# RESOURCE HANDBOOK FOR ENDING MANUAL SCAVENGING



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#### **FOREWORD**

The ILO Discrimination Convention (No.111) prohibits unequal treatment of workers on a number of discriminatory grounds, such as race, political opinion or religion. Social origin is another ground of discrimination mentioned in the Convention. Social origin means caste. In other words, the Convention prohibits discrimination in the world of work based on caste. During the International Labour Conference in 2007, the manual scavenging issue was discussed under the application of ratified Conventions. India was one of the countries included in this discussion under Discrimination Convention.

Employing a person for manual scavenging in India is legally prohibited. A new Act and Rules were adopted in 2013 reinforcing this illegality. At the same time, social security schemes were extended to make sure that former manual scavengers will be enabled to build a new life with a decent job. This Resource Guide provides a detailed description of the origins of manual scavenging, and explains why it is a violation of human rights. It shows the abhorrent consequences of caste based discrimination and how the concepts of untouchability and impurity are excluding manual scavengers from all walks of life. It also makes clear how former manual scavengers are facing multiple obstacles when they actually try to reintegrate themselves in the society.

This Resource Guide will be a useful tool for government officials and other stakeholders such as trade unions in understanding the issues surrounding manual scavenging. It will also help the user in understanding the legislative changes that took place in 2013, and how public authorities can assist former manual scavengers by making use of the measures and tools put at their availability by the Government of India.

The involvement of the International Labour Organization on manual scavenging was mandated by its supervisory system, originating from the discussion that took place at the International Labour Conference in 2007. Being the Specialized Agency of the United Nations on labour, this involvement also catalyzed action by other United Nations organization in India, each one of them fighting the injustice of manual scavenging from their respective mandates. It made clear that the UN family is joining hands with the Government of India and other stakeholders to end manual scavenging in India in the shortest period possible. It is my hope and expectation that this Guide will help all stakeholders to speed up their action for the eradication of manual scavenging in India.

I am extremely grateful to the authors Mr. Harsh Mander and Ms. Agrima Bhasin of the Centre for Equity Studies for enthusiastically agreeing to this assignment and for their expert completion in a short period of time. I also wish to acknowledge the role of my colleagues Mr. Sameer Taware, Mr. K. S. Ravichandran and Mr. Coen Kompier for their support to the authors.

Tine Staermose
Director
ILO Country Office India and
Decent Work Team for South Asia

New Delhi July 2014

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### Note From The Author

I dedicate this handbook to the memory of the late SR Sankaran, Chairperson of the Safai Karmchari Andolan since its founding, for his commitment to a more egalitarian and democratic social order. He was an outstanding humanist and progressive civil servant, an inspiration for generations of public officials.

I am grateful to the ILO Delhi, and especially to Coen Kompier and Sameer Taware for identifying the need for such a handbook, for entrusting me with this task, and for their deep and abiding interest in ending manual scavenging.

My young colleague Agrima Bhasin is passionate about the ending of manual scavenging as a collective obligation in the journey for a more egalitarian and humane society. Her research inputs were invaluable for the writing of this handbook. I am grateful also for the research support provided by Jeevika Shiv, who assisted me in my work regarding manual scavenging when I was a member of the National Advisory Committee, as these insights were also useful for the writing of this manual.

I learnt a great deal over many years from leaders and activists of the Safai Karmchari Andolan, Rashtriya Garima Abhiyan and Navsarjan, who have done inspiring work, taking the path of non-violent and democratic struggle for ending manual scavenging, upholding the dignity and self-respect of manual scavengers, and ending the practice of untouchability. In particular I have learnt a great deal from my friend of many years Bejwada Wilson and also from Ashif, with whom I was associated ever since he established Garima Abhiyan more than a decade back. I would also like to acknowledge the contribution of Martin Macwan, other SKA friends such as Moses, Deepti, Anuradha K, Usha Ramanathan and Bhasha. Most of all, I owe a debt of gratitude to manual scavengers of great dignity like Narayanamma of Anantpur and Saroj Bala of Ambala.

**Harsh Mander** 

# 'To Be or Not to Be Born'

Mother, you used to tell me
when I was born
your labour was very long.
The reason, mother,
the reason for your long labour;
I, still in your womb, was wondering
Do I want to be born Do I want to be born at all
In this land?
Where all paths raced horizonwards
but to me were barred

Your body covered
with generations of dire poverty
Your head pillowed
on constant need

•••

Mother, this is your land
flowing with water
Rivers break their banks
Lakes brim over
And you, one of the human race
Must shed blood
struggle and strive
for a palmful of water

by LS Rokade

# **Chapter 1**

# Manual scavenging, indignity and caste in India

#### **Baskets of Shame**

Even today, the memories bring tears of shame to her eyes. She was paid to clean dry toilets each day, by physically scraping the human excreta that accumulated on the latrine floors, and carrying it away in a basket. Several months pregnant, Saroj one day climbed a narrow wooden staircase to reach the latrine in a house for which she provided this service. She slipped and fractured her foot. As she lay helplessly in agony below, her employers—of many years—dithered about helping her out because they believed her touch was polluting. Finally they picked her up with a pincer of logs, and called her family to take her to the local dispensary.

She wept bitterly that day. "Do you call this living? Even death is better than this humiliation."

This was the only work Saroj Bala had known since she was 13 years old. Like many other women in Ambala – a city of more than a million residents on the border of Punjab and Haryana – she would clean dry latrines in nearly a hundred houses each day. In return, when she first entered this vocation, she was given two stale rotis by many householders, and eight annas at the end of the month. Two years ago, when she finally left this work, she was being paid ten rupees a month in some homes, 20 rupees in others. The women who render scavenging service would enter houses from separate entrances reserved only for them, and climb segregated staircases. Their employers would purify the floor with holy Ganga water after they left. The women would collect the shit in baskets, and balance these on their heads as they trudged six times a day to the dump a kilometre away. People would cringe and cover their noses with the edge of their saris or hankies. The rainy season was the most traumatic, because the shit would slip through the baskets onto their hair and shoulders. They had to use separate public water taps, and even vegetable vendors sold them vegetables from separate carts.

Saroj Balahas now joined a movement of manual scavengers - the Safai Karmchari Andolan - and today leads processions of volunteers who demolish the few remaining dry latrines in Haryana, and burn the baskets in which they were compelled to carry human excreta. She sent all her four children to school. Two of her sons run a business of video photography for wedding. The third son has a mobile repair shop. Her daughter, who used to work in a beauty parlour, is now married. She had never dreamt that she would live to see a day when passersby did not cover their noses when she or her children walked down the street. And even less that she would lead a movement that made this possible.

#### Manual Scavenging and the Assault on Human Dignity

India's democracy and rapid market-led economic growth, the majesty of the law and the might of the state, have still not been able to extinguish the tragic shameful legacy of millennia, a practice called 'manual scavenging'. It involves entrapping women, men and even children only because of the accident of their birth into a hated and humiliating vocation, of gathering human excreta from individual or community dry toilets with bare hands, brooms or metal scrapers in wicker baskets or buckets. This the scavengers then carry on their heads, shoulders or against their hips into dumping sites or water bodies. Dry latrines are small toilets with a hole in the ground below which is a compartment in which a container is placed. The scavenger has to crawl into the compartment and empty out the receptacle, a process in which filth may despoil their clothes or smear their bodies. Others are similarly employed to clear, carry and of dispose excreta from sewers, septic tanks, drains into which sewage flows as well as and railway tracks.

Manual scavenging represents some of the worst surviving forms of both caste discrimination and dehumanising forms of work. The end of manual scavenging would mark the beginning of the end of the practice of untouchability and caste-based discrimination, as well as the reclamation of the right of every human being, regardless of the accident of her birth or resources, to access decent and dignified work. What is painful that in a country with more than a billion people, and with a variety of social welfare measures and planned development programmes, a section of people are forced even today to engage in obnoxious tasks, despite legal prohibitions. The continuing stranglehold of the caste system and the internalization of social exclusion, untouchability and discrimination are still pervasive. The basic issue is that of reclaiming human dignity of people engaged in manual scavenging —a dignity assured in the Preamble to the Indian Constitution.

This most humiliating among occupations deemed ritually 'unclean' under India's caste system derives from regarding contact with human waste as culturally polluting. The manual removal of human excreta, often with bare hands, survives as a deeply humiliating and abhorrent vocation despite having been outlawed many times by successive Constitutional and legal enactments. Manual scavengers are among the people most discriminated against in India, experiencing the most inhuman forms of untouchability.

The promise of Article 17 of the Indian Constitution, which abolished the practice of untouchability in any form, has not touched their lives as yet. In a petition filed in the Supreme Court of India against the continued practice of manual scavenging, lawyer Narayanan described eloquently to the judges the anguish of the people trapped in this profession. He said, the working conditions of the sanitary workers have remained virtually unchanged for over a century. Using only a stick broom and a small tin plate, the sanitary workers clears faeces from public and private latrines onto baskets or other containers, which they then carry on their heads to dumping grounds and disposal sites... Apart from the social atrocities that these workers face, they are exposed to several health problems by virtue of their occupation. These sanitary workers are made to literally go down the drains every day without safety precautions and supervision and without any emergency medical support....'

In 2003, a national coalition for the elimination of manual scavenging called the Safai Karmchari Andolan, along with 18 other organizations and individuals, filed a writ petition in the Supreme Court against the failure of the state to end this inhuman and unlawful form of work. It described the persistence of dry latrines in various parts of the country in violation of human dignity, the law and Articles 14, 17, 21 and 23 of the Constitution. It demanded that the court issue instructions to governments for time-bound eradication of manual scavenging and for effective rehabilitation of those freed from this despised vocation.

Detailed affidavits, many of which should be compulsory reading, have nailed official falsehoods From Ahra, Bihar, unlettered Dinesh Ram, now 15 years old, has been doing this work since he was nine. He tells the court, "I hate this work. I do not feel like doing it. But my problem is that I do not know any other work." Ramrakhi, who has worked since she was ten, says, "The gas emitted by the shit has spoilt my eyes, and my hands and feet also swell. It sticks to my hands and makes me nauseous." Chinta Devi, like many others, says she hates this work, but has to pursue it to raise her children.

