

1. About Thamate and its Work

Thamate (literally a *Dalit Drum*) is a Community Based Organization founded in 2006 working in Tumkuru district of Karnataka with *madiga* and other most marginalized communities for eradication of manual scavenging practice and comprehensive development of the community.

Focus of Thamate's Work

Thamate's work is focused on following thematic issues: -

- Eradication of Manual Scavenging Practice including legal interventions
- Organizing *safaikarmacharis*
- Improving Education among families of Safaikarmacharis/Manual Scavengers
- Improving Health status of families of Safaikarmacharis/Manual Scavengers

Within this broad framework, Thamate continued its work in the in the second quarter of 2017-18 (July-Sept), as this report elaborates, with its advocacy efforts yielding results with partial regularization of *safaikarmacharis/pourakarmikas*; the initiation of district-level training of officials on Manual Scavenging Act 2013 and engagement with the efforts of Government of Karnataka to bring in regulation of extractive and exploitative private health sector.

2. Executive Summary

Thematic Issue	Key Activities	Result	Outcome
Legal Intervention in Cases of Manual Scavenging	Trainings on MS Act 2013 for panchayat, ULB and district officials	By the end of the quarter, trainings were completed in two districts - Tumkuru and Yadgiri	Responsibilities under the Act explained to relevant officials along with criminal liability if any incidence of manual scavenging occurs in their area.
	Protest in front of Tumkuru Zilla Panchayath Office against continuation of manual scavenging practice in Gubbi	Memorandum submitted to ZP Officials with evidence of continuing manual scavenging in Gubbi and refusal of officials to register manual scavengers.	The ZP CEO has called a district-level meeting to address the issues raised. A FIR was registered u/s 3(1) (j) of POA act and u/s 4, 5 and 6 of MSR Act 2013.
	Legal Intervention in Udbur Case: Follow-up with the police to get correct FIR filed	Memorandum was submitted to Superintendent of Police (SP) of Mysuru district who issued directions to the Circle Inspector to register the case under MS Act 2013	Process ongoing
	Submission made to Ministry of Social Justice and Empowerment, GoI, for the Consultative	Suggestions were made to the Ministry for consideration towards	Proposals under consideration

	Meeting to discuss the Proposed Amendments to the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013	the process of amendment of the Act	
Regularization of <i>pourakarmikas</i>	Submission of Objections to GO for regularization of <i>pourakarmikas</i>	Report submitted to the State Government through State <i>Safaikarmachari</i> Commission	CM apprised of the steps taken by Punjab and Haryana State govts towards regularization of their <i>pourakarmikas</i>
Improving Education among families of <i>pourakarmikas</i> / manual scavengers	Two-day annual planning meeting and training workshop organized	Participants given training in planning activities and resource budgeting	Annual Activity Calendar prepared by each participant
	Organized Parent-School Teachers' meeting	18 meetings of parents and school teachers organized	Parents participation Increased.
	Study Material Distribution	210 children received school bags, shoes, textbooks and notebooks. 112 children got cycles. 150 children open individual accounts at local banks.	

3. Eradication of Manual Scavenging

In this quarter, the efforts to eradicate manual scavenging were made at district (Tumkuru), state (Karnataka) as well as national level.

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Submission made to Ministry of Social Justice and Empowerment, GoI, for the Consultative Meeting	Suggestions were made to the Ministry for consideration towards the process of amendment of the	Proposals under consideration

to discuss the proposed amendments to the PEMSR Act	Act	
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3.1 Trainings on PEMSR Act 2013 for Panchayat, ULB and District Officials

