and didn't pursue a follow up of it.

Phase II: 1993-2009

In 1993, the Central Government of India brought out the Employment of Manual Scavengers and Dry Latrine Construction (Prohibition) Act. This Act was notified in the Gazette of India in 1997. This Act spelled out prohibition of the construction of dry latrines, specified conversion to pour-flush latrines, and also spoke of penalizing those constructing dry latrines and also talked about rehabilitation of the 'manual scavengers' to other occupations. By abolishing such a hazard prone and demeaning practice, the Act aimed to restore the dignity of the individual as enshrined in the Constitution of India. However, according to the activists neither the civil society nor the state government took some concrete actions on the provisions of the 1993 Act in Karnataka.

Phase III: 2009-2013

Savanur Incident: Thamate initiates steps in conducting fact finding

On July 20, 2010, several members of the Bhangi community in Savanur²⁶ (Haveri District, Karnataka) smeared human excreta on themselves in front of the Municipal Administrator's office protesting against the Municipality's plan to evict them from their dwellings. They had been living there since eight decades. Bhangi is a sub-caste of Madigas, the community which has been treated as untouchables and form part of the SafaiKarmacharis who do manual scavenging cleaning the dry latrines. Following the Savanur incident the State Government filed an affidavit in the Supreme Court and also issued a statement in the Parliament that there is no manual scavenging in Karnataka. However, the nature of the protest done by a section of the most marginalized even amongst the Dalits caught the imagination of the national media and the local media in Karnataka and this incident gave a traction to the activists working towards eradication of manual scavenging. Resultantly a separate forum was established in the state in 2010, i.e. the Forum for Dignity of Manual Scavengers, and THAMATE became a significant part of this forum and got involved in conducting the fact finding of the incident.

Kolar Gold Field Incident: THAMATE makes it strong presence in fact finding and legal intervention

In October 2011, three manual scavengers died in the Kolar Gold Field (KGF)²⁷ City corporation limits in Karnataka while cleaning soak pit. Though THAMATE had been peripherally involved in legal interventions earlier but with the KGF incident THAMATE made its strong presence along with PUCL and Safai Karamchari Kavalu Samithi (SKSS) in jointly conducted fact finding report. THAMATE, SKKS and PUCL teams visited and conducted fact finding and got a FIR registered and demanded compensation for the family of the dead of Rs 11 lakhs each. With the probe, two engineers were arrested. The fact finding team also participated in protest organized at the hospital mortuary where the dead bodies of the workers were kept and the fact finding team also roped in the state and National Safai Karmachari Commissions to create a pressure on the erring contactors and officials. These fact finding documents reports equipped THAMATE to engage in evidence-based dialogue with governance institutions in order to improve the accountability of service providers

2011 Census reports number of Manual Scavengers

In 2011, Census and the Socio Economic Caste Census (SECC) reports brought out reports on existence of manual scavenging in the state and at large in the nation which provided impetus to THAMATE further advocate about the number asymmetry of manual scavengers existing in the state.

²⁶ <http://www.mfcindia.org/main/bgpapers/bgpapers2014/am/bgpap2014g.pdf>

²⁷ Source: THAMATE Archived Document

Phase IV: 2013 onwards

The leaders of THAMATE identify the fourth phase as the most proactive though challenging also in the struggle. The earlier phases are acknowledged as setting the context periods as well stages of gaining traction in the struggle.

Survey on Manual Scavengers conducted by Government in 2013

In 2009, the apex court had sought a query based on the SKA and its associates PIL in which THAMATE was involved as a key partner. The Supreme Court queried about the status of manual scavengers in all states of India, as the states had submitted affidavits to the court that there were no manual scavengers existing in the respective states. In contravention to the statements of the states, the PIL filed by SKA provided voluminous data and evidence collated from different states highlighting that practice of manual scavenging continued to exist even after prohibition of the practice as suggested by the 1993 Act.(Teltumbe, 2016)²⁸ In 2011, the Government Socio Economic Caste Census (SECC) brought out the figures of the 1, 80,657 households in manual scavenging in the country (in rural areas).The Census reports also outlined that 3500 statutory towns all over India were having insanitary latrines and many were still involved in removing night soil from these insanitary latrines. This data became quite useful to push the MS campaign for THAMATE. Based upon the evidence provided by these reports on the existence of the practice of manual scavenging, the Government of India (GOI) ordered for conducting a survey for identifying Manual Scavenging in the country. The National Human Rights Commission (NHRC) also gave instructions to conduct a survey on manual scavengers and issued guidelines for the survey in August 2013.²⁹

THAMATE exhorts MS people to register as Manual Scavengers

Before bringing the 2013 legislation on manual scavenging, the Government had asked for self – declaration by the manual scavengers. When few people involved with MS work went to declare themselves as MS in the Pavagada and Bhilari sub-divisions in Karnataka, the municipality officials refused to recognize them as Manual scavengers and identified them as Safaikarmacharis. Following the 1993 Act provision of penalizing both employee and employer for doing manual scavenging, confusion was still prevailing upon who are MS and who are SKs. Thus the officials in the state were also not ready to register any individual as Manual scavenger. Exhorted by THAMATE’s activists, 700 people wrote letters to the State Human Rights Commission (SHRC) to register them as MS. The SHRC took time for the process. Justice Hunagunda, member of the state commission sought clarifications. After much effort, finally 302 manual scavengers were registered as part of the state government survey of the NHRC. These 302 (urban) were officially recognized as MS, towards end of the year 2013.

²⁸ Teltumbe, A.(2016). Dalits Cry on the Eve of the Ambedkar festival in Economic and Political Weekly, Vol. 51, Issue 11, No.19 pg 10-11

²⁹ <http://secc.gov.in/statewiseCasteProfileReport?reportType=Caste%20Profile>
<http://pib.nic.in/newsite/PrintRelease.aspx?relid=133286>
http://censusindia.gov.in/2011census/hlo/Data_sheet/India/Latrine.pdf

In 2013, the government of Karnataka conducted a survey of manual scavengers, in this process the government deliberately excluded, contract Pourakarmiks and Jhadamalis (MS working in Village Panchayats). The government refused to recognize them as manual scavengers, inspite of them fitting in the legal definition of manual scavengers as they were cleaning human waste everyday besides open defecation. Based on this THAMATE got them together to declare that they are manual scavengers. They signed notarized affidavits of self-declaration. A total of 273 affidavits were submitted to the State Human Rights Commission (SHRC.) The state human rights commission was requested to direct the government to recognize them as manual scavengers.

CHAPTER V

Strategies and Approaches of THAMATE

During the establishing phase of THAMATE, the leaders and activists had realized about the collective struggle and mobilization of the marginalized voices. It dawned upon the activists that nurturing manual scavengers' capacities was a significant step towards establishing leadership amongst them besides making them aware of the policy context. Thus it aimed for participatory role of the manual scavengers' community where mobilized MS could themselves negotiate for their entitlements.

K. B Obalesh one of the founding members of THAMATE articulates that the focus of THAMATE is eradication of manual scavenging practice including legal interventions, organizing the community for their rights, improving education among families of safaikarmacharis/manual scavengers and improving health status of families of safaikarmacharis/manual scavengers. Towards achieving the goals THAMATE has adopted different strategies and approaches which are not linear processes, these are contextual and sometimes iterative.