Kokilaben, a sanitation worker in Kadi municipality in Mehsana, Gujarat, testifies in an affidavit to the court, "The human excreta discharged by people on the road is collected by me in a large bowl with the help of a broom and tin plate and stored in a trolley. When the trolley is full, I drag this with the help of my daughter and my husband... I carry the human excreta stored in plastic bucket on my head and while doing so the dirt falls on my body... I fall sick frequently... If I refuse to remove waste, I get suspended from duty by the Nagarpalika."

This practice of 'manual scavenging' is therefore the worst surviving symbol of caste untouchability in India. It drives people into this degrading daily work only because of their birth in particular

castes. It is significant that 99 per cent of the people forced to do this work are Dalit, and 95 per cent of them are women, reflecting the many layers of shame and oppression imposed by caste, patriarchy and untouchability on this despised livelihood.

#### 'Unclean Occupations' and Manual Scavenging

Manual scavenging is a segment of a larger category of occupations culturally regarded in India's caste system to be ritually 'unclean' and therefore socially despised. Millions of women, men and children continue to be trapped in these humiliating and socially devalued vocations in India only because of their birth. The Indian caste system survives in large tracts of rural India despite the sweeping winds of modernity. It mandates the division of labour, or the allocation of occupations, based on one's birth into a particular caste. Caste through millennia permitted little opportunity to people to move from one caste-based occupation to one that is socially regarded to be superior. Many of these barriers persist in modern times.

The most disadvantaged castes even among Dalits are socially assigned occupations which are considered ritually 'unclean' and socially degrading. Most of these 'unclean' occupations are associated in one way or another with death, human waste or menstruation. These three universal physiological processes have been culturally shrouded by the densest cultural beliefs of ritual pollution. It is important to stress what whereas in fact many of these occupations are in reality grossly unhygienic for the worker, their classification as 'unclean' is not based on the physical conditions of sanitation and hygiene of the work. Only those vocations are unclean under the caste system which are *ritually* regarded as most polluting.

The unclean occupations culturally forced upon Dalit people that are related to human death include the digging of graves, collection of firewood for the cremation of dead bodies and setting up of funeral pyres. Death is considered so impure and unclean that, in many regions of rural India, it is Dalits alone who are required by tradition even to communicate the news of any death to the relatives of the deceased person, whatever may be the distance.

There are a large number of unclean occupations that derive from the death of animals. In most states, villagers still expect Dalit people to dispose of carcasses of animals that die in their homes or in the village, whether cattle or dogs or cats. They skin the bodies of dead animals, flay and tan these and develop them into cured leather, sometimes even craft them into footwear and drums. The pollution associated with leather is so pervasive that in states such as Andhra Pradesh, Rajasthan, Karnataka, Uttar Pradesh and Maharashtra, even the beating of drums at weddings, funerals and religious festivals is considered polluting and imposed as a social obligation or caste vocation only on Dalits. The logic is carried further in rural locations where public announcements are still made in villages by the beat of drums. Even this occupation is considered polluting and is the monopoly of Dalits, because of the 'polluting' touch of dried and treated animal skin that is stretched on the drums.

A third category of 'unclean' occupations derives from the culturally polluting character of human waste. In most parts of India, the manual removal of human excreta, often with bare hands, survives as a deeply humiliating vocation despite having been outlawed. This pollution extends in many cases to cleaning of sewage tanks, drainage canals and the sweeping of streets. The beliefs related to the pollution by menstrual blood results in midwifery and the washing of clothes deemed as unclean occupations in states such as Uttar Pradesh, Karnataka, Bihar and Maharashtra.

The sturdy cultural beliefs in the polluting nature of certain occupations adapt regressively to a range of potentially liberating contemporary developments. For instance, the establishment of leather factories and tanneries has freed Dalits significantly from traditional hereditary occupations, but Dalits still lift and skin carcasses to sell at a price to leather footwear companies. It is also interesting that leather and tanning factories have a very high proportion of Dalit workers. In cases where the modern economy or municipal management requires the transport of solid waste or carcasses,

even the drivers of these vehicles are drawn from the Dalit community. Municipal authorities routinely employ only Dalit workers for scavenging and sweeping. Veterinary and medical doctors, unwilling to 'pollute' themselves by touching corpses, even use Dalits to perform post-mortems, whereas they only look at the dissected corpses without handling them and write their reports.

Some unclean occupations are involuntary and unpaid, or a pittance is paid for them. The bearing of death messages and temple cleaning in Tamil Nadu, cleaning up after marriage feasts in Kerala and Karnataka, making leather footwear for people of higher castes as a sign of respect in Andhra Pradesh, and drum-beating and the removal of carcasses in many states are unpaid tasks. Ghasis, Panos and Doms involved in leather work and scavenging are landless and most non-Dalits and even some of the Dalit farmers refuse to employ them for agricultural wage work. In Odisha, we find payments of leftover food, old clothes, fistfuls of food grains or petty cash. In most Rajasthan villages, cash is rarely paid for traditional unclean work expected from the Dalits, instead they are given food (not more than two *rotis*). In Karnataka, we found payment of arrack, a meal and some cash for drum-beating, and fixed cash payments for other tasks like midwifery and lifting of carcasses. Scavengers may be employed on monthly salary by local bodies, otherwise families pay them petty cash or stale food.

Not all unclean work is paid, and a lot of it is forced. Refusal to join 'unclean occupations' often results in retribution in the form of abuse, assault or social boycott. Even in the absence of such overt coercion, economic compulsions prevent most Dalits from escaping humiliating hereditary occupations. They may earn Rs 200 from skinning a dead buffalo, which brings food into their cooking pot. Scavenging may secure them regular employment in urban local bodies.

Those engaged in unclean occupations are usually assured of very low but secure earnings because of their monopoly of these occupations. If they persist in occupations such as scavenging or disposal of carcasses and human bodies, which used to be integral functions in society, but which no other group was willing to perform, they have greater economic security than many other disadvantaged groups. But this is at the price of the most savage and extreme social degradation. Yet, if they seek to escape this social degradation to achieve dignity, they have to abandon the economic security of their despised occupations to join the vast ranks of the proletariat. This, then, is the core of their quandary: if they seek economic security, they must accept the lowest depths of social degradation; but if they wish for social dignity, they must accept the price of economic insecurity and deprivation.

Lifelong engagement in these intensely socially despised — and frequently grossly unhygienic — occupations leaves profound physical and psychological scars on people who are forced into this work. Despite technologies available to make the work safe and hygienic, these are rarely deployed. The collective tragedy and angst of these most socially oppressed communities is that they find themselves socially trapped into 'unclean' occupations even as the country surges into 21st century market-led economic growth. Tradition, feudal coercion and economic compulsions combine to persist in ensnaring millions of these Dalit families across the length and breadth of the country into socially despised occupations.

#### <u>Different names for scavenging castes in different states</u>

Northern Indiα: Bhangi, Balmiki, Chuhra, Mehtar, Mazhabi, Lal Begi, Halalkhor.

Eastern India: Har, Hadi, Hela, Dom and Sanei.

Southern India: Mukhiyar, Thoti, Chachati, Pakay, Relli.

Western and Central India: Mehtar, Bhangias, Halalkhor, Ghasi, Olgana,

Zadmalli, Barvashia, Metariya, Jamphoda, Mela.

#### Why does the practice persist?

Persistence of the practice in modern democratic India derives from endurance of cultural notions of caste pollution and purity, and the assignment of persons to despised work based on their birth in particular castes. It is also remarkable that these ideas of caste and untouchability have permeated other egalitarian faiths like Islam, Christianity and Sikhism. Muslim castes like the Hela in Madhya Pradesh, Halalkhor in Bihar and Uttar Pradesh, and the Christian Chura in both Indian and Pakistani Punjab are examples of communities which continue to be saddled with these occupations despite conversion to other faiths. They continue to be compelled to perform this degrading work, and are subjected to the same discrimination and exclusion from eating together, social interaction and marriage as they experienced before their conversion in a vain quest for equality promised in the new faiths which they were entering.

This persistence of entrenched caste inequalities is layered with gender discrimination (as most dry toilet cleaners are women or young girls). Many manual scavengers who have not been socially awakened, have internalized the idea of manual scavenging as a hereditary caste practice and adhere to it despite the shame and suffering attached to it, because it is the only source of livelihood available to them. Their relegation to a profession which no one else is willing to enter to provide a service which society could not do without, gives them a certain level of economic security, but is the gravest daily assault on their social dignity. This is the tragic fate of manual scavengers.

The apathy and failure of state administrations throughout India to implement the law banning manual scavenging, the dearth of flush latrines, sewage facilities and modern technology in railway toilets, and the prejudice and apathy of the official and political class as well as society, complete the story of why modern India has been singularly unsuccessful in ending this shameful form of work. As we shall observe in later chapters of this handbook, legal and social policy interventions in the past have failed to eradicate the practice. This owes to flaws in design of the 1993 law and official rehabilitation schemes; regrettable corruption and poor implementation and utilization of funds; reluctance and denial on the part of state governments, public sector units and the Indian Railways to own up to the existence of the practice within their jurisdiction; and the lack of a vision to provision alternative jobs and social security to manual scavengers. There has been no sincere attempt to get an accurate count of dry toilets and of persons engaged in this practice, compounding the official tendency of denial. Subsequent surveys have stopped short of accurately identifying dry toilets and persons and uncloaking the extent of this practice. A culture of impunity and the absence of state accountability, answerability and public sincerity to end caste discrimination results in its continuance. If the practice of manual scavenging is waning, it is despite official apathy, and can be attributed to the brave non-violent efforts of grassroots organizations working to eliminate it.

The continuing existence of the practice violates fundamental Constitutional guarantees provided to all citizens of this country to live a life of dignity and therefore amounts to denial of equal citizenship to them. The consequence of these failures is the continued intense human suffering born out of indignity associated with this demeaning vocation, with no escape routes as it is passed down in the form of a dubious legacy from generation to generation. The social, cultural, psychological consequences include the continuing experience of untouchability, discrimination, stigma, humiliation, atrocities and marginalisation by people born into this caste. It denies chances for education, social mobility and dignity to new generations of Dalits.