From our past experience, it was realized that after the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 (PEMSR Act) came into force, it had not been publicized by the government among the officials who are responsible for sanitation at the state, district, urban local bodies and *panchayat* level including police officials. Hence, need for training all these officials about the relevant sections of the Act and their responsibilities and criminal liability under the Act was being felt for some time. Finally, Karnataka State *Safaikarmachari* Commission has allotted Rs 1 Lakh for conducting such orientation-cum-awareness workshops for each district which will be organized by the District Social Welfare Department with members of SKKS as resource persons. The process has been started in this quarter with the first training in Tumkuru district organized by the District Social Welfare Department with support from *Safaikarmachari* Kavulu Samithi members. The training held at Zila Panchayat Office on 24.08.2017 was attended by officials from *panchayats* (Executive Officers, Panchayat Development Officers), Urban Local Bodies (Health/Environment Inspectors) and District Officials (ZP officials, District Urban Cell members etc.). Mr. K B Obalesha was a key resource person for this training and introduced the relevant Acts to the participants, followed by session on rehabilitation procedure by Dr. Chandrashekhar and another session on registration of Manual Scavengers by Prof Y J Rajendra.



Following the first training at Tumkuru, the second district-level training was conducted in Yadgiri. A team of SKKS had visited Yadgiri town earlier and had observed the sanitation situation and the status of *safaikarmacharis*. We saw that in several households, the toilets were connected to open drainage through which human excreta and urine was drained. There were many insanitary latrines in the town which were being cleaned by contract *safaikarmacharis* of the municipal corporation. As per the PEMSAR Act 2013, all these workers would be classified as doing manual scavenging but the corporation has turned a blind eye towards this.



It is in this context that Safaikarmachari Kavalu Samithi had been demanding that the ULB organize an orientation-cum-awareness programs on the PEMSAR Act 2013 for related department officials and civil society members. The workshop was finally conducted on 14.09.2017 in which Mr. K B Obalesh made presentation on difference between the PEMSAR Act 2013 and and The Prohibition of Constructing Dry Latrine and Eradication of Manual Scavenging Act 1993. Dr. Chandrashekar briefed the participants on the process of carrying out survey to identify manual scavengers survey and the self-declaration process. Mr. Ramchandra, SKKS and member of State Monitoring Committee gave an overview of the present and past rehabilitation programs of manual scavengers and the challenges in implementation. The workshop was attended by around 250 participants including officials from different department and *safaikarmacharis*. The workshop was inaugurated by the District Collector (DC) and was presided over by City Corporation President, Vice-President and other elected representatives.



Yadagir District Collector Mr. Manjunath, IAS interacting with safaikarmacharis regarding their challenges



Mr. K B Obalesha speaking at the Workshop in Yadgiri



3.2 Protest at Zila Panchayat Office Tumkuru against continuing practice of Manual Scavenging

In the last week of August, an incident of manual scavenging in Kalluru village in Gubbi *taluka* of Tumkuru district came to light. On further investigation by the Thamate team, we found that some 20 families in this village regularly work as manual scavengers cleaning septic tanks in nearby villages for last 15-20 years. Since 2014, the state government and the district administration in Tumkuru had been claiming that there are no manual scavengers in the district. The survey conducted in 2014-15 had also returned zero manual scavengers in the district which was contested by Thamate by producing 102 self-declaration forms from people who had been working and are still working as manual scavengers. So far, the district administration had refused to acknowledge this and register them as manual scavengers. To publicly expose the lies of administration, SKKS organized a protest in front of Zila Panchayat Office on 27.09.2017 and submitted a memorandum with evidence of manual scavenging to the officials as well as the press. Forced to face the reality, the officials have called for a meeting on 4th Oct 2017 to discuss this issue.



3.3 Follow-up in the case of the death of Manjunath in Udbur Village, Doora Panchayat, Mysuru

On 9th May 2017, Manjunath (30), a *pourakarmika* working under the Doora Gram Panchayat, died due to an electric shock while opening a soak pit in Udbur village in Mysuru district. The fact-finding team comprising Mr. K B Obalesh and Mr. Ramchandruppa had conducted a fact-finding and had spoken to the SI of the local police station about registering the case under the relevant sections of the PEMSR Act 2013 but the police failed in their duties. To follow-up on this case, Mr. K B Obalesh and Mr. Siddharth from Safaikarmachari Kavulu Samithi and Mr. Maridandiah Buddha from PUCL met the SP of Mysuru district and impressed upon him the grave nature of this failure of the police. We submitted a memorandum to him demanding immediate addition of relevant sections of the MS Act 2013 to the FIR. The SP endorsed the demand and referred it to the Circle Inspector who assured the team of prompt action.