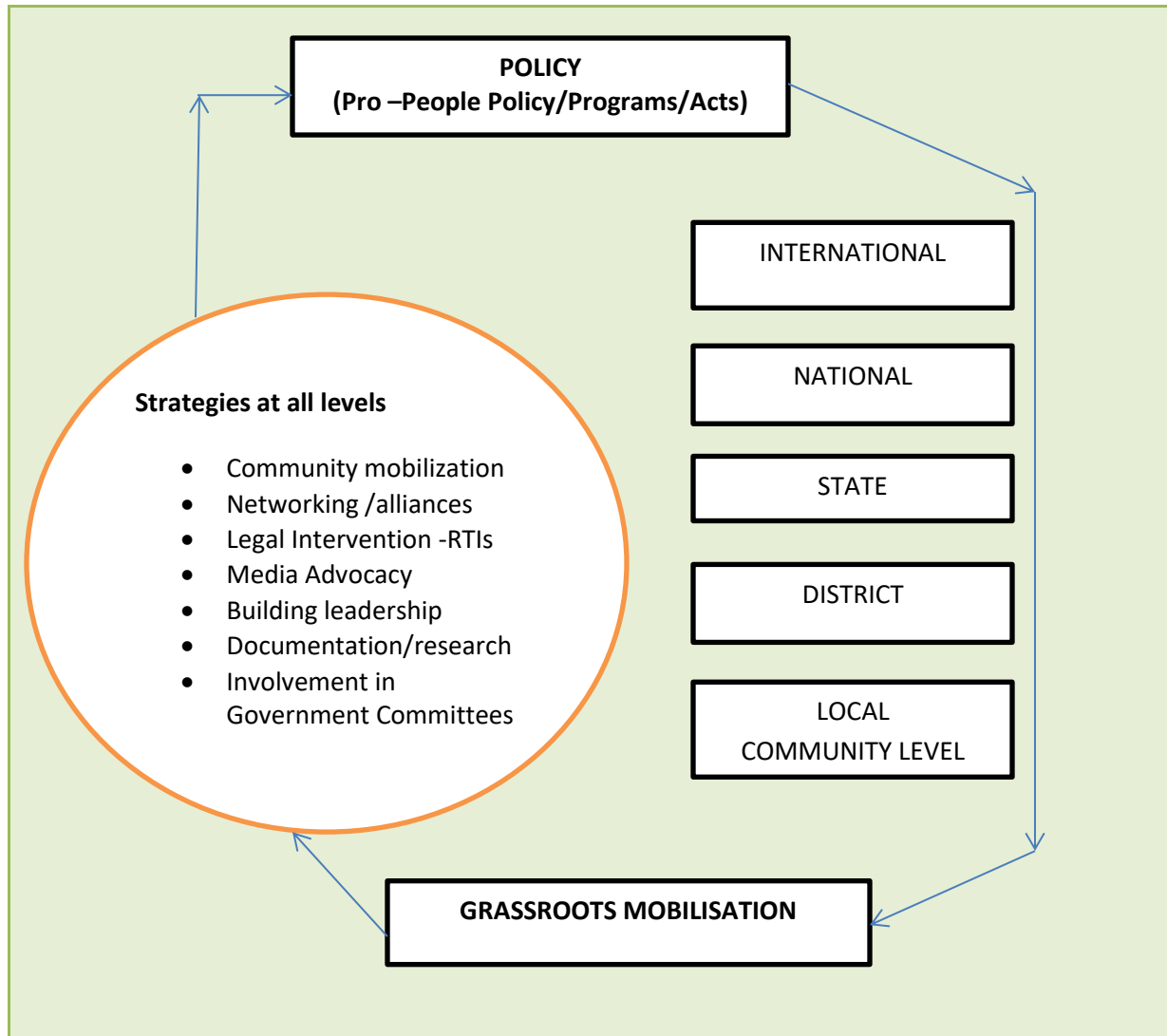
Theory of Change of THAMATE

The theory of change of THAMATE is woven around the focus of eradicating manual scavenging through an array of strategic interventions at different levels starting from grassroots mobilization at the community level. The underlying assumption is that those involved in manual scavenging are a segment that has faced social exclusion, invisibility, indignity, non-recognition and denial of human rights apart from facing immense caste discrimination and untouchability. They have remained excluded from participating in the policy making processes as well face the lack of political will, support of state machinery and society at large in implementation of eradication of manual scavenging.

In this context, the key focus is collectivizing and mobilizing them and building leadership from the marginalized community of informed and empowered collective voices demanding accountability from governance institutions for dignified life, human rights, health and wellbeing and quality services as the key necessities. The theory of change recognizes the wide divide that exists for the marginalized segment of manual scavengers in resources, knowledge and policy making, thus THAMATE wants to position itself as a collective voice of the marginalized.

THAMATE has believed that the struggle to achieve the goal of dignity cannot be traversed alone, thus strategic alliances and networking are significant for advocating for changes at all the levels and influencing policy actors and processes. THAMATE has emerged one such civil body of people from the disadvantaged Madiga people trying to bring in bottom up approach and grassroots mobilization for marginalized voices.

Figure 1: Theory of Change of THAMATE



The goal is to strengthen these voices and to represent them and ultimately influence policies for accountability and rights of the marginalized sections which can be achieved through a process of key intervention strategies. THAMATE'S overall strategy has evolved as the collective experience of the manual scavenging community interacting with governance institutions, state machinery and other contextual opportunities.

Strategies/ Approaches of THAMATE

a) COMMUNITY MOBILIZATION

As described earlier THAMATE observes community mobilization of SK/MS is a key element in the struggle and this is done through different modalities like through awareness on rights/entitlements of MS/SK . In addition awareness on official entitlements e.g. on wages, ESI schemes, housing, safety equipment is done. Awareness is made on health rights and health issues are also addressed by organizing medical camps for SK/MS and identifying major health ailments etc., building capacity on identification of denial of rights and violations, addressing women violence issues and conducting consultation meetings with bureaucrats etc. Mobilisation of SK/MS and leadership building is also done through the formation of Community Based Monitoring Groups (CBMG). In the CBM groups regular meetings are conducted and awareness is made on entitlements and rights of SK/MS. Proactive members from the CBM groups take lead as leaders. For instance in the e.g. in the Pavagada area 60 SK are in the group and all have developed as leaders, the basic criteria is that the members should be active and should understand entitlements and rights of SK/MS. Different CBM committees have also been formed from the CBMP groups, which are called Safai Karamchari Kavalu Samiti (SKSS)³⁰

The Jhadamalis were paid Rs 500-1000 and the Pourakamiks were paid Rs. 2200 per month. The workers were not getting their entitlements. They did not even have information on the entitlements. We realized that the members of the dominant caste were siphoning of the resources meant for us. THAMATE developed its work around ensuring community's access to all entitlements. -Subbarayappa, THAMATE

Formation of Safaikarmachari Kavalu Samiti(SKSS): Empowered collective demanding accountability

In the process of community mobilization THAMATE has endeavoured to form the Safaikarmachari Kavalu Samithi (SKSS). SKSS was initiated in 2009-10 after the tragic protest of Safaikarmacharis also working as manual scavengers in front of municipal office by smearing excreta on themselves in Savanur (Haveri District, Karnataka). This incident brought to light the continuance of practice of manual scavenging in Karnataka the low socio-economic status of the Dalit communities engaged in this occupation as well as the absence of any organized voice from the community. Thus SKSS was initiated at the behest of senior Dalit activists.

³⁰ Safai Karmachari Kavalu Samiti (SKSS) refer to watchdog committees, they are a collective of SafaiKarmacharis who are working at the community base and with municipality and other local bodies which conducts investigations into every SafaiKarmachari or under-ground drainage worker deaths and violations and takes up the cases for

Amongst the intervention areas where THAMATE is involved directly, Madhugiri is relatively a newer area where initiatives have been going on for around four-five years. The manual scavenging community is getting organized in this area whereas in other areas like Pavagada, Tumkur, the community is well organized with a strong mobilization. For those who have been in this profession for decades together, THAMATE is involved in mobilizing them and helping them form community-based monitoring groups, ensuring a fair wage (most workers don't even get paid minimum wages), job permanency, access to social security benefits like PF, ESI, health cards, and also access to personal safety equipment.

**BOX 2: Liberated Manual Scavengers share stories of empowerment and mobilization:
Reclaiming Dignity**

Jayamma, a liberated manual scavenger and leader of one of the Community Based Monitoring Groups (CBMG) reflects that she started participating in the THAMATE community group meetings in 2011 and the meetings inspired her to participate more in the meetings and be aware of their rights. Jayamma went on to take a leadership role in the group. Monthly meetings are conducted in the Sangha, to review the work and improvement and look into future planning as well set up preparatory process for organizing district level and higher level meetings and activities, she adds. "Now we regularly take part in meetings with the same officials of the municipality who used to treat us like a bonded labourer previously. We organise worker meetings and also independently manage group bank accounts. We had to stand when the officials came, and then sit as a mark of respect to them. We are not scared of them now and we demand our wages without fear. This has been possible after the formation of our collective group which is the Sangha."

"We used to go to the health inspector's house; we went wherever he sent us. Now we have stopped all that. We have stopped going to their house. We have stopped cleaning their filth. Ever since we have formed the Sangha." Timmaiah, Pavagada Tumkur

Muthyalappa, who belongs to Madiga community from Pavagada town of Tumkur district and is another liberated manual scavenger, outlines the strategic approach of THAMATE through his story.

Muthyalappa illustrates "I dropped out of school when I was in class seven. I am the sole breadwinner in the family comprising of five including aged parents and two sisters. After dropping from school in 2002, I pursued my father's occupation that of a contract sweeper and since then shouldered the responsibility of taking care of my family. As a contract sweeper I earned a salary of Rs.900 to 1200 per month. This amount was very less to meet my family needs and I didn't know of any other means to earn additional income as this was the only work I had seen my family doing. To add on extra income I started pursuing manual scavenging work which made my monthly income nearly Rs.2000. Though this provided some monetary relief to us but I felt ashamed of this occupation when I met my peers and classmates. During 2010-11 THAMATE started an intervention with contract sweepers and I learnt about different rights and significance of the collectivization. THAMATE organized a two days residential training program for all 34 contract sweepers at Tumkur. It was for the first time that such a residential program for sweepers was

organized. The theme of the training was contract sweepers living rights and alternative employment and this training was an eye opener for us.