Vinod Dom, who has been a scavenger from the age of ten, told the Supreme Court, "I do not like this work, and people also hate me. I cannot do this work without consuming alcohol. Shopkeepers do not give us water and tea in glasses and even serve us food on leaves. They wash the money we give them." He is determined not to bring his child into this profession at any cost.

#### Why this resource guide?

The continuance of this vocation degrades not the women, men and children who are forced to continue this work to bring food to their plates, but a country and a people indifferent to their shame, unbroken through centuries.

A significant promise for social justice was made in the President's address to India's Parliament on 12 March 2012, listing the Union government's priorities as it touched the half-way mark of the second term of the UPA government. President Pratibha Patil said that her government "will introduce a new Bill in the Parliament for eliminating manual scavenging and insanitary latrines. This will also provide for proper rehabilitation of manual scavengers in alternative occupations so that they are able to lead a life of dignity". A similar commitment was made to the Supreme Court four days later.

In the monsoon session of 2013, India's Parliament redeemed this promise by introducing a stronger law to end manual scavenging. This law can mark a major milestone in the journey for human equality in the country after more than six decades of freedom. Introducing the new law in Parliament, Union minister for social justice and empowerment Kumari Selja described the practice as 'dehumanising', 'inconsistent with the right to live with dignity' and a 'stigma and blot' on society. She also admitted that all state governments were in a 'denial mode' about the persistence of this social evil. The law passed by Parliament on 7 September 2013 corrects some of the infirmities of the earlier law, but still has many gaps, as will be described in detail in this handbook.

This handbook is designed to offer assistance to both officials responsible for implementing this new law, and community members seeking to end the age-old despised practice. It will try to explain how the new law defines manual scavenging, its provisions for identification, survey, grievance redress, release and rehabilitation, and prosecution of those who violate the law. Its writing is intended as a small contribution to larger efforts which are imperative so that the new law does not become one more missed opportunity and betrayal of India's most discriminated Dalit women and men, and their future generations. We must together act to correct the 'historical wrong' — cited in the new law — to a section of our people, to restore to them the dignity and respect which is long overdue.

# **Chapter 2**

# Laws Past and Present: Failure of Official Efforts to End Manual Scavenging:

Manual scavenging is a grave social evil, in violation of human dignity and all principles of decent work. It is both firmly barred in the Indian Constitution and unlawful, yet it has endured because of consistent failures in implementing the law in the backdrop of embedded social practices and beliefs of culturally sanctioned caste and gender inequality.

Affirmative state action to free Dalits from the shackles of degrading hereditary employment in manual scavenging has been unconscionably meagre and halting. On at least three occasions, the Indian government 'banned' the practice of manual scavenging — on the occasion of Gandhi centenary, Gandhi's 125<sup>th</sup> birth anniversary and Ambedkar centenary, with little success.

#### The Constitution and Manual Scavenging

There are many clauses in the Indian Constitution that have a bearing on prohibition of the practice of manual scavenging. The two most directly relevant Articles are 17 and 25.

Article 17 relates to the abolition of untouchability, and lays down that 'untouchability' is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of 'untouchability' shall be an offence punishable in accordance with law.

Article 23 deals with prohibitions of traffic in human beings and forced labour. 'Traffic in human beings and *begar* and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law'. Manual scavenging is both a gross form of the practice of untouchability and in many cases of 'forced labour', especially if force is understood in the larger, more expansive sense of not just physical force but the force of traditions and discriminatory practices.

There are other Articles of the Constitution as well, which are relevant to the discrimination faced routinely by manual scavengers. These include Article 14, which declares all persons equal before the law, and Article 15, which prohibits discrimination on grounds of religion, caste and sex.

#### **Laws and Manual Scavenging**

The Untouchability Offences Act 1955 made untouchability unlawful and a punishable offence. The original law did not acknowledge manual scavenging directly, but under its provisions, imposing on anyone else a practice or profession on account of untouchability became a crime, and this in effect included manual scavenging. However, the penal provisions (of imprisonment for six months or fine of Rs.500) were not strong, and enforcement even weaker.

In 1976, almost three decades after India secured freedom, section 7A was introduced into the Protection of Civil Rights Act 1955, which for the first time explicitly made compelling any person on grounds of untouchability to scavenge an offence punishable by imprisonment. But this did little to stop the practice. This provision again failed as it was riddled with the same weak penalties, dismal implementation, besides low awareness of the content and use of legal provisions. The SC/

ST (Prevention of Atrocities) Act, 1989 built a stronger legal regime to prevent and punish acts crimes of untouchability and violence, but even this had very little impact on the continuance of 'unclean occupations' like manual scavenging, and the humiliation suffered by them.

It took another 17 years, till 1993, for Parliament to pass the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act which rendered even voluntary employment of manual scavengers for removing excreta an offence, and another four years for the Act to be notified. State governments took even longer, up to 18 years, to even notify the Act.

# Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 and its experience

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 (hereafter described as the 1993 Act) outlawed manual scavenging, and made this a punishable offence. This set in motion a reform process that was long overdue in Indian society. Despite its many infirmities, it served for two decades as a primary instrument in the liberation of a broken people enslaved to a life of indignity enforced through ideologies of descent-based work and caste.

The 1993 Act declared the employment of scavengers or the construction of dry (non-flush) latrines an offence punishable with imprisonment for up to one year and a fine of Rs. 2,000. Even in its weak form, the fate of this statute was similar to that of so many laws that are passed by Indian legislatures, which favour or protect the very poor and marginalised. These laws are rarely even acknowledged, let alone enforced. This has been the fate of land reforms, laws that prohibit bonded and child work, rights of unorganized and migrant workers, and minimum wage laws. This law is no exception. Most state governments had not even notified the law by 2001, and the few that had, did not frame any rules for its enforcement. Local bodies themselves routinely ran dry toilets, and employed people mainly women of specific castes to clean these manually, but these same governments reported that there was no manual scavenging in their states. Few persons have been prosecuted under this law. Central government agencies like the Railways openly flouted the law.

Even though banned by the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993, the practice continued unabated, almost exclusively by women whereas men clean septic tanks of wet latrines. In 1997, the statutory National Commission for Safai Karamcharis observed that manual scavengers are 'totally cut off from the mainstream of progress' and are still 'subjected to the worst kind of oppression and indignities'.

The duty to rehabilitate released manual scavengers is a weak and non-binding part of this law. The government did launch programmes for livelihood rehabilitation of freed manual scavengers, education of their children and promotion of flush latrines in place of dry latrines. However, these remain ineffective because there is little political urgency and administrative will, as both government and the larger society accept the age-old practice of human degradation without outrage. Governments have tended to look at this as an issue of sanitation rather than human dignity as guaranteed to all citizens by the Constitution.

The major drawbacks in the 1993 Act, which restrict its potential to make it fully effective and truly liberating for those hundreds and thousands of people still engaged in manual scavenging, are as follows:

- (i) The content of the Act places more emphasis on sanitation than on the human dignity of the manual scavengers, almost all of whom are from the Scheduled Castes. In fact, the Act ignores the issue of human dignity mentioned in the preamble to the Act itself.
- (ii) Though the Act was enacted in 1993, it was brought into force only in 1997, after a delay of four years, vide notification of the Ministry of Urban Affairs and employment S058 (E) dated 24 January 1997 in the states of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal, and all Union Territories. It took 18 years for it to be adopted by all the states.
- (iii) According to the 1993 Act, manual scavenging involves continuance of community or individual dry latrines only, and manual scavengers are those employed/engaged fully or partially to clean the human excreta in such latrines. This definition is very restrictive. It does not cover all those who are employed to clear, carry and dispose human excreta in places other than the dry latrines those who clean the sewers, septic tanks and drains where human excreta is washed on railway tracks and in rail toilets. Due to lack of civic and sanitation facilities in semi-urban centres and cities, slum dwellers and pedestrians tend to use pavements and roads for defecation. In several places, the local governance bodies themselves allot specific plots or lands for open defecation. This is a major problem since the large numbers of sanitation workers engaged by the local governance bodies are forced to manually clear, carry and dispose human excreta and yet they are not considered as manual scavengers as per the 1993 Act.
- (iv) While the 1993 Act is restrictive in its definition, the National Safai Karmachari Finance and Development Corporation (NSKFDC), a body instituted by the government for the benefit of sanitation workers, defines scavenging more broadly. According to NSKFDC, manual scavengers are those employed/engaged fully or partially to clean human excreta and filth. This difference in definition led to diverse eligibility norms for legal action and for rehabilitation.
- (v) Section 3 (2) lays down that the state government shall not issue a notification under subsection (1) unless it has, by notification, given not less than 90 days notice of its intention to do so; adequate facilities for the use of water seal latrines in that area exist and it is necessary or expedient to do so for the protection and improvement of public health in that area. Section 3 (2) thus goes completely contrary to the very objective of abolition of the dehumanising practice of manual scavenging. By making the existence of adequate facilities for use of water seal latrines a pre-condition, it makes it virtually impossible to abolish manual scavenging. Clause (iii) makes the protection and improvement of environment and public health as their criterion, not the human tragedy of Dalit discrimination.
- (vi) Section 3 (1) requires state governments to issue a notification for an area. There is no need for separate notification for separate areas. It will be better and proper to have one notification for the entire state with reference to a specified date.
- (vii) In Section 5 (2) relating to rehabilitation the words 'as far as practicable' and 'try to' render the duty to rehabilitate released manual scavengers discretionary, not binding under law. It should be mandatory on the part of the state to rehabilitate persons engaged in manual scavenging. The rehabilitation should include the dependents of manual scavengers as well.

