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# MEASURE AND BARRIERS TO ELIMINATION OF MANUAL SCAVENGING IN INDIA

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Abstract: The main objective of the present article is to critically evaluate efforts undertaken by the Govt. to abolish the manual scavengers and to study the reasons for the failure of such programs: Secondary data such as articles, Books, legislations related to manual scavengers were used to meet the study objectives. The Scavenger and sewage workers suffer mainly from chemical and biological hazards. This can be prevented through engineering, medical and legislative measures. The engineering measure should focus on making the process more mechanistic. These workers should also be benefited from occupational health services, which should include pre-placement and periodic health monitoring. Further effective implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, will help in the abolition of manual scavenging. Also, regular awareness programs should be conducted to impart education regarding safer work procedures and use of personal protective devices. Finally conclusion is; all the efforts of Govt. and other reformers will not be successful unless and until the individuals takes step to avoid such inhuman practice and live the dignity life.

**Keyword:** scavenging, scavengers, manual scavengers, measures to eliminate manual scavenger in India, barriers to eliminate manual scavengers in India.

#### INTRODUCTION:

Manual scavenging, the manual cleaning, handling, and carrying of human excreta, is an inhuman yet pervasive practice in India, which is performed solely by one Dalit subcaste of scavengers who are known by different caste names. From a human rights perspective, manual scavenging constitutes one of the grossest and inhumane abuses that violate India's domestic laws as well as international treaties and other legal commitments that apply to India. Over half a century ago, Mohandas K. Gandhi called it "the shame of the nation", and yet manual scavenging continues to be a widespread practice throughout India. It is perpetuated and legitimated by the caste system which condemns them to this occupation, based solely on descent-based discrimination. Safai Karmacharis (manual scavengers) are a minority at the bottom of the section of the population that is outside the Varna (caste) system, namely Dalits, who constitute 160 million people in India.

Manual Scavenging is not only a violation of human rights but also a disgrace to human dignity and humanity at large. This situation persists despite the fact that the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, is in enforcement, which provides for the prohibition of the employment of manual scavengers as well as construction or continuance of dry latrines and for the regulation of construction and maintenance of water-seal latrines for assuring the dignity of the individual, as enshrined in the Preamble to the Constitution.

The greatest scourge of untouchability is felt by manual scavengers whose daily living based on cleaning faeces from public and private latrines and dispose of dead animals from the village setup. Deemed to polluting and filthy occupation, this job is preformed exclusively by Dalits, and that too, to a subcaste of Dalits who are considered even by other Dalits sub-castes to be wretched and 'untouchable.'

Manual scavenging continues to exist in India, despite being unacceptable and hazardous as a method of disposal of human waste, despite scientific and technological advancement on various fronts that saves manual labour, and despite the availability of simple and low-cost alternatives, which can eradicate the twin problems of manual scavenging and safe disposal of human excreta. It passes on from generation to generation. Culture of acceptance prevailing among them is also depriving them of their basic rights Importantly, Governmental rehabilitation programmes are mainly failed due to lack of reliable number of manual scavengers and provision of meagre financial support. It is estimation based upon the Census 2011 data that approximately 1.2 Million manual scavengers are till date involved in manual scavenging practice. Government of India has fixed a time limit to end this inhuman practice since it was outlawed. However the deadline has been continuously extended by the Central Government. At the same time, the National Advisory Council adopted a number of recommendations for the elimination of scavenging, while the Union Government on 27 August 2012 had cleared the Prohibition of Employment of Manual scavenger and their

rehabilitation Bill, 2012. In addition, Government has expressed speedy elimination of scavenging practice in the 12th five year approach paper.

#### **OBJECTIVES OF THE STUDY:**

The main objective of the present article is to critically evaluate efforts undertaken by the Govt. to abolish the manual scavengers:

Following are the two specific objectives of the article:

- 1. Analyze the enabling environment for efficient implementation of total eradication of 'manual scavenging' Objectives in India.
- 2.To study the barriers to eradication of manual scavenging in India.

#### **NEED FOR THE STUDY:**

Life of Manual Scavenger is at risk at every stage, looking in health related issue will make it draw clearer picture of the problem. The working conditions of these sanitary workers have remained virtually unchanged for over a century. Apart from the social atrocities that these workers face, they are exposed to certain health problems by virtue of their occupation. These health hazards include exposure to harmful gases such as methane and hydrogen sulfide, cardiovascular degeneration, musculoskeletal disorders like osteoarthritic changes and intervertebral disc herniation, infections like hepatitis, leptospirosis and helicobacter, skin problems, respiratory system problems and altered pulmonary function parameters. So it is important to highlight the effort undertaken by Govt. and reasons for the failure of such efforts.