Motivated by the training conducted by THAMATE, Muthyalappa began to conduct several meetings to collectivise manual scavengers and formed a community based monitoring group (CBMG). Muthyalappa took on the leadership of the group and participated in several trainings and meetings with Municipality officials. Muthalayappa became the first point person for mobilizing other sweepers in Pavagada municipality area and he made efforts to exhort his co-workers to participate in meetings and residential trainings. Encouraged with the trainings, and with enhanced capacities, he left manual scavenging and pursued an alternative job of selling waste ground nut powder. He started reaping a profit of nearly Rs.6000 per month and also continues with the job of contract sweeping. As a change maker and leader Muthyalappa managed to exhort 34 scavengers to leave this menial work. Apart from being a change maker and a leader he is also the member of SafaiKarmachari Kavaulu Samithi (SKSS) – a collective of SafaiKaramcharis unions, who are working at the community base, with municipality and conducts investigations into every SafaiKarmachari or under-ground drainage worker deaths) and represented in UNDP National round table discussion in 2012 at New Delhi.

b) LEGAL INTERVENTIONS

Legal Interventions in Cases of Deaths of Manual Scavenging

i. Associate in SKA PIL: Establishing existence of manual scavenging and demanding compensation of the deaths

THAMATE is involved in different legal interventions like filing registration of FIRs under criminal provisions of relevant Acts and on deaths MS after conducting fact findings whenever incidents of deaths/violations of MS come to light. Identifying violations and taking up cases of compensation for the death are also followed. In a long and continuous struggle waged by the Safai Karamchari Andolan (SKA)³¹ in 2003, THAMATE has been an active partner in this PIL. The PIL which called for strict enforcement of 1993 Act and enforcement of rights guaranteed under the Constitution. The PIL continued to be a struggle for nearly 12 years, wherein SKA and partner organizations (including THAMATE) submitted voluminous data on existence of manual scavenging denied by various state governments. In March 2014, the apex court i.e. the Supreme Court of India passed a judgment on the PIL to prevent deaths in the sewer lines and septic tanks and directed for compensation to those who died since 1993 besides reiterating the states to implement The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 Act.³² THAMATE has been involved in the follow up

³¹ Safai Karamchari Andolan(SKA) is a national movement committed to the total eradication of manual scavenging and the rehabilitation of all scavengers for dignified occupations
<http://www.safaikarmachariandolan.org>

³² Sathasivam. P, (2014): SafaiKaramchariAndolan And Orsvs Union Of India And Ors on available on <https://indiankanoon.org/doc/6155772/> and <http://safaikarmachariandolan.org>

process of the PIL judgment, collating and establishing evidence for the deaths and advocating for the compensation of the deaths.

ii. PIL in association with PUCL

THAMATE has been instrumental in filing PIL in association with People's Union for Civil Liberties (PUCL) in Karnataka High Court in 2009. As a result of the PIL, the Karnataka High Court formed a Committee including officials and members from the civil society. Thamate has been in lead on the work with the committee on status of MS in the state of Karnataka and also gave recommendations. The committee conducted fact-finding, spot visits, checking underground infrastructure etc. THAMATE presented a report of the committee findings to the state High Court. The outcome was a High Court order (dated 2010/11) which announced for interim compensation of five lakhs rupees and the order also came for mechanization of UGDs and use of jetting and suction machines for the MS work.

iii. SKKS involved in Legal Intervention: Demanding justice for deaths of manual scavengers

The SKKS has also been investigating, following up and making legal interventions into cases of manual scavenging in Karnataka. The watch dog has inquired into incidents of such mortalities occurring during work in UGDs, manholes etc. and fights for justice for the families of the victims including compensation as per Supreme Court Directions in Safaikarmachari Andolan vs UOI and the provisions of the 2013 Act. Along with this, SKKS along with human rights organizations, also ensure that FIRs are filed against the errant officials and contractors as per different sections of the 2013 Act. Till June 2017, 60 persons had died in cases of manual scavenging as per the data maintained by SKKS and PUCL-Karnataka.

iv. Filing of RTIs

THAMATE has used the Right to Information (RTI) as a medium to secure information on various information and issues related to MS and other Dalit issues. In 2013, 27 RTIs were submitted to secure the audit reports of Tumkur district hospital. Through RTIs significant information was unearthed and it was found that nearly Rs.66 lakhs were misused by the hospital authorities. Along with different rights activists and civil society members, THAMATE organized a mass protest in front of DC office for demanding free and quality treatment for sweepers and MS members and against the corruption in the hospital.

d) DOCUMENTATION AND EVIDENCE BUILDING:

THAMATE in association with its network associates has been involved in collating evidence on violations of MS and denial of entitlements. These are done through conducting fact findings, collecting information by using RTIs. Besides case stories are developed and documentation of local level violations is done apart from using photo/video documentation to document and disseminate evidence as well create awareness on the rights of the MS. For example in the Savunur incident THAMATE with its network associates conducted study through, Video Documentation, Photo Documentation and by conducting Family Survey.

e) MEDIA ADVOCACY:

All forms of media including print/electronic/online are engaged by THAMATE for creating awareness on issues related to MS/SKs and raising cases of violations. THAMATE has used press conferences as a viable medium to address the issue and make the media aware of the fact finding reports on different denials faced by the MS community. The media agencies also provide day to day coverage to the issues of MS community and the fact finding reports as shared by the CBO. More recently THAMATE has initiated the use of Information Communication Technology (ICT) –accessible technology and social media to negotiate for the rights of the manual scavengers.

BOX 3: Photostory initiative helps to negotiate for rights of Gangamma

THAMATE has been conducting fact findings on denials of health care and health entitlements among marginalized manual scavenger community. With the use of ICTs for social accountability initiative, Photostories were documented and shown as evidence of neglect of health services and denial of health rights of marginalized women.

The photostory of 50 year old B. Gangamma from Tumkur district was showcased to the civic body authorities where she is working as a contract work and involved in cleaning and maintaining toilets without any protective gear thus violating her dignity and health rights which increases her vulnerability to disease and injuries. This reflects the lax attitude of municipal authorities towards such workers especially women contract workers, who face the triple burden of caste, gender and occupation-related violations. She was not provided any sick leave, or financial support by the civic body authorities for a surgery to be undertaken for a gynecological problem and the public health service providers refused to conduct her surgery. After sustained advocacy with use of Photostory, the concerned municipality where she works has had taken cognizance of her application for refund of the surgery cost undertaken in a private hospital with 22.10% allocations. Gangamma got the refund. Inspired by the success of photostory of Gangamma, other manual scavenging workers have come forward to undergo the pre-medical checkups and have started negotiating for their health rights. The Local government general hospital officials have also assured that the medical treatment issues of manual scavenging community will be will the priority now.

f) PUBLIC PROTESTS AND DEMONSTRATIONS

As a significant strategy to visibilise and mainstream the SK/MS issues followed by THAMATE is to hold different events and create public discourse around the issues. As well hold protests, stage dharnas to bring to fore the different systemic discrepancies, denials of rights of MS/SKs. In more recent times THAMATE with its associates and with nearly 15,000 *Pourakarmikas* staged a massive protest in Bangalore to press for the demand of regularization of the workers.

g) NETWORKING, ALLIANCE AND COALITION BUILDING

THAMATE has always strived to work collectively for advocacy processes at all levels like locally, state, national and international levels also. At local levels and up to the district levels, THAMATE has teamed up with different organizations working on the MS/SK issue. These include Safaikarmachari organizations/associations and unions and human rights organizations like People's Unions for Civil Liberties (PUCL), Alternative Law Forum, Slum Jan Andolna etc. and independent Dalit movements. It has also collaborated with likeminded organizations and academic institutions such as the National Law School, Tumkur University and friends in media and mainstream publications. At the state level the collaborations have been with the state level Scavengers Dignity Forum and with the Safaikarmachari Kavalu Samiti(SKSS). At the national level alliances have been formed with the Safaikarmachari Andolan (SKA) and the Manual Scavengers Dignity Forum besides other networks. At the international level also, THAMATE has endeavoured to align the issue of MS/SKs with the health movement: Jan Swasthya Abhiyan (JSA) and with the global network of COPASAH. THAMATE has also been participating and contributing to national and state level networks such as NCDHR, Jan Arogya Andolan, Right to Food Campaign, National Alliance of People's Movement (NAPM) etc. on various other issues also.

h) POLICY ADVOCACY: THAMATE CREATES SPACE IN VARIOUS COMMITTEES

- THAMATE has proactively advocated for a change in the situation of the SKs/ MS through as being part of different committees at the state and district levels. Under the Rural Development and Panchayat Raj Department (RDPR), THAMATE has been a member of state level MS survey committee formed in 2016. This committee was formed in 2016 (from February –December 2016) for verifying the Census 2011 data on MS.
- THAMATE is part of the state level monitoring committee on strengthening the implementation of the PEMSAR 2013 Act, since December 2016.
- In addition THAMATE team associates are members of the district and subdivision committee for MS in two districts of Tumkur and Madhugiri.
- More recently THAMATE members have been part of the MS/SK Research Committee which is conducting research on the situation of the MS/SKs in the state.
- As a part of the MS Vigilance Committee for implementation of pending compensations on deaths of MS THAMATE has been proactive in documenting the deaths and working towards getting compensation for the family of the deceased gets the legitimate compensation. Besides this the

organization strives to implement the PEMSAR Act, 2013 and for taking legal course in case the provisions of the Act are not met with or implemented for getting compensations on deaths of MS.