- (viii) Section 14 provides for punishment for violation of the provisions of the Act. It is necessary to explicitly indicate that the person who worked or works as manual scavenger should be exempted from any punishment. Otherwise, it is possible that some vicious elements may try to use this section to harass them as Section 3(1) forbids anyone from engaging in manual scavenging.
- (ix) In Section 17, the previous sanction of the executive authority is needed for prosecution and cognizance of the offence can be taken only on a complaint made by a person authorized by the executive authority. The previous sanction and authorization by the executive authority are unnecessary.
- (x) Section 18 places a limitation of three months for making complaints. This is not necessary. There is no need for time limit.
- (xi) There is no punishment for failure of public officials who deliberately and wilfully fail to implement the provisions of the law. If the provisions of the Act are violated and manual scavenging and dry latrines are continued, an offence is committed by an individual or the municipality or panchayat. In such a case, the procedure for prosecuting the offender including the municipality/panchayat should be clearly specified in the Act. A statutory duty should be cast on the relevant officials to prosecute the offender for the continuance of manual scavenging/dry latrine. In situations where prosecution does not take place even after identification of the offender, the chief executive of the concerned local body should be held responsible.
- (xii) There was no explicit specific provision in the 1993 Act laying down that all dry latrines should be demolished.

#### The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013

In its monsoon session in 2013, India's Parliament passed a new and stronger law prohibiting and punishing manual scavenging, which remains the most degrading form of untouchability and caste discrimination in the country. Introducing the bill in Parliament, Minister Selja described the practice as 'dehumanizing', 'inconsistent with the right to live with dignity' and a 'stigma and blot' on society. She also admitted that all state governments were in 'denial mode' about the persistence of this social evil. The law passed by Parliament on 7 September 2013 corrects some of the infirmities of the earlier law but still has many gaps, as we shall see.

One demand of some organizations and activists was for a new and improved central law to strengthen its accountability mechanisms, widen the definition of manual scavenging, and above all to shift the focus to human dignity from merely sanitation. Their struggles persuaded the central government to introduce this new legislation.

The strength of the new law, unlike the 1993 Act, is that it is a central law, binding on all states, and does not require endorsement by state legislatures, a process which sadly took 18 years for the 1993 law. It recognizes the 'historical injustice and indignity' caused to people forced for generations to perform this degrading work, and imposes strict penalties for its further continuance and a package of rehabilitation.

This law is more comprehensive than the past one, and brings in both the railways and sewers into the ambit of its definitions and prohibitions for the first time. The earlier law did not cover cleaning of excreta from railway tracks, nor hazardous and demeaning practices in which sanitary

workers were forced to enter sewer lines and wade in human excreta. Technical options exist today which can ensure that no human contact with excreta is necessary. But railways and municipalities have refused to make the investments necessary for human dignity of the sanitary workers, and the new law does well to bring them under the law. However, there are still many escape clauses built into the new law, which allows governments to continue these old practices as long as they introduce 'protective gear'. There should be no compromise that both railways and municipal administrations must upgrade their technologies to ensure that no human being is forced to come into contact with human excreta as they perform their duties.

The new law requires every local authority to carry out a survey of insanitary latrines and manual scavengers within its jurisdiction. However, the experience with the 1993 law has been that state governments have greatly under-reported the prevalence of manual scavenging, and mostly continue to be in denial. Having declared that manual scavenging has been eradicated, officers reject community findings that these latrines and manual scavengers exist, even when confronted with strong evidence. If government and community activists conduct separate surveys, it is most unlikely that they will agree on most of the findings, and the time-bound eradication of the practice will be impossible. Therefore the rules should mandate a *joint survey* of dry insanitary latrines and manual scavengers by designated teams of both officials and community members. There should also be provision for self-declaration by manual scavengers.

The new law provides that employers shall retain full-time scavengers on the same salary and assign different work to them. It does not extend this protection to the large proportion of manual scavengers — including those employed for sewers and railways — who are contract and casual workers. The issue is further complicated by the experience that when these tasks are offered on contract, high-caste persons bid and win the contract, and sub-contract the work to caste-based manual scavengers. The rules should clearly lay down that no person who is employed in casual, contract or regular employment in any of these tasks will be terminated, and instead she will be redeployed in non-manual scavenging related tasks.

Finally, the law is more explicit in specifying the duty of the state to rehabilitate workers with education, housing grants, soft loans, and vocational training. These entitlements should be meticulously spelt out in detail in the Rules, if the transition of manual scavengers and their children to a life of social equality and dignity is to be accomplished.

For sewer workers and railway workers, liberation will come by introducing technological changes that render the occupation humane, dignified and safe, and also ensure that human beings do not have to make any direct contact with filth that affects their health. As stated, technologies are available globally which both the Indian Railways and municipalities could invest in, which would obliterate the requirement for human beings to manually handle excreta. The fact is that central, state and local governments do not make these public investments because human beings are available to perform this work cheaply, propelled by their birth in most disadvantaged castes and lack of other livelihood options. Their lives, too, are regrettably considered cheap and often extinguished prematurely, commonly due to asphyxiation inside sewers, respiratory or skin diseases and other occupational health hazards, for which they are not medically insured and often denied proper treatment in the absence of support from their employers.

#### Key Features of the 2013 Act1

- The law prohibits: (a) the employment of a person as a manual scavenger, (b) the employment of an individual for the hazardous cleaning (manual cleaning without protective gear and other safety precautions) of a sewer or a septic tank, and (c) the construction of insanitary latrines. It provides for the rehabilitation of people currently engaged in the profession.
- A "manual scavenger" is a person who manually cleans or disposes of human excreta in an insanitary latrine, an open drain or a railway track.
- The law overrides the 1993 Act and state laws on manual scavenging.

#### Identification of insanitary latrines and manual scavengers

- Every local authority (municipality, panchayat, cantonment board or railway authority) has to carry out a survey of insanitary latrines within its jurisdiction.
- The authorities have to publish a list of such latrines within two months of the law coming into force and give notice to the occupiers to either demolish or convert them into sanitary latrines within six months.
- The Chief Executive Officer of a municipality or a panchayat may conduct a survey to identify manual scavengers. Individuals may also self-identify as manual scavengers.

#### Prohibition and conversion of insanitary latrines

- Every occupier (and in some cases, owner) of an insanitary latrine shall demolish or convert
  the latrine into a sanitary latrine at his own cost within six months of the Act. If he/she fails
  to do so, the local authority shall convert or demolish the latrine and be entitled to recover
  the cost from the occupier.
- State governments may provide assistance to occupiers for converting latrines. However, non-receipt of assistance shall not be a valid ground to use an insanitary latrine beyond nine months of the law in force.
- Each local authority shall carry out an awareness campaign to enforce the above provisions
  of the law.

#### Prohibition and rehabilitation of manual scavengers

- Existing contracts with manual scavengers shall be void once the law is in force. However, the employer shall retain full-time scavengers on the same salary and assign different work to them.
- All persons listed as manual scavengers shall be rehabilitated with one-time cash assistance, scholarships for their children and a residential plot with financial assistance

for constructing a house. One adult member of the family will be trained in a livelihood skill and given a monthly stipend of at least Rs 3,000 during training. A subsidy and concessional loan shall also be given for taking up an alternative occupation.

#### **Penalty**

- The penalty for employing manual scavengers or failing to demolish insanitary latrines is imprisonment of one year and/or a fine of Rs. 50,000 for the first offence. Subsequent offences will be punished with imprisonment up to two years and/or a fine of Rs. 1,00,000. The penalty for the hazardous cleaning of septic tanks and sewers is imprisonment of two years and/or a fine of Rs. 2,00,000 for the first offence, and five years and/or a fine of Rs. 5,00,000 for subsequent offences.
- Offences under this law are cognizable and non-bailable. The law permits the state government to confer powers of a Judicial Magistrate of the first class on an Executive Magistrate to conduct trials. Complaints have to be made before the court within three months of the offence.

#### Implementing authorities under the 2013 Act

- Each District Magistrate (DM) and local authority is responsible for ensuring that:
  - No person within his jurisdiction is engaged as a manual scavenger,
  - No insanitary latrines are constructed, maintained or used
  - o Manual scavengers are rehabilitated and
  - Offenders of the Act are investigated and prosecuted.
- In addition to the DM, the state government may appoint subordinate officers and inspectors. They shall be responsible for carrying out the said duties.
  - o Examining of latrines, open drains, premises to establish offence under this Act
  - Examining a person employed as manual scavenger
  - Seizing relevant records establishing offence on the part of the employer
- The law mandates that the implementing authorities create provisions for the construction
  of an adequate number of sanitary community latrines to eradicate open defecation within
  their jurisdiction and for the use of appropriate technological appliances for cleaning
  sewers and septic tanks.
- Central and State Monitoring Committees, and Vigilance Committees shall be established in each district to oversee implementation.
- The National Commission for Safai Karamcharis (a statutory body) shall monitor implementation and inquire into complaints about contraventions of the Act.

### Tabular comparison between 1993 Act and 2013 Act

Old: The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993	New: The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013
Definition	
Narrow definition of 'manual scavenger':  'A person engaged in or employed for manually carrying human excreta.'  No mention of the role of Indian Railways in perpetuating this practice.  Dry latrine was "a latrine other than a water-seal latrine"  'Hazardous cleaning'  Solely focused on preventing construction of 'dry toilets'; excluded from its ambit the concerns of the sewerage workers.  State obligation	Broadened definition of 'manual scavenger':  'A person engaged or employed, at the commencement of this Act or at any time thereafter, by an 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 of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed.'  This prohibits 'hazardous cleaning' of septic tanks or sewers, thus identifying 'sewage workers' as manual scavengers (in the wake of 'manhole deaths' across the country).
Did not automatically apply to state governments; required voluntary acknowledgement and adoption by states; states remained in denial.	Automatically applies to the states; obliges the states to adopt and implement it.
Penalty	
A weak penalty clause; no right to file complaint; Rs. 2,000 fine and six months or a year's imprisonment; cognizable offence.  [Very few people have been	Stringent penalty clause; Rs. 50,000 or imprisonment up to one year; subsequent penalty is higher (Rs. 1,00,000 and two years in prison) and for violation of 'hazardous cleaning clause', Rs. 2,00,000 (and subsequently Rs. 5,00,000) and two years (and subsequently five years) in prison; cognizable and non-bailable.
prosecuted under the 1993 Act]	Application procedure for self-identification by persons engaged in manual scavenging

Rehabilitation	
Excluded from the purview of the law.	Photo identity card with details of the persons and their family; one-time cash assistance; scholarships for dependants; a residential plot with financial assistance for constructing a house; livelihood skill training for one adult member + monthly stipend of at least Rs. 3,000 during training; subsidy and concessional loan for alternative occupation.
Lens	
Enacted under Entry 6 of the State List; 'public health and sanitation'	Shift in focus; Entry 23/24 of Concurrent List (employment, welfare of labour, including conditions of work)
Demolition of dry toilets was linked not to human dignity but to 'improvement of environment'.	