#### **METHODOLOGY:**

The research is mainly aimed at understand the efforts undertaken to eradication of "Manual Scavenging and its achievability, if not major reasons to achieve the mentioned goals.

Qualitative research approaches have conventio nally been favoured when the main research objective is to improve our understanding of a fact, mainly when this fact is intricate and deeply rooted in its context. It involves the study and analysis of several sites using namely cross-case review and reason building techniques to analyze data. Its many methods and techniques have helped researchers get a better grasp of a variety of management situations (Josée Audet and Gérald d'Amboise, 2001).

A two-step methodology was followed for this article, comprising literature review, and analysis of secondary data. Each of these steps of the methodology followed for this study is described in detail Below In order to achieve the research aim and objectives, the methodology adopted can be categorized in the following sections.

#### LITERATURE REVIEW

A survey of literature on Manual Scavenging Act and Municipal Waste Water Workers sanitation policies on Occupational Safety and Health Act (OSHA) of different countries was carried out to understand the involved different objectives and variety of approaches for achieving liberation of manual scavengers and Occupational Health and Safety rules coverage under EPA and its sustainability in India has been discussed.

#### **SECONDARY DATA**

Secondary data have been collected on each component of Manual Scavenging Act's input, output process and outcome – and the progress towards the overall goal of achieving universal Environmental sanitation coverage has been analyzed.

#### Measures to Eliminate Manual Scavengers

The measures for elimination of manual scavengers are divided in three parts i.e. Legislative measure, Rehabilitation measures and other measures such as International Labour Organisation. Following are the different measures undertaken by the Govt. to abolish the manual scavengers.

#### LE

the practice.

Date	Intervention
1949	Constitution of India:
	Article~17~(Abolition~of~Untouchability),~``Untouchability~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~any~form~is~abolished~and~its~practice~in~abolished~and
	forbidden."
	Article 21, Guarantees right to life with human dignity Constitution of India
	Article 25 (Right against Exploitation) "Beggar and other similar forms of forced labor are
	prohibited and any contravention of this provision shall be an offence punishable in accordance $% \left( 1\right) =\left\{ 1\right\} =\left\{$
	with law."
1949	Report of Scavengers' Living Conditions Enquiry Committee formed in State of Bombay. "Carrying
	of night soil on head loads should be abolished".
1957	Report of the Ministry of Home Affairs on Manual Scavenging:
	Recommendation No. 209, "Sufficient water for drinking and washing must be supplied to
	scavengers."
	Recommendation No. 210, "Arrangement for supply of soap should be made at place of work."
1957	Report of Scavenging Conditions Enquiry Committee formed by Ministry of Race Affairs. The
	practice of manual scavenging should be abolished "not later than end of the 3rd five year plan." $\frac{1}{2} \left( \frac{1}{2} \right) = \frac{1}{2} \left( \frac{1}{2} \right) \left( \frac{1}{2}$
1968	Report of National Commission of Labor:
	No. 5.3, "Fair load of work should be fixed for a normal working day."
	No. 6.7, "Employment of children as sweepers and scavengers should be prohibited in municipal
	or private service."
1968	or private service."  Committee established by the National Commission on Labor to study the working and service

1968 State of Gujarat bans manual scavenging. 1969 On Gandhi's Birth Centenary, the State of Guiarat announces ban on manual scavenging

1970 Circular (i.e., a directive) to collectors and municipalities that grants will be cancelled if the

practice is not put to an end in 2 months; 59 such circulars were made between 1970-71.

1989 Report of the Task Force for Tackling Problems of Scavengers and Suggesting Measures to Abolish Scavenging with Particular Emphasis on Their Rehabilitation by the National Planning Commission "The practice of manual handling of human waste (should be) abolished within the next fou

1991 CM of Gujarat promises rehabilitation to State's 15,000 scavengers by March 1992.

1991 PM promises to ban scavenging and allocates 800 crores for rehabilitation.

1992 CM repeats promise to end manual scavenging by March 1993. National government sets up National Commission for Safai Karmacharis to monitor and supervise rehabilitation.

1993 Abolition of Manual Scavenging Act enacted but no states adopt the act. 1994 On Gandhi's 125th birthday, CM announces ban and promises rehabilitation to 32,000 families.