- Through different committees THAMATE has been instrumental in taking up the components of the PEMSAR, Act 2013. At the national level THAMATE has been an active partner in policy advocacy with the Safai Karamchari Andolan (SKA). SKA filed a Public Interest Litigation (PIL) in the Supreme Court of India in 2003, which called for strict enforcement of 1993 Act and enforcement of rights guaranteed under the Constitution. THAMATE has supported SKA in this PIL.
- Following the judgment of the apex court on the PIL, THAMATE has identified deaths since 2008 which require compensation and information has been sought through RTIs. 65 compensations were given to MS families, for the deaths which have occurred since 2008, identified through RTI. (Source: RTI, KA state Commission for Safai Karmachari: 5-08-2017)

i) COMMUNITY LEVEL INTERVENTION OF THAMATE

The focus population of THAMATE includes children, youth and senior amongst the MS people. An important part of THAMATE'S vision is that the future generation of the families working as Manual Scavengers (MS) and Safaikarmacharis (SK) should not be involved in the occupation professed by their ancestors. The organization attempts to break the exploitative cycle of manual scavenging by keeping children of the MS away from it. Currently, the drop-out rates among the children of families working as MS/SK is very high, especially at the SSLC (secondary) level. Moreover, those students who, after a lot of personal and family struggle, have managed to educate themselves till degree level or complete vocational training courses, often find it difficult to find employment. For the senior people, THAMATE advocates for all the benefits of social security, health rights and pension schemes etc.

It is THAMATE'S mandate that the children should attain adequate educational qualifications and find alternative employment in non-traditional occupations. THAMATE has adopted a three-pronged strategy for the different sets of focus population.

- **Children:** THAMATE runs education centres referred to as Bheemshalas in residential areas of MS/SKs which provide daily evening coaching to school-going children up to secondary level in subjects which they encounter the most difficulty in. Through these supplementary coaching efforts, the CBO attempts to bring down drop-out rates among the children and also improve their academic performance. In addition, THAMATE facilitates hostel seats and children of the MS in better-quality residential schools like Morarji Schools and Kittur Rani Chenamma Schools run by State-government and private schools under Right to Education (RTE) Act, 2009. THAMATE also arranges for special coaching classes for admission tests to these schools and eligible children are provided support during the admission process.
- **Youth:** In this group youth up to 35 years of age are oriented on self –employment/vocational skills and alternative occupations. The goal behind this strategy is to dissuade the youth to follow manual scavenging and exhort them to pursue dignified occupations and provide support to them to explore other job opportunities. The youth are mobilized by forming youth groups and regular meetings of youth groups are held where they are oriented about different skills sets and job opportunities. There are youth who have completed degrees or vocational trainings but are not able to find jobs,

Youth Resource Centres (YRC) run by THAMATE provides skills training and enables placement in alternative employment, through the YRCs. THAMATE has collaborated with organizations like Unnati Centre and The Nudge Foundation in Bengaluru offering vocational training. A number of youngsters have received training from these institutions and are now pursuing gainful employment in places like Bengaluru and Tumkur.

Vijay Kumar from Pavagada shares, "I completed my class 10th in the village school and after that I completed two year ITI course with help of THAMATE. My brother is associated with THAMATE and has been attending youth mobilization meetings. He advised me to get in touch with Thamate and said they will help me attend the course. With the help and motivation from THAMATE, I could complete the course."

Mahesh from Madhugiri, reflects "youth from the Madiga community tend to pursue the same occupation as their parents due to lack of education, employment opportunities. I have been able to move beyond the conventional occupation and am currently working as an administrative assistant."

Venkatesh team member of THAMATE who has been conducting youth facilitation meetings among the MS community members illustrates, "THAMATE has initiated support to help the youth to acquire vocational training through different institutes and also help submit applications to different corporations for self-employment support. With such initiatives many youngsters have been able to enter different professions other than the demeaning manual scavenging work."

- **Seniors:** This group comprises of largely those people falling in the age group of 35-60+ years and those who are involved in MS/SK work or are retired from the work. The senior people are also a part of the CBM groups. Those working as MS/SK are oriented in the CCBM groups on the entitlements such as of EPF, ESI etc. Thamate also does advocacy for the minimum wages of the SKs, their regular work, medical benefits, implementing provisions of municipality schemes. In addition, Thamate is involved in getting documents of social security and availing social security benefits for the seniors, apart from getting the health cards, pensions and ensuring Public Distribution Scheme (PDS) benefits. It is also ensured that those involved in the MS/SK work get safety equipment like gloves, mask and gumboots. Regular medical camps are organized by Thamate for all including children, youth and seniors to ensure better health of all.

Breaking the Cycle of Manual Scavenging through Bheemshale

During the formative years, team members of THAMATE learnt that there was a need of multi-pronged strategies to focus on the younger generation in order to break the cycle of the manual scavenging, thus different strategies were initiated on weaning them away from the profession as their socio-economic conditions force them to pursue the occupation of their parents. K B. Obalesh explains that that there were instances of discrimination that the children of MS community faced in the mid-day meal programs organized in local government schools. The Sangha members pressured Block Educational Officer to respond to the situation. While the mid-day meal situation has changed, however the children of the MS community continue to face subtle forms of discrimination even if they enter schools for education; teachers do not give them enough time or attention and don't make any efforts to even to help them

get better in their studies. Improving educational status of children of Manual Scavengers families is the essential step to break the vicious cycle. In addition to supporting children with education the Bheemshale also attempts to build self-confidence in the children through cultural activities and summer camps.

BOX 4: Some testimonies from children and teachers highlight how the intervention of Bheemshale have helped them to pursue education and break the cycle of manual scavenging

Divya (19) who is one of the teachers in the after-school tuition centres (Bheema Shale) run for children by Thamate, describes “The Bheema Shale helps to children to cope-up with their academics and motivate children of the MS community to go to school.” Divya who is from the Madiga community has finished health inspector’s course opines, “There is a high dropout rate among children from MS communities; the Bheemshale has been supporting the children of the MS community. The coaching centers have provided us opportunities to move ahead in education, besides introducing us to our rights as well boost our confidence. There is a focus also on preparing children for quality and competitive educational centres like Morarji and Navodaya schools also.”

Devraj (14) who is a class eight student in a government residential school admitted through intervention of Thamate says, “We are provided different facilities like bags, books, notebooks, stationery by Thamate which our parents cannot afford and in the Bheemshale students are coached and helped in difficult subjects like English and Mathematics and also supported to prepare for entrance exams. After 5th standard they help us to write exams for the government Morarji residential schools. If students are interested, they make all efforts to get us into hostels also.”

Ramakrishna from Thamate adds, “Many children drop out from school and loiter around. We undertake initiatives to meet parents and ask about their children and the status of their current education and the complexities being faced by them in pursuing education. Apart from rural areas, surveys to know about the school children dropout situation are also conducted in slums also to identify children and they are re-admitted to regular schools. It is ensured that we meet such children and counsel them to pursue education.” He adds, “Parental participation and planning meetings for their children’s education are regularly held. Parents school based meetings are held with school teachers to seek their support and make them aware of their children’s progress. Majority of parents have participated in parents meeting, they feel happy and they express their view that it is a different experience, to be involved in the education process of children.”

Pavithra, Bheemshala student: Our families cannot afford to buy bag pens and notebook. In Bheemshale they help us with all these things. They help us get into hostels. After 5th standard they help us to write exams for Morarji residential schools. They invite us to join the hostels. If we are interested, they make all efforts to get us into hostels.