Explaining the strengths and opportunities of the new law, and also its problems and limitations, this manual will attempt to describe how the law should be implemented by state authorities, and how it can be used.

### **Chapter 3**

# Importance of Community Organizations, the Judiciary and other Supporting Agencies

The state by itself and on its own volition is often unlikely to implement statutes which outlaw entrenched social evils like manual scavenging, unless it is pressed and pushed by community organizations. The law is significant because it gives opportunities and spaces for non-violent and democratic organization and resistance by community organizations against the social evil and its resultant oppression. It is their contribution that has led to whatever implementation there is of the law, and the reduction of the practice over time.

The main strategies deployed by outstanding community organizations such as the Safai Karmchari Abhiyan (SKA), Rashtriya Garima Abhiyan and Navsarjan are as follows:

- 1. Building awareness and collectives among manual scavengers
- 2. Community-based survey and identification
- 4. Informing and petitioning district officials
- 5. Non-violent direct action: burning baskets and demolishing dry latrines
- 6. Assistance in rehabilitation of released scavengers
- 7. Approaching the courts
- 8. Sensitising and building alliances with other sections of persons like legislators, human rights activists, media and lawyers.

What governments and law could not achieve has been enforced by extraordinary campaigns run by these associations of manual scavengers, which have creatively used non-violent mass resistance, community organization and the courts to force governments to end this centuries-old practice. SKA, which has mobilized thousands of men and women from the scavenging community in 260 districts of the country, was founded by Wilson Bejwada, who was himself born into a family of manual scavengers. He wept as a young adult when he bore witness to the shame of his own people. They replied, "Do we not know why you cry? We know, because we have lived from our childhoods what you only see. But if we rebel, we lose our livelihoods, and our children sleep hungry." SR Sankaran, who headed this remarkable movement, regarded it to be a struggle to claim for all people the human dignity assured in the preamble of the Indian Constitution. This dignity has been cruelly violated by human society by forcing a set of people to do this humiliating work. Law alone cannot end it. It can be extinguished only by awakening the strength and spirit of the humiliated community.

Similar beliefs drove young activist Ashif and others from the organization Jan Sahas to launch a similar campaign for human dignity in Madhya Pradesh and neighbouring states. Navsarjan, led by Martin Mcwan and Manjula Pradeep, is another powerful grassroots-based campaign against manual scavenging and other forms of caste discrimination in Gujarat.

In their view, manual scavenging is a form of caste-based violence, atrocity and untouchability. They began to mobilize manual scavengers, especially women and youth among them, to spill on to the streets everywhere, agitating, boycotting work, burning the baskets they had used to carry shit on their heads, and forcefully demolishing dry latrines. When state officials objected, they would respond: "We cannot demolish something that you claim does not exist."

They have effectively also petitioned the higher courts, including the Supreme Court. In 2003, SKA and 18 other organizations and individuals petitioned the Supreme Court of India against the failure of the central and state governments to implement its own law to end this inhuman practice. They described the persistence of dry latrines in various parts of the country as a violation of human dignity, the law and Articles 14, 17, 21 and 23 of the Constitution. They demanded that the court issue instructions to governments for time-bound eradication of manual scavenging and for effective rehabilitation of those freed from this despised vocation.

In successive hearings to date of this case, governments have persisted in filing 'nil' reports of people engaged in the outlawed livelihood of manual scavenging. But the community organizations nailed each lie, with unimpeachable data, reports and photographs showing women still engaged in this work, and dry latrines that continue to be used.

The petition quotes the statutory National Commission for Safai Karamcharis to estimate that there are around 9,600,000 dry latrines in the country. Successive reports of the commission note with regret that manual scavengers are being employed not just by private employers but also by numerous urban local bodies, and most unconscionably by the military engineering services and army, public sector undertakings and the Indian Railways. It points out that more than 95 per cent of persons employed as manual scavengers are Dalits. The Ministry of Social Justice and Empowerment estimates the numbers of manual scavengers to be over 600,000 , whereas the petitioners fear that the number is three or even four times this estimate. The problem with enumeration is that official agencies tend to deny the persistence of this outlawed practice, and in most places manual scavengers themselves do not speak out because of shame and fear of losing even this frequently insecure source of livelihood. Instead they remain trapped in a vicious cycle of intense stigma, segregation, poor health and education, destructive coping strategies like alcohol and drugs, all of which shut even more firmly options of other dignified vocations.

Most governments failed even to respond to the petition of the Safai Karmchari Andolan for almost three years, and when they did it was after the petitioners persisted and the highest court admonished the governments. The official responses expend reams of paper and time to deny the very existence of manual scavenging. The Ministry of Railways told the court that until they install washable aprons at stations and totally sealed toilet systems, 'manual scavenging cannot be totally eradicated', but offered no timeframe. Many defence establishments flatly denied any dry latrines. Municipalities possibly threatened municipal employees to retract from their earlier affidavits and claim they were employed for other tasks.

These official falsehoods were nailed by moving detailed affidavits, often with stomach-churning photographs, by countrywide activists of the community organizations. The awakened resolve of people who for centuries were forced into this work, combined with the fear of the highest court in the land, finally had its impact, even on complicit and uncaring governments. In many states – Haryana, Punjab, Delhi, Madhya Pradesh, Gujarat, Andhra Pradesh, Tamil Nadu, Karnataka and Kerala – the practice finally seems to be coming close to its end. In Haryana, for the first time anywhere in the country since this law was enacted 17 years ago, 22 people were sent to jail

for employing manual scavengers. The punitive action had the desired effect: people themselves demolished overnight their dry latrines. This is the first sustained movement to end untouchability in independent India. The campaigners are non-violent and use people's pressure, direct action in demolishing dry latrines and burning baskets, as one of many strategies to accomplish what the law failed to do. Most people in India are unaware of the enormity of what has thus been accomplished, ending centuries of oppression with the unlikely instruments of truth, a conviction about equal human dignity, non-violent resistance and the law.

The Delhi High Court on 27 July 2011 directed Indian Railways rehabilitate sanitation workers

Timeline of legal judgements

#### Safai Karamchari Andolan & Ors v. Union of India & Ors

#### • 2003

Safai Karamchari Andolan & Ors v. Union of India & Ors, a writ petition filed in the Supreme Court. The petitioners argued that continuation of the practice of manual scavenging as well as of dry latrines is illegal and unconstitutional since it violates the fundamental rights guaranteed under Articles 14, 17, 21 and 23 of the Constitution of India and the 1993 Act. The petitioners sought, inter alia, the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 (hereafter 'the 1993 Act'), issuance of orders to the various state governments as well as to the Union of India to take effective steps to ensure complete eradication of this practice in a time-bound manner.

#### • 2005 (29 April)

The Union of India and each state government to verify and file affidavits "whether or not, in their Department or Corporation any Manual Scavenging is still being resorted to. If Manual Scavenging is still being resorted to, then that Department or Corporation to indicate with details what Scheme it has for eliminating it and for rehabilitating the persons concerned and within what timeframe." The court also ordered the Union of India to specify what funds allocated under certain specific schemes, the utilization of such funds and the number of persons rehabilitated under the same.

#### • 2005 (14 November)

The court directed 'a responsible person not below the rank of Secretary of Department' at the Ministry of Social Justice and Empowerment (the nodal agency of the Centre for the implementation of SRMS) to file an affidavit stating the decisions taken in the matter. The same was required of the Ministry of Railways (Secretary of Railway Board).

#### • 2011 (12 January)

The Supreme Court directed that the writ petition be taken forward by the various High Courts of the country, for the purpose of implementation of the various directions passed by it from time to time, and also for implementation of provisions of the 1993 Act.

# Delhi Jal Board versus National Campaign for Dignity and Rights of Sewerage and Allied Workers & others<sup>2</sup>

#### 2013

The 2003 PIL is still pending ten years later in the Supreme Court as well as the Delhi High Court.

#### • 2007

Advocates at Human Rights Law Network filed a PIL in the Delhi High Court for "National Campaign for Dignity and Rights of Sewerage and Allied Workers" representing the millions of scavengers in Delhi who are employed by municipal agencies like Delhi Jal Board (the agency which is responsible for water supply and for liquid waste management), Municipal Corporation of Delhi, New Delhi Municipal Council, Delhi State Industrial Development Corporation, Central Public Works Department and other civic bodies challenging their respective roles in risking the lives of scavengers and also not ensuring adequate safety and financial security to them.

#### • 2008 (5 April)

The PIL highlighted the increasing number of worker deaths across the country, following which the Delhi High Court directed the civic bodies to provide free medical care facilities to the sewage workers, payment of compensation to those suffering from occupational diseases, payment of compensation and statutory dues like provident fund and gratuity to the dependents of such sewage workers, provision of protective gear and equipment to workers who enter pits and drains. The court also directed payment of compensation of Rs. 100,000 to families of sewage workers who lose their lives while performing their duties.

#### 2008 (21 April)

In the wake of dismal implementation of its orders by civic bodies, the Delhi High Court took a tough stand and directed the civic agencies to ensure immediate payment of compensation to the families of the victims through Delhi Legal Aid Services Authority. The court also enhanced the compensation to some victims to tune of Rs. 171,000. The court also issued showcause notices to these civic bodies to explain why contempt of court proceedings should not be initiated against them.

On the same day, the Jal Board filed the appeal in Supreme Court of India. In the appeal filed in Supreme Court, the civic body contended that the High Court overreached its powers while awarding compensation and directing them to ensure safety and security of the sewage workers.