3.4 Consultative Meeting to discuss the Proposed Amendments to the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013

On Aug 30 2017, Ministry of Social Justice and Empowerment had organized an official meeting of all states and ministry officials on the subject '**Consultative Meeting to discuss the Proposed Amendments to the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013**'. On receiving the Agenda Notes for this meeting through officials and Right to Information Act, SKKS submitted suggestions regarding changes in the Act and the schemes related to rehabilitation of manual scavengers. Some of the main suggestions made by us are the following: -

- a) Strengthening of the Act by including criminal liability for official not registering persons as manual scavengers despite self-declaration forms being submitted;
- b) Provisions of greater powers to the State Monitoring Committee;
- c) Provision for holding social audits;
- d) Inclusion of *safaikarmacharis* for eligibility of their children for Pre-Matric Scholarships to the Children of those Engaged in occupations involving cleaning and prone to health hazards;

3.5 Initiation of Preparation for Organizing a Public Hearing on PEMSR Act 2013

In light of the slow and shoddy implementation of the PEMSR Act 2013 in Karnataka and the lack of political will to do so, we initiated a process to hold a public discussion on this issue. On Aug 15 2017, a meeting was held in St. Joseph's College attended by various activists who have been working on this issue. In the meeting, it was decided to explore the option of holding a state-level public hearing to bring to light the utter lack of implementation of the Act and the injustice being done to persons engaged in manual scavenging. To take the idea further, a meeting was held on 26 Aug 2017 attended by all SKKS members and it was decided to hold a public hearing during Oct/Nov 2017 focussing on following aspects: -

- a) Inaction on Demolition of Insanitary Latrines;
- b) Ineffective rehabilitation of identified manual scavengers
- c) Non- registration of manual scavengers despite self-declaration forms submission;
- d) No progress in criminal cases involving manual scavenging deaths; and

e) Policy for creating sanitation infrastructure in Karnataka.

4. Regularization of Contract *Safaikarmacharis* working under Urban Local Bodies (ULBs)

Table 2: Key Activities, Process Result and Outcomes

Key Activities	Result	Outcome
Submission of Objections to GO for regularization of <i>pourakarmikas</i>	Report submitted to the State Government through State Safaikarmachari Commission	CM apprised of the steps taken by Punjab and Haryana State govts towards regularization of their <i>pourakarmikas</i>

As a partial fulfilment of the advocacy process initiated by SKKS in 2014 for regularization of services of *safaikarmacharis/pourakarmikas* and following-up on the state-wide indefinite strike and subsequent cabinet decision, on Aug 8 2017, the Urban Development Department, Government of Karnataka came out with a Government Order (GO) paving the way for filling of vacant positions under all ULBs in the state by existing contract *pourakarmikas* along with Notification for Special Recruitment Rules (attached in Appendix 1). However, the special recruitment rules as notified lays down very stringent conditions for recruitment (max age of 45 years; health status etc.) which can potential make ineligible several *pourakarmikas* who have worked for ULBs for 15-20 years on contract without proper pay or social security. Hence, 28 members from SKKS have filed following objections to the notifications and will work towards their implementation in the final recruitment rules:-

1. increase the maximum eligibility age from 45 years to 50 years;
2. Provide one-time solatium of Rs 10 Lakhs each to those workers who have completed 50+ years along with a monthly pension of Rs.1000;
3. The number of sanctioned posts should be in the ratio of one *safaikarmachari* to 500 persons and not 700:1 as provided in the rules;
4. All workers should be regularized in one round and not in a phased manner;

5. Improving Education among children of Manual Scavengers and

Safaikarmacharis

In the second quarter of 2017-18, Thamate ran 6 *bheemshaales*. Across these 6 centres, 97 boys and 115 girls were enrolled. Apart from helping them to do better in various subjects, through summer camps and cultural activities, the *bheemshalas* also attempt to build self-confidence in the children. Table 3 below gives details of the 6 *bheemshalas* that were run by Thamate in 2017-18 and the number of students enrolled in each of them.