Nagendra, Bheemshala Teacher: We work with children of Pourakarmiks. Our objective is that they should not become Pourakarmiks. They should wield the pen and computer and not the broom. Pourakarmiks cannot afford to educate their children. They have no support to continue their education. Awareness is also low. We want them to study and get their higher education.

j) ADDRESSING HEALTH RIGHTS ISSUES

THAMATE'S work has also been central to addressing the general and specific health issues faced by Manual Scavengers (MS)/Safaikarmacharis (SK). To improve the health conditions of MS/SK, THAMATE

- Works towards strengthening the existing public health system
- In addition attempts are made to linking the community to various government-run healthcare programmes and schemes to ensure access to health-related entitlements
- THAMATE also organizes free and regular medical camps for screening of various medical conditions as immediate health interventions.

i.Engagement in Community Monitoring in Health

Siddhagangaiah who has been involved with THAMATE since 2006, outlines, THAMATE is actively engaged in creating awareness on health and entitlements and monitoring of public health system. Between 2007 and 2009 THAMATE actively participated in community monitoring and planning component, which was part of the National Rural Health Mission (NRHM)-a flagship program of Government of India). Under this program community monitoring in health in total of 160 villages in Tumkur district was conducted by THAMATE and we were involved in monitoring 66 Primary Health Centres (PHCs).The team of THAMATE involving the manual scavenging community members was trained and surveyed the PHCs and documented the situation there. Various gaps were identified in the process and these were brought to government's notice, and advocacy was done to ensure that the facilities in the 160 PHCs improve.

ii.Free Medical Camps

During close interaction with MS community workers and through surveys conducted on the health situation of the MS community at Pavagada, Madugiri, Tumkur, different health problems, respiratory issues, cough, fever, skin problems of the workers have surfaced following which THAMATE has been organizing free medical camps at Pavagada, YNH, Madugiri wherein manual scavengers get treatment and medical care. Following the advocacy process Madiga community women have also got health entitlements under different health schemes and benefits such as that of JSY, Madilu kits, Prasuthiarike, Bhagyalaxmi bands, immunization and other facilities.

Obalesh highlights that the MS community and Dalit women suffer from serious health problems and men too have health problems. They cannot afford to go to big hospitals; neither do they want to avail the services in the public health system. They neglect their health issues largely due to discriminatory attitude of the service providers and also absence from work means loss of wages especially for contract workers; therefore they largely refrain from seeking healthcare or rely on local private practitioners. THAMATE identifies people with serious health issues and they are mobilized to seek healthcare hospital and it is ensured that they meet the appropriate service providers. It is ensured that the patients discuss everything with the doctor and share all information about their health problem. From the service

providers front also it is ensured through advocacy and continuous engagement that they provide treatment including all medicines. THAMATE also supports their referral to Taluk, district hospitals and other hospitals in Bangalore.

THAMATE along with its associates has been involved in conducting functionality and implementation of Indian Public Health Standard (PPHS) and different Rapid Assessment of PHC, Taluk hospitals, sub – centres at Pavagada, Madugiri and Tumkur.

BOX 5: Rapid Assessment and Right to Information applications (RTIs) filed in Madhugiri and Pavagada Taluk hospitals and Tumkur district hospital

Information on Vacant positions of health staff in all categories, poor maintenance of hospitals, lack of basic amenities like drinking water and toilets was gained through RTIs and rapid assessment of the Madhugiri and Pavagada Taluk hospitals. It was also discovered that routine writing out of prescriptions was being done even though district and Taluk hospitals were using funds from ARS. Referrals to private hospitals for even routine diagnostics and treatment including normal deliveries were being done.

THAMATE drew attention to the Auditor General’s report (obtained through RTI) which indicted the district hospital for financial irregularities, non -utilization of funds and unreasonable delays in undertaking activities, non-replacement of sub-standard drugs supplied by the Drug Logistics Society, non-recovery of fees from private nursing schools, misuse of funds from Special Component Plan to buy equipment for the dialysis centre.

THAMATE and associate organizations held a protest rally in front of District administration office. In response the District Collector agreed to undertake surprise visits to the hospitals and take action against erring officials and ensure that hospitals were functional in the district. He sought a copy of the Auditor General’s report and promised to take it up with the District Surgeon.

Rally was also held near Zilla Panchayat (ZP) office to bring to the notice of the authorities the anomalies in functioning of public health systems. ZP Secretary promised to call for a meeting of all medical officers in the district and facilitate an interaction with the protestors so that the latter can directly raise problems and sort it out. He also urged people to make use of the sanitation scheme to construct toilets so that several illnesses and diseases can be prevented. A memorandum was also given to Zilla Panchayat (ZP) office and pointed out that presently there is no oversight of Taluk hospitals and PHCs by the ZP which are under its jurisdiction and demanded that there by better supervision and coordination. Protestors also pointed out the ZP had not responded to any of the previous memorandums and that demands had been only piling up. ZP secretary promised to address the issues raised in the memorandum in consultation with the protesting groups.

Source: www.phmovement.org/en/node/8141

CHAPTER VI

Two Campaigns: Struggle for the Rights of Safai Karmacharis and Manual Scavengers – Some Gains, Outcomes and Challenges

For this case study we have tried to segregate the two struggles of Safai Karmacharis and Manual Scavengers, though it is an overlapping phenomenon.

SECTION I

The Puzzle remains: Are Safaikarmacharis Manual Scavengers?

Though the definitions of Manual Scavengers and Safaikarmacharis are spelt out by PEMSR Act, 2013 and each group is having specific characteristics in terms of the demarcated work boundaries. However, THAMATE'S work experience delineates that the SK's are Manual Scavengers atleast in Karnataka. Activists from THAMATE explain that the SKs are not regular employees and get less payments and less wages. The Saikarmacharis are not recognized as proper workers and are often bereft of the benefits of regular workers and get forced to do undignified work of manual scavenging in the urban areas.

THAMATE'S activists outline that this phenomenon of SKs being MS is a South India specific feature. The practice is prevalent in the states of Andhra Pradesh, Karnataka and Tamil Nadu. In other places SK and MS are separate categories and the government has not registered them as MS.

Confusion on the terminology of SK/MS: Where to Jadamalis fit in?

Founding member of THAMATE K B Obalesh opines, there is still confusion in the use of the terminologies of SK/MS. It is unclear whether the *Jadamalis* (sweepers) engaged in sweeping work across Gram Panchayats of Karnataka fall in the SK or MS category. The *Jadamalis* are involved in sweeping and also clean the open defecation. There is no clarity on the issue and the terminologies associated with SK/MS and this poses a big challenge to the activists working in the field.

The Controversial 1993 Act

The 1993 Act advocated for prohibition of construction of the insanitary dry latrines, but many dry latrines continue to exist. This Act provisioned for penalization of both the employer and the employee, i.e. those who would be employing people to clean the insanitary dry latrines, as well those who take on the work of cleaning the insanitary dry latrines. Three to four months after the Act was enforced, the municipal bodies gave a call through advertisements for MS to get registered as manual scavengers, and for their rehabilitation after getting registered as MS.

This came as a controversial Act as the officials of the civic bodies, the health inspectors knew who were the manual scavengers and the officials themselves were also employing MS. Due to fear of punishment no one came forward to be registered as MS, as the Act had pronounced for punishment for both the employees and the employers. In 1996, though there was an attempt to formulate rules for the MS/SK,

but the confusion over terminologies continued to persist till 2013. It was only in 2013 that the central government formulated the PEMSR Act, that there was some clarity.

Stepping Stones to push the Campaign struggle for MS

The campaign struggle for Manual Scavengers has its genesis in this confusion over terminologies of SK/MS and the controversial 1993 Act. The PEMSR Act was enforced on December 6, 2013. Before the enforcement of this Act, the central government conducted a survey on the manual scavengers in early 2013.

1. Struggle pursued by THAMATE to Implement and Monitor the PEMSR 2013 Act: Some Outcomes, Gains and Challenges

Following the 2013 Act, THAMATE has been proactively involved in implementation and monitoring of the legislation and is working in four arenas, i.e. eradication and prohibition of manual scavenging; on rehabilitation of manual scavengers and taking legal action in case of lack of implementation of the Act and in incidents of denial of rights of the manual scavengers. The major follow up actions taken up by Thamate involve identifying the insanitary latrines, registering the existing number of insanitary latrines and demolishing them, besides getting sanitary latrines constructed.

BOX 6: PEMSR Act, 2013 has basically four components that of Eradication, Prohibition, Rehabilitation and Legal action.

THAMATE has strived to implement the basic tenets of this Act in upholding the rights of the MS.

- **Eradication:** The focus on this component is identifying insanitary latrines and working towards demolishing these.
- **Prohibition:** In Prohibiting Manual Scavenging THAMATE has been involved in identifying MS to prove their existence to the state which denies their existence. It is also involved in getting them registered and working towards banning the dehumanizing practice of manual scavenging
- **Rehabilitation:** THAMATE also works towards providing all the provisions of rehabilitation under the 2013 Act
- **Legal Action:** When there is denial of rights of the MS, THAMATE resorts to taking legal action for the lack in access to the entitlements.