#### • 2011 (12 July)

The Supreme Court dismissed their plea and directed the civic bodies to ensure the immediate implementation of the orders passed by the Delhi High Court on 4 May 2008, preferably within two months, and to file a compliance report in the Delhi High Court. The SC passed a landmark judgment identifying and highlighting the apathy and plight of the disadvantaged sections of society, particularly the scavengers and sewage workers, who risk their lives by going down drains without any safety equipment and security; they have been deprived of fundamental rights to equality, life and liberty for more than six decades. The court also enhanced the compensation to be paid to each of the victims to Rs. 500,000. The court remanded the matter back to the Delhi High Court for further hearing and passing appropriate orders.

employed in cleaning railway tracks and technologically upgrade 172,000 toilets in trains, reaffirming the need for new legislation to encompass all forms of sanitation workers.

#### **Support of other Organizations**

The efforts of community organizations in making the Constitution, law and courts of the land actually work for India's invisible and discriminated people, is primarily the outcome of the efforts of these organizations. They have been significantly supported by a sensitive and activist higher judiciary.

The efforts of these community organizations of manual scavengers have been supported by the larger community of Dalit and human rights organizations and individuals, academics and trade unions. Within government, the then Chairperson of the National Advisory Council Mrs Sonia Gandhi wrote to the Prime Minister on 10 November 2010 expressing anguish that the inhuman practice of manual scavenging persists despite being outlawed, and urged the central government to coordinate with State governments to expeditiously end the practice. The National Advisory Council also proposed the drafting of a new and stronger law to end manual scavenging.

The ILO has also been active in bringing this issue to the notice of the central government. The Committee of Experts on Application of Standards (CEAR ILO) 2013 noted that 'the Committee has been conducting a dialogue with the Government regarding the practice of manual scavenging and the fact that Dalits, and very often Dalit women, are usually engaged in this practice due to their social origin'. It also expressed dismay and concern at the 'apparent weak enforcement of the Employment and Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993'.

# **Survey and Demolition of Insanitary Latrines**

The 2013 Act provides for mandatory surveys of all insanitary latrines within their jurisdiction by all local bodies within two months of the passage of the Act. The authorities have to publish a list of such latrines within two months of the law coming into force and give notice to the occupiers to either demolish or convert them into sanitary latrines within six months.

#### 1. What is a local body under the Act?

It is extremely important to note at the outset that although conventionally the term 'local body' refers only to a municipality or panchayat, in the 2013 Act, local body is defined much more expansively to include, cantonment boards and railway authorities. This is an extremely important step forward over all previous legislation on the subject, because for the first time it clearly brings railway authorities under Section 2(f) of the Act. Like municipalities and panchayats, cantonment boards and railways authorities are now legally bound to search in their jurisdictions for insanitary latrines and manual scavengers and to demolish the former and release and rehabilitate the latter.

#### 2. What is an insanitary latrine under the 2013 law?

Section 29(e) defines an 'insanitary latrine' as 'a latrine which requires human excreta to be cleaned or otherwise handled manually, either *in situ*, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes...'

The features of such a latrine are: a) it has no flush system which would wash away the excreta without the need for human contact; b) it is not linked to such a sewer system into which the excreta is discharged or flushed out, in which human beings have to directly clean or clear the non-decomposed excreta.

Such insanitary latrines may be individually owned, singly or jointly, rented, or operated as community public services owned and operated by public authorities such as municipalities, panchayats, cantonment boards, public sector authorities or railway authorities.

As observed earlier, the inclusion of the railways under the prohibitions and obligations of the law is significant. But the law sadly gives the railway authorities many escape clauses. In the context of the definition of insanitary latrines, the provison to Section 29(e) provides that if railway authorities require cleaning of water-flush toilets in passenger compartments by direct human agency, this will not be considered an insanitary latrine if the employee uses 'such protective gear as the Central Government may notify'. However, community organizations would do well to resist resort to such escape paths and demand full elimination of manual scavenging by the railways.

#### 3. What are the provisions in the law for survey of insanitary latrines?

It is the duty of all local authorities to conduct a survey of insanitary latrines within two months of the commencement of the Act. The rules lay down that the local body will lay down a timeframe for the survey. But rules cannot over-ride the law, therefore the timeframe must be within two months of the commencement of the Act. This duty applies to *all* local bodies, and there is no need to make an application to the local body to conduct the survey.

The law does not make it explicitly obligatory for public sector authorities and government offices to undertake surveys of insanitary latrines suo motu, or on their own accord. Alert community

organizations which are aware of the existence of insanitary latrines in these premises and locations should approach these bodies to ensure they undertake such surveys.

# 4. How should local body authorities prepare for and conduct the survey of insanitary latrines?

The 2011 Census also surveyed insanitary latrines, and their lists should be obtained by district and municipal authorities for each jurisdiction – in fact, this should be the starting point of the survey. However, there may be many gaps in the Census data, including of community insanitary latrines. Many community insanitary latrines are operated by local authorities themselves, and these can be identified by the local bodies from their own records even in advance of the field survey. It would be useful for community organizations to ask under the Right to Information a full list of community toilets operated by them.

For the field survey, the city or town should be divided into smaller units, and survey teams constituted for each of these units. It is the common experience of all past surveys that there are large discrepancies between the data collected by local authorities and community organizations, which result in unending disputes of claims and counter-claims. It would be wise, therefore, for the surveys to be undertaken jointly between public authorities and community representatives nominated by organizations of manual scavengers where they exist, or directly identified by the local body in case there are no community organizations. The community members should preferably be educated. This is compatible with the rules, which also prescribe that the local bodies should take the assistance in the survey of community leaders and NGOs working with sanitary workers. The rules also lay down that a five-member survey team is constituted for the survey chaired by the CEO of the local body and including two community members, of whom at least one should be a woman, and one an NGO representative.

It is recommended that cities be divided into manageable areas, and in each area there should be survey committees on the lines indicated in the rules for the city, of: a) two members from the local body (one from the sanitary department and one from a miscellaneous department; b) one member from NGOs working with sanitary workers; and c) two community members, of whom at least one is a woman.

#### 5. Notification and Grievance Redress

It is the duty of the local authority which conducts the survey to publish the list of surveyed insanitary latrines within two months of the coming into force of the Act This should be done as proactively as possible by taking the following steps: a) display the lists in the public notice boards on the municipality; b) publish lists in two local newspapers in the local language; c) give copies to local community leaders; and d) read out the lists in specially convened meetings in all settlements of manual scavengers.

The community organizations and leaders should be alert to point out and notify in writing to the local body any omissions and mistakes in the list. The local body should quickly verify with a field visit by the joint team constituted by it for the area, and amend the lists where found appropriate. The rules prescribe that the CEO should invite objections, hear these and pass final orders by publishing a final list both on the notice board and in two local newspapers.

The final lists must be submitted by the CEO of the local body to the DM. The DM chairs a District Level Survey Committee (DLSC) constituted under the rules. The DLSC will have two NGO

members and two community representatives, of whom at least one is a woman, among other district officials, including the district-level officer in charge of SC welfare, local body authorities, together with a railway officer. The inclusion of railway officers is significant because, as we stated, insanitary latrines in railway premises are also prohibited under the Act. The DLSC has important duties to monitor the surveys, as well as publicize and disseminate information about the surveys. This committee will also approve and publicize the final list.

#### 6. Demolition of Insanitary Latrines and Construction of Sanitary Latrines

Section 4(b) of the 2013 Act prescribes that within 15 days after the survey, each 'occupier' of a premises operating insanitary latrines must be given notice by the local body to either demolish or convert the insanitary latrine into a sanitary one within a period of six months from the notification of the Act (extendable for reasons given in writing by a maximum of another three months). This must be done normally at the expense of the occupier. The rules provide that if there are any schemes to support or incentivize the demolition of insanitary latrines and their replacement by sanitary latrines, these should also be communicated to the occupier.

An 'occupier' is defined in Section 2 (j) as the person who occupies the premises in which the insanitary latrine is located. It may be noted that the occupier can be the legal owner or person who has taken the premises on rent, or indeed an encroacher. He or she can also be the local body itself, if community latrines run by it are unsanitary, or the head of office or a public sector unit, if the latrine is in a government office or a public sector unit.

In case the occupier(s) do not demolish the insanitary latrine in the time prescribed in the notice for demolition, the local body will demolish it directly after a notice of 21 days or convert the latrine into a sanitary latrine, and recover the cost of the demolition or conversion from the occupier, and the rules clarify that this recovery will be as arrears of land revenue.

#### 7. Other Positive Duties of Local Bodies

Section 4(2) and (3) of the 2013 Act also makes local bodies (which include cantonment boards and the railways) duty-bound to build and maintain in sufficient numbers community sanitary latrines so as to make the use of insanitary latrines as well as open defecation unnecessary. It must perform this duty within three years of the enactment of the law.

It is the duty of the local body or DM or such authority who is authorized by the appropriate government under Section 18, to ensure that no one constructs, maintains, uses or makes available for use an insanitary latrine.

Section 33(1) also places the positive duty on local bodies and other agencies to deploy modern technologies for cleaning sewers and septic tanks in such a way as to make unnecessary the manual handling of excreta. Section 33(2) places the duty on appropriate governments to promote, including through financial incentives, the deployment of these modern technologies. The law does not prescribe any timelines, but community organizations should remain alert to developments in this regard, and petition the concerned designated magistrate or the High Court if unreasonable delay is seen in this matter.

### **Chapter 5**

# **Identification and Survey of Manual Scavengers**

The 2013 Act also provides for surveys to identify manual scavengers employed within their respective jurisdictions by all local bodies (municipality, panchayat, cantonment board or railway authority). The authorities have to publish the lists of identified manual scavengers, invite and hear objections, and release and rehabilitate all manual scavengers.

#### 1. Who is a manual scavenger under this Act?

Manual scavenging involves practices of cleaning human excreta in ways which require direct contact. There are three main forms of manual scavenging: 1) the manual removal of excreta from dry latrines both public and private, with bare hands and instruments like metal scrapers and brooms, with the help of which the excreta is poured into wicker baskets or buckets, carried on the head or hip for disposal at designated sites like a river or a dump; 2) the manual removal of excreta from open drains and public streets because of open defecation and from railway tracks; and 3) the manual removal of excreta from septic tanks as well as cleaning of closed gutters and sewages.