Table 3: Number of male and female students attending various *Bheemshalas* in Tumkuru district

Sl. No.	Name of the <i>Bheemshala</i>	Taluka	No. of Children Enrolled		
			Boys	Girls	Total
1	ADARSHANAGAR	PAVAGADA-URBAN	22	19	41
2	KANNAMEDI	PAVAGADA-RURAL	16	17	33
3	BYADANURU-1	PAVAGADA-RURAL	15	18	33
4	BYADANURU-2	PAVAGADA-RURAL	11	17	28
5	POTHAGANAHALLI	PAVAGADA-RURAL	18	22	40
6	MADHUGIRI	MADHUGIRI -URBAN	15	22	37
Total			97	115	212

5.1 Bheemshaale Activities

During the academic year, Thamate organizes meeting between Parents of the *bheemshale* children and school teachers where the children are studying. The purpose of these meetings are: -

- to involve the parents of *bheemshale* children in the *bheemshale* functioning process;
- to inform them about their children's learnings, extra-curricular activities, participation in *bheemshale* and their general attitude;
- to motivate parents so that they don't engage their children in their unclean occupation;

- to make the parent's share responsibility of supporting *bheemshale* in continuing its educational activities; and
- to motivate children to participate in school sports/cultural activities.

In the second quarter, 18 parents and school teachers' meetings were organized.

5.2 Two-day Annual Planning Meeting at Sidderbetta

During Aug 7-8, 2017, a meeting of all the Thamate staff was organized at Sidderabetta in Tumkuru for Annual Planning of Thamate activities. All the *bheemshale* teachers and Thamate resource persons were trained on how to plan activities for the whole year and budget for resources required to carry out those activities. As part of the meeting, each person was asked to prepare an Annual Activity Plan for themselves and present it to the whole group. At the end of the training, each person finalized Activity Calendar for Year 2017-18. Along with planning activities, the group was also given training on how to use Right to Information Act 2005. The participants filed RTIs related to their work as part of this training. The participants were also introduced to PEMSR Act 2013.



In the second quarter, 210 children received School bags, shoes, textbooks and notebooks; 112 children were provided cycles and for 150 children individual accounts were opened at local banks.

6. Public Health Advocacy related to KPME Amendment Act 2017

In the monsoon session of the Karnataka Assembly, the Minister of Health and Family Welfare introduced an amendment bill to amend the existing Karnataka Private Establishment Act. The Amendments were attempting to bring in patient rights, standard treatment protocols to check irrational procedures being done at private hospitals and to prescribe a upper limit on the prices that can be charged for specified procedures by private hospitals. Several provisions being introduced through amendments are likely to benefit common people but many doctors instigated by corporate hospital owners protested against the Bill. Thamate has been working closely with Karnataka Janaarogya Chalulvali (KJC, Karnataka People's Health Movement) which had brought to light the racket of medically unwarranted hysterectomies being conducted for financial profits by several private hospitals on poor, marginalized women in the last few years. In their endeavour to secure justice to these victims, it was the experience of Thamate and KJC that the exiting Act is toothless. Hence, when the assembly referred the bill to a Select Committee for consideration, Thamate very strongly advocated in favour of the Bill. In Aug 2017, a joint delegation including Thamate members met the Chairperson of the Select Committee, Mr. Rajanna and submitted a memorandum in favour of the amendment bill, making further suggestions for changes in the existing Act. On 23 Aug 2017, the Select Committee had called for a public consultation and Thamate and KJC led a delegation which stressed on the urgent need for changes to the Act to ensure patient rights and safety.