1995 On Dr. Ambedkar's birth centenary, CM announces ban again.

1996 Establishment of National Scheme for Liberation & Rehabilitation of Scavengers India 797.112 scavengers identified (23.6% rehabilitated, 9.3% trained) Gujarat 62,000 scavengers identified

1997 Enactment of manual scavenging ban. Gujarat finally adopts act without suggested a

## The Employment Of Manual Scavengers And Construction Of Dry Latrines(Prohibition)Act, 1993

The Act, 1993 is not only penal but a social legislation, intends to protect and restore the dignity of manual scavengers. The main objectives of the law are to prohibit employment of manual scavengers, construction or continuance of dry latrine and for the regulation of maintenance of water-seal latrines. Since sanitation being part of state subject, therefore, originally it came into force in six states and all the Union Territories under clause (1) of Article 252 of the Constitution of India. While as on 2007, 19 States and all UTs have adopted the Act, 1993[19]; nine States are yet to adopt the Act.

Latrines (Prohibition) Act, 1993') does not prohibit dry latrines and manual scavenging in a direct fashion. It operates after State Government issues a notification fixing a date for enforcing the provisions prohibiting employment of manual scavengers and dry latrines in the specified area. The notification itself can only be issued after giving a notice of ninety days, and only where 'adequate facilities for the use of water-seal Latrines in that area exist'.

Act on Scheduled caste and Scheduled Tribe (Prevention of Atrocity) act, 1889. under the section of 3(1)(VI) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'beggar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government; Act "Bonded Labour System (Abolition) Rules, 1976.

#### CONSTITUTIONAL SAFEGUARDS:

The following constitutional safeguard guarantees

Article 14: Equality before law. (Right to Equality), Article 16: (2): Equality of opportunity in matters of public employment, Article 19: (1) (g): Right to Freedom (Protection of certain rights regarding freedom of speech), to practice any profession, or to carry on any occupation, trade or business, Article 21: Protection of life and personal liberty, Article 23: Prohibition of traffic in human beings and forced labour etc.,

## REHABILITATION MEASURES BY GOVERNMENT:

From the central level the following are the schemes which are enacted

National Action Plan for Total Eradication of Manual Scavengers by 2009.

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

Integrated low-cost sanitation (ILCS) scheme

Self-employment scheme for rehabilitation of manual scavengers (SRMS).

#### ILO'INTERVENTION

ILO-International Labour Organisation- is the only international organization which operates on a 'tripartite' basis. Since its inception, worker and employers organization have worked side by side with government in a three- way or tripartite basis. To put its aims and objective into practice, the ILO formulated and adopts different

standards (International agreements such as conventions), resulting from a process of consensus among its members on a specific issue. Discrimination (Employment and Occupation) Convention no.111 (1958) which deals with issue of work-related discrimination and promotes the equality in employment and occupation and also this convention states that Government needs to adopt the laws for combating discrimination through creation of educational programmes for equal opportunity, adoption of national policy on equal opportunity, full cooperation with employers and workers organization. This convention also states government to establish a national agency on equal opportunity along with repeal of inconsistent laws and practices. Social origin is one of the grounds of prohibited discrimination and ratified by India (1960). Regarding forced labour, ILO has adopted Forced Labour Convention (1930) to suppress the use of forced or compulsory labour in all its forms.

#### Rashtriya Garima Abhiyan's approach:

Manual Scavenging is primarily a Socio – Political issue, it denies life with dignity. This is one prime reason why every attempt to address it through livelihood aspect never succeeded in eradicating it. The occupation of Manual Scavenging has its roots in the caste system, which renders the community invisible and powerless. Further, condition and status of women pitches this issue into the premise of gender and women rights.

They are not only forced into the occupation, but also face multiple situations of vulnerabilities and denial of rights & justice within all spheres of life. Thus this unfortunate dalit community faces the dual challenge of 'Liberation" and "Rehabilitation" - Liberation from the inhumane occupation and invisibility to lead a life with 'dignity' and rehabilitation in the comprehensive terms encompassing social, religious, economic & political aspects. This is the concern with the prevailing situation says that "this is entirely a question of self-esteem and dignity; and no financial assistance/help or government schemes can search an answer to this question. There is an urge to make sincere efforts from both sides; firstly this vulnerable community should stop doing this work and secondly, the society should accepts this vulnerable community by giving them equal status without any discretion.

#### Barriers to Elimination of Manual Scavenging

The inhuman practice of manual scavenging was banned in the country 19 years back in 1993 through passing legislation of "The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993" (EMS CDLA) in this regard by the Parliament of India. Earlier to 1993, also there have been attempts to put an end to this practice.

Indian Government since 1947 onwards had formed several committees and the Planning Commission of India also formulated many programmes in its five year plans to put an end to this practice. The Government of India has implemented rehabilitation schemes like National Scheme for Liberation and Rehabilitation of Scavengers since 1992 and Self Employment Scheme for Rehabilitation of Manual

Scavengers since 2007 along with time frame for eradicate to this practice several times after independence.