In alliance with its associate networks THAMATE has instated some processes to implement the PEMSR 2013 Act. In this endeavour it has gained some positive outcomes along with a host of challenges. One such initiative was a state level Jatha or campaign which aimed at mainstreaming issues of Manual Scavengers and mobilizing public opinion in favour of prevention of practice of manual scavenging. The demands raised by the Jatha including implementation of rehabilitation provisions under PEMSR Act 2013.

BOX 7: State-level Mass Awareness Campaign on Implementation of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013(PEMSRA)

In March 2016, THAMATE and Safaikarmachari Kavulu Samithi (SKKS) in collaboration with People's Union of Civil Liberties (PUCL), Janaarogyaa Chaluvalli, SJK, Samanatha Union, SC/STs Pourakarmika Union and various district level organizations organized a state-level Jatha (campaign) to create mass awareness about eradication of manual scavenging practice and demanding the implementation of PEMSRA Act 2013.

The Jatha began on 22 March and covered 20 districts of the state. Materials like handbills and posters were printed for the Jatha and were distributed and displayed during the campaign. The narratives of manual Scavengers and appeals by several civil society leaders to end this practice were publicized and curated as educative materials for future. The Jatha distributed an open letter addressed to MPs, MLAs, MLCs and Ministers, drawing their attention towards the recurring deaths of MS, deliberate denial of their rights and entitlements because of negligence of officials in the implementing PEMSRA Act 2013.

The Jatha concluded with a state-level protest on March 31, 2016 in front of Chief Ministers' residence in Bengaluru after which a delegation met the Chief Minister and submitted a memorandum of demands to him.

As a consequence of this state-level mobilization, following favourable decisions were announced by the state government

1. The State Government announced the formation of an independent Karnataka State Safaikarmachari Development Corporation (SKDC) for the welfare and rehabilitation of Safaikarmacharis and manual scavengers, with initial budget allocation of Rs. 25 Crores.
2. The State government revised minimum wages of safaikarmacharis across the state with effect from August 4, 2016
 - BBMP and other Municipality areas- Rs. 14,040/- per month (from Rs.6800 earlier)
 - City corporations: Rs. 13, 650/- per month
 - Municipalities: Rs. 13,260/- per month
 - Town Panchayats and Gram Panchayats: Rs. 12,870/- per month
3. The State Cabinet also took a decision to prepare a special recruitment policy for contract

i.SOME OUTCOMES

- In May 2016 the first Gazette notification from the state government came out which talked of the cabinet decision of compensation for 302 manual scavengers. After the 2013 Act, and also deriving from the 2011 Census, 477 (rural) manual scavengers exist in the state as per the government data. No new MS have been identified after that. The biggest challenge is the identification of manual scavengers, though 610 people have submitted self-declaration forms.
- THAMATE along with its associate organizations and networks has been at helm of affairs for forming Vigilance Committees at all levels including sub-division vigilance committee, district level vigilance committee and state level vigilance committee.
- THAMATE has played an active role in forming the Safaikarmachari Commission which caters both to the SKs and MS. Negotiating with the commission THAMATE has been able to get compensation for 65 manual scavenger deaths and these cases accounted are the ones which happened after 2008. After 2008, THAMATE has been closely monitoring the deaths and 59 FIRs have been registered for the deaths.
- The biggest gain which THAMATE recognizes as a big achievement has been in building community leadership in the Safaikarmachari Kavalu Samiti (SKSS) – a collective of Safaikarmacharis unions, it is a watchdog committee comprising of members of the Madiga community. The SKSS members are working at the community base, with municipality and conduct investigations into every Safaikarmachari and under-ground drainage worker deaths. After 2008, THAMATE in association with SKSS has been closely monitoring and documenting deaths of manual scavengers and Safaikarmacharis.
- The first Safaikarmachari Sub-divisional vigilance committee was formed in Madhugiri and 3 members in the committee are from SKSS and THAMATE. The vigilance committees have been formed in all 30 districts of Karnataka. Safaikarmacharis are members of the committees at each level and 22 members are from SKSS across these committees. In the state vigilance committees four members are from SKSS and Thamate respectively.
- The Safaikarmachari Commission released Rs. 30 lakhs for each district of the state in 2016 to conduct one day workshops each on of manual scavenging with officials and civil society members in order to raise awareness on the issue among these segments. (Source: Proceedings of the Govt. of KA Safaikarmachari Commission 7-12-2016)
- On demand of THAMATE several workshops have been conducted for higher administrative and police officials like Deputy Collectors (DC's), Superintendent of Police (SP) etc. on the 2013 Act to make them aware of the provisions of the Act, as most of them are ignorant of the Act.
- In another attempt of advocacy done by THAMATE, the Safaikarmachari Development Corporation (SKDC) has earmarked Rs. 50 lakhs to create awareness and implement the 2013 Act.
- THAMATE has earned the distinction of being on panel of a comprehensive study being carried out in the state by the National Law School for both MS and SKs. K B Obalesh, one of the founding members of THAMATE is a member of the expert committee which is coordinating this study.

- **Compensations:** With a struggle waged over more than a decade THAMATE earns the standing of claiming its achievement in getting compensation for the manual scavengers

Table 4: The state of Karnataka has identified 302 (Urban) and 474(Rural), total 776 manual scavengers

Compensations and OTC	
726 MS existing in the state - according to Government Statistics	718 out of 726 have got One Time Cash (OTC) of Rs. 41,000/-
302 (urban) MS identified by 2013 survey	<ul style="list-style-type: none"> • 273 out of 302 have received OTC of Rs. 41,000/ - • Six months remuneration provided to them to stop manual scavenging and take up alternative dignified job/employment • 273 former MS also got 1 month training and Rs.1 lakh assistance as training stipend to pursue alternative occupation
July –September 2017	<ul style="list-style-type: none"> • Out of 476, 468 MS got OTC • Also get Rs 65 lakhs to start own entrepreneurship
More Recently	<ul style="list-style-type: none"> • All the deaths of MS are compensated on the spot i.e. family members get compensation immediately on death of the MS and • An FIR is registered under the SC &ST (Prevention of Atrocities) Amendment Act 2015 and the 2013 PEMSR Act. • Thus all the recent deaths of MS are getting compensation under these two Acts

ii.CHALLENGES

According to K B Obalesh, there are two major bottlenecks in the struggle against eradication of manual scavenging, one is the official/social apathy in terms of resistance from the policy makers, Government and society at larger to acknowledge the existence of manual scavengers and as well disparaging moves by bureaucrats/officials towards efforts of eradicating this practice. Besides this the lack of awareness and knowledge of officials on laws/legislation related to manual scavenging looms large.

The other major roadblock is lack of awareness of rights and entitlements among those working as manual scavengers. Years of suppression, discrimination, lack of education and other basic amenities has made them vulnerable and increased the inaccessibility of information and awareness on rights to them. Manual scavengers still are not coming forward to get themselves registered as MS. The influence of the 1993 Act is deep situated amongst the MS and the officials similarly. The imagery of penalization

of both employees and employer as outlined by the 1993 Act continues to perpetuate strongly even after amendment by the 2013 PEMSAR Act which talks of punishment for employers only. This is a big hurdle as it requires constant efforts of motivating the MS community to deconstruct the 1993 Act employees' penalization allegory. It also requires continued negotiation with the bureaucrats/officials/politicians of the dominant castes as there is stiff resistance from them.

iii. STILL IN PROCESS: A Struggle continues to prove the numbers and establish existence of MS

Survey of Rural Manual Scavengers conducted by Ministry of Rural Development and Panchayati Raj (RDPR), Government of Karnataka (GOK)

In the PEMSAR Act 2013 section 14 directs all Panchayats to conduct a comprehensive survey for identification of persons employed as Manual Scavengers within their jurisdiction within two months of the enactment of the Act. But by the end of 2015, no action had been taken by the authorities in Karnataka. With the constant pressure being built by THAMATE and SKKS for initiating the survey, especially through the State-level Convention organized by SKKS in collaboration with National Law School of Indian University, Bengaluru in 2014 which was attended by the Social Welfare Minister, the process finally began in year 2016.

- **Between January to September 2016**, representatives of THAMATE participated in six state-level meetings with RDPR officials leading up to the survey.
- **January 12, 2016**-Statelevel training was conducted by RDPR for conducting rural MS survey in which Thamate also participated. Following this training, Thamate played active role in formation of District Level Rural manual scavengers' survey committees in the state and ensuring that Dalit activists working on the issue were represented on them.
- **February 4, 2016**- A state-level Orientation workshop was organized in Chitradurga district in which 64 Dalit leaders and activists participated. As part of the workshop, scope of various sections of the 2013 Act was discussed.

