

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

**UNSTARRED QUESTION NO.1274
TO BE ANSWERED ON 27.07.2021**

MANUAL SCAVENGING BY DALITS

1274. SHRI S. JAGATHRAKSHAKAN:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether it is a fact that though legal mechanisms to protect Dalits are in place, their implementation remains very weak, and consequently atrocities against Dalits are almost inevitably committed with impunity;
- (b) if so, the details thereof;
- (c) whether it is also a fact that even today, more than 90% of the employees in the sanitation and cleaning sector are Dalits, if so, the details thereof; and
- (d) the preventive steps taken/being taken by the Government to protect dalits and also to put an end to manual scavenging?

ANSWER

**MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT
(SHRI RAMDAS ATHAWALE)**

(a) & (b): The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {PoA} Act, 1989, is an Act to prevent the commission of offenses of atrocities against members of Scheduled Castes (SCs) and Scheduled Tribes (STs).

Since 'Police' and 'Public Order' are State subjects under the Seventh Schedule (List-II) to the Constitution of India, the State Governments and UT Administrations are primarily responsible for prevention, detection, registration, investigation and prosecution of all crimes within their jurisdiction including crimes against members of SCs and STs as also for implementation of provisions of the PCR Act and the PoA Act. However, Government of India reviews the implementation of the Act from time to time and also issue advisories from time to time to the States/UTs for implementing the provisions of the Act in letter and spirit.

(c) : No such data is maintained by this Department.

(d) : Manual scavenging is prohibited under Section 5 of the "Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (MS Act 2013)" in all the States and Union Territories with effect from 06.12.2013, the date of coming into force of the Act.

Further, Section 3(1) (j) of the PoA Act describes as follows:

“Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,-...
makes a member of a SC or a ST to do manual scavenging or employs or permits the
employment of such member for such purpose...
shall be punishable with imprisonment for a term which shall not be less than six months but
which may extend to five years and with fine.”