However, even though of all these efforts Lakhs of Dalits and Dalit Muslims, most of whom are women, are forced to continue in this inhuman practice. Today this practice continues from Kashmir to Kanyakumari, those involved in manual scavenging due to the prevailing of dry latrines not only suffer from the inhuman pain of scavenging human faeces but also go through the agonizing pain and humiliation of discrimination, occupational health hazards of peril, untouchability and social exclusion.

It is very hard to digest. It is a very common scene in our country that men and women are being used to clean streets, the drainage, under water ways, 'manholes' sewer connections, septic tanks, etc (which are loaded with the human excreta) and to carry them away. It is a daily scene in major railway stations, bus terminals and hospitals that men and women clean the human excreta with bare hands equipped with just broom sticks.

Following are some of the major obstacles to eradicate manual scavengers in India:

1.An important reason for the failure of government rehabilitation programmes since 'Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993', came into force, is that, rehabilitation schemes and programme has been aiming at male worker rather than their Female worker who make up to 98 per cent of the people held captive by the oppressive tradition of manual scavenging.

2.An example of a particularly self defeating government programme is a scholarship for the children of the victims, (Scholarship for the Children of Families involved in incline occupation) which require the families seeking the benefit to have been engaged in manual scavenging for at least 100 days in a year. This scholarship scheme provides a perverse incentive to the Dalit households to continue in this occupation.

3.Government programmes have emphasized the financial aspect of rehabilitation and failed to address the caste-based oppression and related social conditions that have perpetuated this practice for centuries.

4.Government programmes have completely ignored the Muslim communities, such as Hela and Halalkhor, who inhabit in several states of India and have been as much a slave of this exploitative tradition as the Dalit Hindu communities. It's notable that the actual victims in this case too are primarily women.

5. Several states have refused to implement the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993, by denying the existence of dry latrines and manual scavenging in their jurisdictions despite evidence to the contrary. In other states, implementation has suffered because the Act itself is deficient on several counts; it neither lays down clearly the areas of responsibility nor provides penalties for non-enforcement of the law.

6.No national or state-level body exists that will monitor the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (prohibition) Act, 1993. The Safai Karmachari commissions that exist at the centre

and at some states do not play their role effectively either.

7. There are other laws – namely, Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act, 1989, Protection of Civil Rights Act, 1955, and Bonded Labour System (abolition) Act, 1976 – are completely ignored and stand violated because of the continued practice of manual scavenging. People have rarely been booked under sections of these Acts for harbouring the practice of manual scavenging even when such violations have been brought to the notice of the administration.

8. The government needs to realize that loan and subsidy make for only an apology for rehabilitation. The people enslaved by this inhuman tradition over many generations can hardly be expected to transform their lives with the paltry sum of money they receive in the form of loan and subsidy, especially when they continue to be discriminated against. These oppressed families deserve larger financial assistance in the form of grants, rather than loans, such as inclusion in the BPL list and related various benefits thereof, housing under Indira Awas Yojana, etc.

9. There have been serious mistakes and errors in the surveys that seek to identify and rehabilitate the victims. The most glaring distortion of the reality is that more men have been shown to be the victims of manual scavenging than women. The surveys also leave out a large number of deserving people from the list of potential beneficiaries while including people who and their families have no longer anything to do with manual scavenging. The surveys have also been biased in favour of urban areas, leaving out large swaths of the rural population.

#### SUMMARYAND CONCLUSION:

Govt. of India and some of the social reformers have been working to eradicate such inhuman practice in India from the time of Independence. Even though of all these efforts Lakhs of Dalits and Dalit Muslims, most of whom are women, are forced to continue in this inhuman practice. Today this practice continues from Kashmir to Kanyakumari, those involved in manual scavenging due to the prevailing of dry latrines not only suffer from the inhuman pain of scavenging human faeces but also go through the agonizing pain and humiliation of discrimination, occupational health hazards of peril, untouchability and social exclusion.

The Scavenger and sewage workers suffer mainly from chemical and biological hazards. This can be prevented through engineering, medical and legislative measures. The engineering measure should focus on making the process more mechanistic. These workers should also be benefited from occupational health services, which should include preplacement and periodic health monitoring. Further effective implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, will help in the abolition of manual scavenging. Also, regular awareness programs should be conducted to impart education regarding safer work procedures and use of personal protective devices. Finally conclusion is; all the efforts of Govt. and other reformers will not be successful unless and until the individuals takes step to avoid such inhuman practice and live the dignity life.

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