A comparative analysis of the verification process followed by 2011 Socio-Economic Caste Census (SECC) and the proposed methodology of RDPR department was conducted. Material describing the RDPR survey, survey form in local language Kannada and Hand bills for creating awareness on 2013 PEMSAR Act along with SECC survey guideline booklet were provided to the participants. As a result of this effort, 30 district level survey committees were formed with representation of several Dalit activists in them.

In **February 2016**, THAMATE initiated a ground-level campaign for identification of manual scavengers. First, in co-ordination with Government of Karnataka, awareness was created regarding the identification process. Then, during the whole month, members of THAMATE visited all 33 GPs and 145 villages in Tumkur district, encouraging people who had worked or were working as manual scavengers to come forward and file applications declaring the same. At the end of the process, total 102 applications were submitted for registration as MS from Tumkur district. It was discovered that the number of manual scavengers in rural areas in Karnataka which was pegged at 15,750 by the SECC 2011, had been reduced by the government to 477 only.

Officially in Karnataka there are 302 MS in urban areas and 477 MS in rural areas bringing the total up to 779. The gross underestimation reflected in these figures was brought to light by the fact that in Tumkur and other districts where THAMATE and SKKS were active in the survey campaign, 390 new self-declarations were filed by individuals for registration as MS. The struggle of THAMATE continues to prove the existence of Manual Scavengers.

iv. Advocacy for Sanitary infrastructure and Protocols

THAMATE has been documenting sanitary infrastructure in urban bodies. The findings discern that the Sewerage Treatment Plants (STPs) are not practicing mandatory guidelines for cleaning. THAMATE team visited pollution control board and identified that there were guidelines for constructing STPs but no guidelines exist for cleaning STPs, which Following this background research and documentation of various deaths of Underground Drainage(UGD) workers, Thamate has focused on advocacy for creating sanitary infrastructure guidelines and develop protocols for cleaning of STPs.

v. Challenging Hierarchies

THAMATE along with its associates has been involved in conducting fact findings for denial of rights of manual scavengers, Safaikarmacharis since the Savunur incident in 2009 and has conducted fact finding on several deaths of MS, UGD workers occurring in the state. In early 2017 high end profile Jatti Apartment (JattiDwarkamayi Villa) owners had taken services of three migrant Dalit youth for cleaning the STP in their premises. One youth died due to influence of toxic fumes of gases emanating from the STPs. These labourers were engaged through unauthorized contractors. The nearing police station, Whitefield police station had registered a normal FIR for the case under the influence of the dominant profile of the owners of the apartment. However after intervention of THAMATE and fact finding conducted by THAMATE and SKSS members a complaint was registered under the Prohibition of Employment as Manual Scavenging and their Rehabilitation (PEMSR) Act, 2013 and the Prevention of Atrocities against Scheduled Castes and Scheduled Tribes Act 1989 as amended in 2015. The deceased youths mother got a compensation of Rs. 14 lakhs, though a young life was lost. More details of the incident and fact finding report can be accessed on: <http://www.countercurrents.org/2017/06/09/death-of-a-dalit-youth-while-cleaning-sewage-tank/>

Majority of the contract Pourakarmikas are Safaikarmacharis and manual scavengers. They are involved in cleaning open drains, cleaning carcasses etc. All of them belong to the Dalit community. According to perspective of THAMATE they are all manual scavengers but according to the government all are Safaikarmacharis. Majority of them are employed by contractors. Those employed by the Government are supposed to get ensured minimum wages, weekly holidays, safety measures, medical benefits and all social security benefits.

SECTION II

2. THE STRUGGLE OF SAFAIKARMACHARIS

The Safaikarmacharis are denied all their entitlements. Since 2008 onwards, THAMATE mobilized and formed the CBM groups of all the SKs. Before 2008, though sporadic groups, unions of SKs existed, and some unions were under the leftist parties of CPI. Their focus was however class issues and they were addressing issues of wages and weekly holiday. Taking a different perspective, THAMATE collectivized all the SKs on the caste and class dimension. THAMATE'S standpoint and appeal was to organize SKs and educate them about their entitlements and make each one of them a leader, who could raise voice for themselves and negotiate for their rights. They were thus organized as a caste and on entitlement issues. From 2008 onwards, THAMATE started building leadership amongst them and began entitlement awareness. The focus was to

- To abolish contract system under the 1974 Contract Act
- To outline to the civic bodies to regularize the SKs and make them regular employees

In the move to build leadership among the SKs, Safaikarmachari Kavalu Samithi (SKKS) were formed in 10 Taluks of Tumkur district. Later the SKSS were formed in 22 districts of the state. THAMATE took the responsibility of strengthening the perspective and ideology of the SKKS leaders. With formation of SKKS, different unions/ groups of SKs which were existing earlier came united on a single platform and identified issues of low salary and EPF as two major points of advocacy to begin with. In 2013, the Chief Minister of the state, constituted Chandrashekhar committee to see into situation of MS. The SKKS submitted a report to the committee, however recommendations were not implemented.

In 2014 the SKKS for the first time raised a demand for minimum wages for the SKs with the Regulatory Board and also negotiated for provision of the safety equipment for the SKs. The regulatory board on the suggestions of SKKS recommended of the increased wages of the SKs.

The combined struggle of THAMATE and SKKS finally yielded a result in May 23, 2016, when the state government took a cabinet decision to abolish the contract system and the window period for regularizing the contract SKs was given as March 31, 2017. The decisions called for abolishing contract system and regularize more than 35,000 Pourakarmikas in the state, including around 30,000 in Bengaluru.

i. Bureaucratic Apathy: Challenges faced in implementing cabinet decision of regularization of SKs

However bureaucratic lethargy did not allow the decision to be implemented and created unreasonable hurdles for execution of the decisions. The SKSS and THAMATE held 2-3 meetings with the Chief Minister (CM) of the state to advocate for the issue, however things did not proceed as intended. All Supreme Court decisions were shown to the CM in the respective meetings as evidence to support the issue of abolishing the contract system and regularize the employees. The pretext given by bureaucrats was that regularization would be lead to a burden financially to the Government and civic body in

crores. **(Source: Internal correspondence documents with bureaucrats- Dated 17-06-2016; 7-12-2016).** Besides this the officials also reasoned that the SKs wouldn't work hard once they are regularized.

To further complicate things the CM of the state asked to study the systems of the states of Punjab and Haryana and as these states according to him were not having any contract system and the SKs were being given direct wages. SKKS conducted a counter study in many parts of the state of Punjab in Ludhiana, Chandigarh and Amritsar and in Haryana state. The study revealed that the many SKs were daily wage workers in these places. SKKS submitted to the CM (state government) one was the independent study and the other ordered by the CM to be done, however there came no reply from the government on it.

Table 5: Protests and some Gains Chronology

May 25, 2017	Following the ignorance and inaction on the two reports submitted to the government THAMATE, SKKS and SKs held a one day protest against the official apathy
May 26, 2017	<i>Parckechaluvila'</i> against the government, ' <i>Vachan Brashtesarkar'</i> –protest against the government, the theme became, Down, Down with the government which does not keep its promise. Before the protests, the SK Development Corporation had suggested for increased salary, however this decision was also not implemented.
June 12, 2017	Indefinite strike was called by the Pourakarmikas in Bengaluru (over 10,000 workers) in association with SKKS and other unions. 19,000 workers protested across different places including Tumkur, Dahrwaad and Bengaluru etc. The Pourakarmikas, contract workers of the Bruhat Bengaluru Mahanagara Palike (BBMP) Municipality) and at other places demanded regularization of their work. •The demand of the workers was to remove the word contract from job titles and direct payment of their salaries from the urban local bodies like on the basis of the model in Haryana.
June 13, 2017	The Municipal Minister along with other civic body officials visited the spot of the indefinite strike in Bengaluru and assured implementation of the cabinet decision of regularization and direct payment of workers.
June 13, 2017	Strike rolled back by Pourakarmikas and SKKS after assurance given by the respective minister and officials to hold a meeting on June 20, 2017; to work out the details of implementation of the decision.
June 23, 2017	Siddaramaiah, Chief Minister of the state announced in media, regularization of 11,000 contract workers in three months. It was announced by the CM that the civic workers getting a salary between Rs. 4,000- 5,000 would get a minimum salary of Rs.17,000, and the amount would be paid directly to the bank accounts by the civic body. It was established in the statement by the CM that 20,000 workers were employed as Pourakarmikas by various civic bodies across the state. It was declared that the services of 11,000 Pourakarmikas, including 4,000 working for the BBMP- were to be regularized in the first phase and the remaining were to be done subsequently.
Aug 7, 2017	Notification of implementation of the order

The biggest achievement for THAMATE, SKKS and its associates came with this announcement from the CM of abolition of the contract system. Other entitlements which have been gained in the struggle and are going on in 2017-18 Plan of Action include Rs. 80 crores dedicated by the Karnataka State Karmachari Corporation Board for education , housing, awareness, skill building , children's education, entrepreneurship , scholarship and for direct loans for SKs. Within this plan of action Rs. 50 lakhs is dedicated to creating awareness on the manual scavenging issue and amongst the MS community. THAMATE along with SKSS is dedicated to implement the Plan of Action.