As observed earlier, the 'Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 restricted the definition of manual scavenging to only the first category, defining a manual scavenger as 'a person engaged in or employed for manually carrying human excreta.' By restricting the definition to persons 'carrying human excreta' it effectively excluded sewer workers. It confined itself to manual scavengers working to clean dry latrines, and therefore in effect also excluded from its purview railway workers who clean human excreta from railway lines.

The 2013 Act has a much more expansive definition which includes all three forms of manual scavenging. Section 2 (1)(g) of the 2013 law defines a 'manual scavenger' as: 'A person engaged or employed, at the commencement of this Act or at any time thereafter, by an 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 of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly'. The rules also importantly clarify that there will be no restriction of age, gender, income, caste or religion in identifying manual scavengers.

However, there are still some problems and dangers in this definition, and conscientious officials as well as community organizations should remain alert to ensure that loopholes are not found to enable escape from coverage by the law.

1) Section 2 (1)(g)(b) provides the most worrying escape clause, by stating that 'A person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a manual scavenger'. It is likely that this can be used to keep sewer workers and railway workers outside the purview of the Act, merely by providing protective gear such as gloves,

spectacles and wheelbarrows, but these do not mitigate the humiliation associated with the vocation. Any such effort should be resisted by community organizations, human rights organizations and labour unions. The Rules clarify the nature of tasks and the protections including gear and equipment that sewer workers must have. These are given in Annexure

- 2) The above definition recognizes only those individuals as 'manual scavengers' who were engaged or employed in the practice 'at the commencement of this Act or at any time thereafter'. Since this unjustly excludes those individuals who were engaged or employed at the time of adoption of the 1993 Act and subsequently shunned the practice for their dignity, their inclusion should be ensured by resorting to the 1993 Act, which also still remains on the statutes, and their long-awaited rehabilitation ensured in accordance with the 2013 Act.
- 3) 'Manual' or 'manually', in the above definition, should not be interpreted narrowly and literally. Some undertake cleaning with a water hose, inadequate gloves and boots or a mere oxygen mask and cylinder. This should not be read together with Clause 2 (1)(g)(b), which again is in peril of translating into a loophole if any of the above is falsely specified as 'protective gear' or safety device, to exclude persons from being identified as 'manual scavengers'. Once again, community organizations, human rights organizations and labour unions should be alert to resist such subversion of the spirit of the law. The rules do not specify the safety gear for manual scavengers who clean insanitary latrines, and only does this for septic tanks.
- 4) In addition to dry and community latrines, cleaners are employed to clear, carry and dispose excreta from railway tracks, spaces and premises frequented for open defecation, sewers, septic tanks, pits and drains into which excreta flows. All these must be specified as 'insanitary latrines', since they involve coming in direct contact with the excreta, and community organizations must insist on including sewer workers and railway track cleaners, and also persons involved in cleaning open drains or open defecation areas in all lists of manual scavengers.

#### 2. Duty of the Local Authority to Survey Manual Scavengers

Unlike for insanitary latrines, there is no explicit automatic duty of local authorities to identify manual scavengers in their jurisdiction in the literal language of the Act. Section 16(1) prescribes that such a survey will be undertaken 'if any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction'. However, the rules substantially remedy this gap by recognising that if the survey of insanitary latrines throws up lists of insanitary latrines, there are bound to be manual scavengers in those same locations as well, because insanitary latrines can operate only when they are regularly serviced by manual scavengers. The rules therefore prescribe proactive surveys of manual scavengers where insanitary latrines are found, and if there are discrepancies between the survey of insanitary latrines and that of manual scavengers, the rules require ordering of a house-to-house survey to find all manual scavengers who cleaned the insanitary latrines. The Rules also prescribe pro-active enumeration of manual scavengers by visiting and surveying settlements of sanitary workers and manual scavengers.

A conscientious public official or body concerned about ending this practice which violates human dignity should undertake the survey on its own volition. But the experience of the 1993 Act — of a culture of state denial of the existence of manual scavenger — suggests that such suo motu surveys by local bodies may not always be undertaken unless actively pursued. Therefore it is important for community organizations, human rights organizations and labour unions to bring the existence of manual scavengers to the notice of the municipality. This should be done in writing, seeking to give the body reason to believe that manual scavengers exists in their jurisdiction, thereby requiring it to undertake a survey under the Act.

The rules also have a welcome provision for self-declaration by manual scavengers. The format in which manual scavengers can self-declare themselves is attached in Annexure 5. Community organizations and NGOs should mobilize all manual scavengers to self-declare themselves and to assist them both in the filling of the forms and in the hearing of objections. Another important prescription in the rules is that the local authority must verify all names of manual scavengers in lists supplied by community organizations. Therefore community organizations of manual scavengers must use this space to submit detailed lists to all local bodies, cantonment and railway authorities of manual scavengers in their jurisdictions.

### How should local body authorities prepare for and conduct the survey of insanitary latrines?

The 2011 Socio-Economic Caste Census also surveyed manual scavengers. Their lists should be obtained for each jurisdiction, and this should be the starting point of the survey. However, there may be many gaps in the Census data, including of manual scavengers working in community insanitary latrines and government offices and undertakings. As observed earlier, several community insanitary latrines are operated by local authorities themselves, and manual scavengers who are employed to work in these can be identified by the local bodies from their own records even in advance of the field survey, or through RTI applications.

The second starting point for the survey of manual scavengers should be the survey lists of insanitary latrines, because every insanitary latrine must be cleaned regularly by manual scavengers, otherwise they would quickly become choked and unusable.

For the field survey, again as with the survey of insanitary latrines, the city or town should be divided into smaller units, and survey teams constituted for each of these units. Wherever individual or community insanitary latrines are located, careful investigation should be made locally about which persons (women, men or children) are engaged in cleaning of these latrines.

Again, the culture of denial is even stronger about the engagement of manual scavengers than it is about the existence of insanitary latrines. Past surveys have revealed large discrepancies between the data collected by local authorities and community organizations, resulting in unending disputes. It is recommended that the surveys be undertaken jointly between public authorities and community representatives nominated by organizations of manual scavengers if they exist, or directly identified by the local body in case there are no community organizations. The rules prescribe that local authorities should take the assistance of community leaders and NGOs in the survey. The same joint survey teams could be deployed for survey of manual scavengers as are used in the survey of latrines. There would be a five-member survey team for each area consisting of: a) two members from the local body (one from the sanitary department and one from a related department; b) one member nominated by district authorities; and c) two community members.

The maximum time period specified in the law for the survey is two months from the time of its initiation.

### Verification, Publication and Grievance Redress

The rules prescribe mandatory verification by supervisors of all villages and towns with up to 1,000 households with insanitary latrines; 50 per cent in towns in which 1,000-9,999 insanitary latrines are identified, and 33 per cent for higher numbers. If any enumerator is found to have more than 10 per cent errors, then the supervisor will verify 100 per cent of that enumerator's survey.

The 2013 law contains explicit provisions for post-survey publication of the provisional lists of manual scavengers, and for both grievance redress and self-identification by any manual scavenger. Section 11(4) requires publication of the provisional lists. As is recommended for the insanitary latrine survey, this should be done as proactively as possible by undertaking the following exercise: a) display the lists in the public notice boards on the municipality; b) give copies to local community leaders; and c) read out the lists in specially convened meetings in all settlements of manual scavengers.

Section 11(5) prescribes the scheme for grievance redress. The CEO of the local body will provide a format in which objections about the wrongful inclusion or exclusion of names will be notified in writing to the local body. Since the time limit for these objections is just 15 days, the community organization and leaders should be alert to point out and notify in writing to the local body any omissions and mistakes in the list. The local body should quickly verify with a field visit by the joint team constituted by it for the area, and amend the lists where found appropriate. The final list prepared by this process will also be publicly notified by the local body.

The rules provide for the DM to publish the lists of manual scavengers for each village, town and cantonment. The DM will invite objections, and appoint an officer not below the rank of a Tahsildar or Block Development Officer (BDO) to hear these objections. In these summary hearings, manual scavengers or others who file objections must be heard after due notice, and can be accompanied by lawyers, friends or NGO members. It is important for community organizations to use this provision widely to ensure that no manual scavengers are left out of the survey.

As stated earlier, Section 12 contains important provisions for self-application by persons who claim to be manual scavengers, but have been excluded from the survey list. This right continues with manual scavengers, even after the completion of the survey. It is important for community organizations to remain continuously alert about the existence and continued engagement of manual scavengers. And to motivate and assist them to self-notify themselves by the process prescribed in the 2013 Act. It is the duty of the local body to enquire into any such application within 15 days of its receipt, and it is recommended that this be undertaken by the same mechanism of joint teams suggested for the original surveys.

Community organizations and human rights activists should ensure that local authorities do not get away with narrow definitions of manual scavengers. They should use both the grievance provisions on Section 11(4) and the right of self-identification in Section 12 to ensure that these manual scavengers who have been outside the purview of the 1993 Act do not escape coverage under the 2013 Act.

# **Chapter 6**

## **Prosecution**

As observed many times in the manual, this is not the first time the practice of manual scavenging was outlawed: untouchability and forced labour were forbidden in the Constitution itself, and in 1993, a law was passed making the employment of people to clean dry latrines with their hands an offence punishable under law with a fine and imprisonment. However, this law was weak in letter and poorly implemented. Governments themselves flouted the law with impunity by operating public dry latrines and employing manual scavengers to clean these. They falsely reported full abolition of manual scavenging, and almost no one has been punished in the 20 years that the law has been in operation. The gravest lapse was that the scheme for rehabilitation was never used under the law that outlawed the occupation.

