

AS INTRODUCED IN THE RAJYA SABHA
ON THE 11TH MAY, 2012

Bill No. XII of 2012

THE CONSTITUTION (AMENDMENT) BILL, 2012

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BILL

further to amend the Constitution of India

BE it enacted by Parliament in the Sixty-third Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2012.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification
5 in the official Gazette, appoint.

2. In article 39 of the Constitution, after clause (f), the following clause shall be inserted,
namely:—

Amendment of
article 39.

“(g) that there is equality in status, income, facilities and opportunities in
employment whether of religious or secular nature of *Valmiki* community .”

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Explanation— The *Valmiki* community refers to a caste amongst Indian Hindus
who were traditionally treated as untouchables and were historically restricted to three
occupations of cleaning latrines, sweeping and scavenging.

STATEMENT OF OBJECTS AND REASONS

Valmiki is the only community within the Hindu caste structure to clean toilets and carry night soil due to historical and traditional practices. Every other community, even amongst the Scheduled Castes, regard them as untouchables and in large parts they do not eat or inter marry with them. They are the 'untouchables' amongst 'untouchables'. It is the most discriminated caste in India, Nepal, Bangladesh and Pakistan. They could not be assimilated in the main stream of Hindu society to a large extent as the caste identity based discriminations are still very strong.

In 1970s the State of Karnataka passed a law to ban manual scavenging. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 punishes the employment of scavengers or the construction of dry (non-flush) latrines with imprisonment for up to one year and/or a fine of Rs. 2,000. Though, the Central Government proposes to table in the monsoon Session (2012) of Parliament, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, still more need to be done as even after 63 years of independence, the human beings in our country are forced to do such demeaning, soul searing work. It is high time that urgent steps be taken by the State to wipe out the social tag and the shameful practices, inequalities in status, income, facilities and opportunities of the employment. Thus the proposed amendment is necessary for bringing the *Valmikis* in the main stream which also seeks to ensure their employment as priests in Hindu temples after gaining appropriate and satisfactory training and knowledge from prescribed authorities, so that they do not face perpetual marginalisation, social fixation of their vocation, subjugation and isolation in the otherwise upper caste dominated society.

Hence, this Bill.

TARUN VIJAY

RAJYA SABHA

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(Shri Tarun Vijay, M.P.)