2. BACKLASH FROM CONTRACTORS AND BUREAUCRATIC APATHY

The decision to abolish the contract system did not go well with the contractors and the protests of the workers also earned the ire of the civic body authorities. According to activists from THAMATE and SKKS, the contractors and most of the officials belong to the dominant castes and the work of sweeping, manual scavenging is usually done by people from Dalit communities, thus the abolition of contract system came forth as a big disappointment and challenge to those in power positions. Later an order was also issued empowering the local self-governments to recruit *Pourakarmikas* directly without the interference of the contractors. Miffed by both the decisions, the contractors started lobbying and pressed for rollback of the decision of abolition of the contract system. There was resistance from the contractors and a counter –protest was held by them for three days in front of BBMP. The contractors coercively took signatures from around 300-400 *Pourakarmikas* and established to the civic authorities that the workers themselves were against the abolition of contract system. Intimidating tactics were also used by the contractors on workers, especially those who asked for the pending salaries and media reports also highlighted contractors' attempts to harass women workers for demanding their pending salaries. Following the notification of the orders of regularization of workers and increased salary when some *Pourakarmikas* questioned their pending salary and arrears and outlined the decision to protest the civic authorities, i.e. the BBMP implemented the Essential Services Maintenance Act (ESMA) in September , 2017, which prevents contract workers from going on strike and protests.

CHAPTER VII

Power Dimensions and Gender Disparity in Manual Scavenging

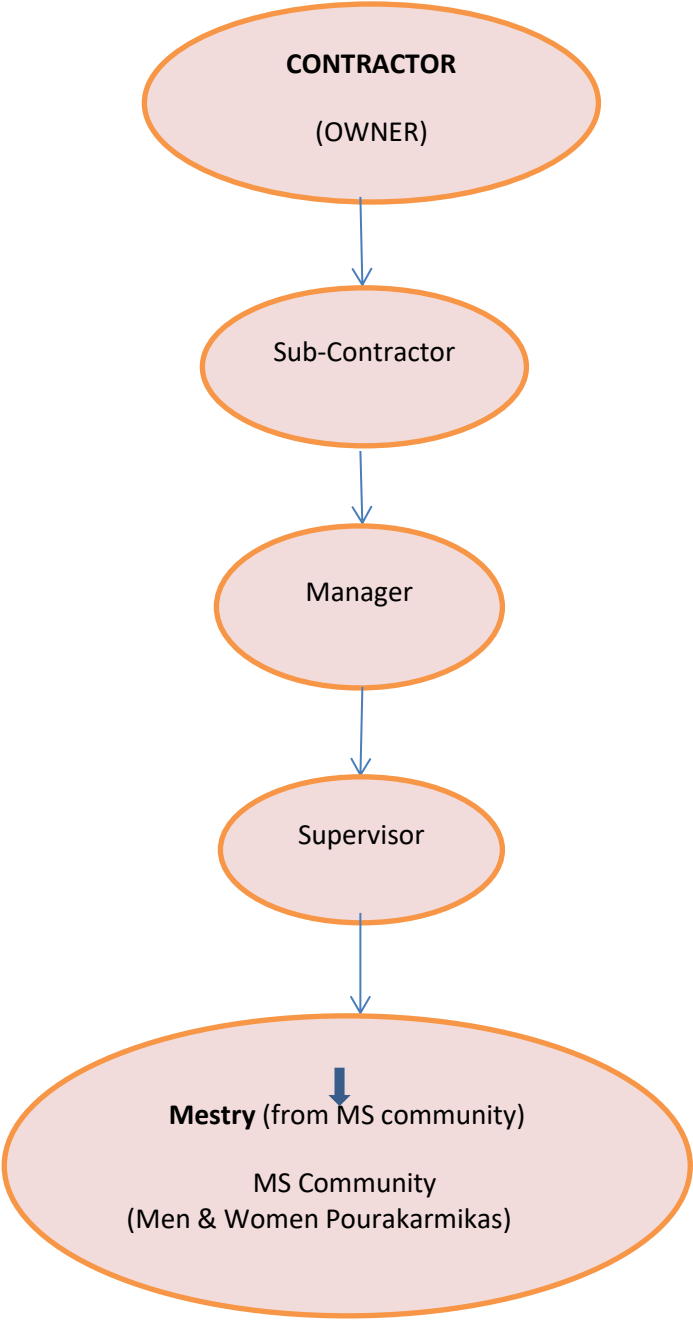
Gender disparity is visible in manual scavenging, women contract workers are relatively more marginalized and get lesser remunerations relative to men contract workers. Majority of the SKs are women and among the youth, the number of girls is less, however a significant number of girls works as SKs. Women usually enter this work domain of manual scavenging after marriage. The biggest challenge for women MS is lack of economic resources and responsibility of the household which makes them vulnerable and are forced to take up these jobs. Their vulnerability is a compounded effect of poverty, lack of adequate economic resources, and lack of education and skills for alternative employment and also alcoholism of their spouses in most of the cases. This cycle continues to perpetuate for women MS and SKs. The contractors also prefer to employ women as it is easier for them to control women. A general understanding ingrained among men contractors is that women MS are regular in the works and also vulnerable and won't defy the orders. Majority of the Pourakarmikas employed in the Bengaluru Mahanagare Palike (BBMP), airports, railway stations in the state of Karnataka are women.

The manual scavenging system is deeply mired in caste hierarchies and caste based discrimination is visible in how the system operates. The upper dominant caste men occupy the positions of the authority and beneficent employer. At the helm of affairs in the entire system are the contractors who are upper – dominant caste men and it is a very rare occurrence that a contractor is from the MS community. All the contractors are men. The second layer is occupied by sub-contractors who are also dominant caste men and manage the tasks for the contractors. The third level is occupied by managers who further manage the sub-tasks and they are also from upper castes. Following managers are the supervisors who are incharge of areas or the municipal wards. The lower position in this hierarchy is occupied by the Mestries who are men from the MS community and they work in direct contact with the community. They control work for roads, streets allocated to them and follow the direct orders/instructions from those higher above in hierarchy. The Mestries and other people of the MS community working as MS/SKs use the terminology 'owner' to address the contractor. Though the mastery is from the manual scavenging community however when it comes to power, they also behave as the proxy of the contractor.

Table Types of workers in Gram Panchayats and Urban Bodies – Caste Matrix

Safaikarmacharis	All belong to Dalit communities – Madigas, Malas, Bhangis etc.
Waterman	All belong to Other Backward Classes(OBCs)
Bill Collectors	All belong to Upper Castes (Dominant Castes)

Figure 2: Manual Scavenging System – Power Dimensions and Gender Disparity in Karnataka



The Ongoing Journey – Some Closing Thoughts

K B Obalesh notes that they have developed leadership qualities. It was our dream that they should lead and solve their own problems. They take the initiative to visit the municipality and visit the concerned official on their own. Today they have the capacity to discuss and resolve the problems on their own..... Thamate, the drum actually symbolizes the well –being, health and progress of the Madiga communities.....But Thamate the instrument was used to enforce untouchability. From now onwards we will not play Thamate in slavery. We will bring respect and dignity to Thamate. From now on we will play Thamate for our community's liberation.

The story of the THAMATE is that of an ongoing struggle of the manual scavenging community. It is a narrative of the extremely marginalized section of the Dalits who have waged a struggle for nearly two decades for attaining dignified life and doing away with the scourge of manual scavenging.

This case study attempts to discern that THAMATE has seen lot of gains, contributions, changes made in its journey at different levels like getting compensation for deaths of *Pourakarmikas*, collectivizing and mobilizing the marginalised community at different levels, increased participation in national policy level making bodies and global networks. It would be too simplistic and premature to critically reflect on the gains and the changes made by THAMATE. This case study attempts to reflect on the struggle which the marginalized community is pursuing by permeating the structural axes of marginalization for creating dignified life opportunities. It attempts to narrate a journey through the face of THAMATE which the most disadvantaged sections are combating by breaking the barriers of social exclusion which are embedded deeply in unequal power relations and plagued by the dimensions of caste, untouchability, gender, class and so on.

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