For the first 17 years of the 1993 Act, hardly a single person was prosecuted for employing manual scavengers. State agencies themselves persist in violating this law. Local bodies themselves routinely run dry toilets and employ people of specific castes to clean these manually. More recently, as already observed, municipalities sometimes award contracts for cleaning work, and these contracts are typically won by high-caste persons who sub-contract the work at very low wages to persons from castes traditionally connected with manual scavenging. Central government agencies like the railways openly flouted the law. The intervention of community organizations led to cases being filed against a few persons for engaging manual scavengers and having dry latrines in their premises in Haryana in 2013. The UP government alone reported that it has punished more than 30,000 persons under the 1993 Act, but this has not been independently verified.

The 1993 Act, which was violated with such impunity in most of the country, had a weak penalty clause of Rs. 2,000 fine and imprisonment for six months or a year; there was no right to file complaints; the offence was a cognizable offence. The 2013 Act, on the other hand, has more stringent penalty clauses: Rs. 50,000 or imprisonment up to one year; subsequent penalty is higher (Rs. 100,000 and two years in prison) and for violation of 'hazardous cleaning' is Rs. 200,000 (and subsequently Rs. 500,000) and two years (and subsequently five years) in prison; and this is cognizable and non-bailable. There is also, as we have seen, an application procedure for self-identification by persons engaged in manual scavenging. Section 23 places direct responsibility for an offence under the Act by a company on the head of the said company.

The 2013 Act provides for summary trial by an executive magistrate designed by the state government for this purpose, enjoying the powers of a judicial magistrate. It is important for community organizations to be aware of who is the notified executive magistrate in their jurisdiction, and to file regular complaints with her or him in case they find any violation of the Act.

# **Chapter 7**

# Release and Rehabilitation of Manual scavengers

### **Release of Manual Scavengers**

Manual scavengers may be 'released' from the hated and unlawful vocation of manual scavenging in one of these ways:

- a) Self-release: When a person previously engaged in manual scavenging, or born into a family in which others such as parents or siblings are engaged in manual scavenging, voluntarily takes a decision to give up manual scavenging, for oneself or for one's children or younger siblings. This may be the result of mobilization by community organizations, with their stress on reclaiming intrinsic human dignity and rights under the law, but it may also be spontaneous individual or household decisions.
- b) Release because dry latrines have been demolished, either because of direct community action, or because it has been officially demolished or converted into a sanitary latrine under Section 5(2) of the 2013 Act;
- c) Release because of the consequence of Section 11(7) of the 2013 Act, which provides that as soon as a final list of manual scavengers is prepared, all persons on the list shall 'stand discharged from any obligation to work as manual scavengers.'

#### Rehabilitation

The decision to give up the vocation of manual scavenging – or indeed the imposition of this decision by the enforcement of the law of the land – is likely to cause great economic distress to the affected individual, as well as dependent persons from within that household, both children and older persons. It is important to remember that an estimated 95 per cent of persons in manual scavenging are Dalits, and 90 per cent persons directly engaged in this work are women. Many started this work at a very young age, and had little or no access to education. They have no skills or training in any vocation other than manual scavenging. They have lived a life of great social humiliation, and would suffer from both physical health and psycho-social consequences of the highly insanitary and socially demeaning vocation.

This is what makes effective, timely and comprehensive rehabilitation of released manual scavengers both a challenge and an onerous responsibility of public officials. The preamble of the 2013 Act admits to the 'historical injustice and indignity suffered by the manual scavengers', and in the need to correct this and 'to rehabilitate them to a life of dignity'. It is fitting that the 2013 Act contains the word 'rehabilitation' in the title of the Act itself. Public officials therefore owe the people who have lived far too long – for generations, indeed centuries – with the historical injustice and indignity which the new law speaks of – a well-crafted imaginatively designed rehabilitation to the new 'life of dignity'.

The experience of all efforts for rehabilitation as a consequence of the 1993 Act have been very uninspiring, riddled with corruption, wrong identification, and poorly designed schemes. The Indian government ran a National Scheme Liberation of Scavengers (NSLRS) since 1993, which

was replaced with a 'new and approved' scheme 'Self-employment Scheme for Rehabilitation of Manual Scavengers' (SRMS). Each identified manual scavenger would receive a loan from a public sector bank, and subsidy; some would also receive training. Government reports that under 500,000 scavengers have been assisted since 1993 with loan and subsidy under this programme. However, several studies and reports, official and non-official, have identified several grave problems with this programme:

- (i) The large majority of persons benefited under the programme were not actually engaged as manual scavengers. There was no clear and direct linkage between identification of manual scavengers, demolition, liberation and rehabilitation. The CAG Report 2003<sup>2</sup> evaluated the National Scheme Liberation of Scavengers at a time when the majority of loans had been disbursed, and this highlighted that there were grave inconsistencies in enumeration of scavengers and their dependents across states. For example, the survey conducted in Punjab in June 1992 identified 33,232 beneficiaries. A subsequent survey conducted in September 2001 placed the figure at 531, thereby giving the impression that 32,701 beneficiaries had been rehabilitated. However, audit scrutiny of the details of rehabilitation revealed that only 2,904 beneficiaries had been rehabilitated between June 1992 and September 2001. Similar cases were highlighted in the report across all states, so much so that, at one time, there were five different figures in the Ministry's possession. We do not have access to more recent official surveys, although it is learnt that the Ministry of Social Justice and Empowerment has undertaken an audit (100 per cent internal and 25 per cent external) of Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) in year 2010;<sup>3</sup> the findings have not been made public by the Ministry, but we learn that these are equally worrying. A survey by Garima Abhiyan in Madhya Pradesh in 2010 found that only 10 per cent beneficiaries were actually engaged in manual scavenging.
- (ii) An estimated 90 per cent manual scavengers are women, whereas the majority of schemes and beneficiaries are men. Despite the provision in the scheme to provide special assistance to women, the CAG Report noted that no women-oriented scheme was formulated by the ministry. It also pointed out that, except in Tamil Nadu and Karnataka where more than 50 per cent beneficiaries were women, the benefits to women scavengers were limited and received very little attention (as low as 17 per cent in Punjab).
- (iii) Many are older women, with little education, skills and experience; and a loan and subsidy enterprise programme is mostly useless for them. The few women scavengers who received the loans actually mostly received a fraction of the actual loan amount, and became defaulters to the banks. They would also find it difficult to negotiate the banking systems to actually succeed in securing their loans. Rejection of loan applications by banks was as high as 74 per cent.
- (iv) There is also evidence of large-scale corruption, lack of transparency, delay, uncertainty and harassment. The CAG report noted the following instances of misappropriation of funds: in Andhra Pradesh, a joint inspection by Audit with the Enforcement Directorate of District Societies revealed that 24 of the 28 rehabilitation units in Cuddapah district which were financed during 1997-98 at a unit cost of Rs. 80,000 to Rs. 100,000 were non-

existent. Similarly, in Kurnool district, three of the four shops set up under the rehabilitation package were non-existent. In Assam, Madhya Pradesh and West Bengal, the beneficiaries who were assisted under the Scheme were not listed in the survey records. Moreover, in 14 states more than 40 per cent of the funds were not utilized and utilization certificates in respect of 91 per cent of total releases were still pending. In a survey undertaken by Garima Abhiyan in Madhya Pradesh in 2010, 85 per cent people said that they have faced various types of problems to get benefits of scheme like demand for bribe, misbehaviour, long delays and problems related to the documents—and processes. As many as 81 per cent actually reported giving bribes, and stated that the amount given as bribe wiped out the benefit of the subsidy.4

The 1993 Act did not include within the law mandatory entitlements of released manual scavengers for rehabilitation. This was, as we have seen, mainly the subject of state schemes. Schemes for rehabilitation of manual scavengers have failed for reasons illuminated by the extremely insightful report of the Comptroller and Auditor General. He found the scheme 'a prisoner of its own statistics', since although government claims that it rehabilitated 268,000 scavengers, the numbers of scavengers officially recognized did not go down, but instead rose further to 787,000! The problem, the report pointed out, was that those scavengers it claimed to liberate were not those who were 'rehabilitated'. The scheme instead gave loans to persons often not really manual scavengers, for low skill, low wage alternatives, ignoring factors of 'habitation, cluster, aptitude, gender and motivation'.

It is imperative that those charged with implementing the 2013 Act ensure that they avoid all these pitfalls. The number of manual scavengers is not large, and it is entirely possible to conceptualise and implement rehabilitation schemes for them which actually help them transit to a life of dignity, and indeed allow the larger society to repay a small part of the debt owed to the community for the historical injustices they have suffered.

The 2013 Act Section 13 lists the entitlements of persons identified to be manual scavengers, who are automatically released from the obligations of this employment. Its provisions include:

- (a) A photo identity card in the format suggested in Annexure 6 with details of the released manual scavengers and dependent persons of their families: this will avoid the pitfalls which arose from the absence of any linkage between released manual scavengers and the schemes for rehabilitation of manual scavengers in the past;
- (b) One-time cash assistance, as prescribed;
- (C) Scholarships for their dependants;
- (d) A residential plot with financial assistance for constructing a house;
- (e) Livelihood skill training for one adult member and monthly stipend of at least Rs. 3,000 during training;
- (f) Subsidy and concessional loan for alternative occupation.

The rules are disappointingly silent about rehabilitation rights and procedures, except to specify for identified manual scavengers the provision of cash assistance under the Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) of Rs. 40,000, which they can withdraw in

monthly instalments of Rs. 7,000. But the Indian government has issued a separate memorandum in January 2014 called Compendium of Schemes for Rehabilitation of Manual Scavengers and Elimination of Insanitary Latrines.

Under this, responsibility for rehabilitation has been placed squarely on the shoulders of the DM. After identification, demolition and release from manual scavenging, the DM should cause to be issued to each manual scavenger a card which will list the person and members of her nuclear family, and her entitlements under this programme. The DM (or officer authorized by her or him) should issue the entitlements card to the liberated scavenger within one month of identification. The joint team of government officers and community workers who identify the manual scavenger should also be responsible to inform the identified manual scavenger about her rehabilitation entitlements under this programme, and ensuring that the card is issued. The DM of Badaun district in Uttar Pradesh has demonstrated the value of convergence. He led a campaign for the demolition of an estimated 30,000 dry latrines in the district, and supported the construction of alternative low-cost sanitary latrines. For rehabilitation, the district administration mainly relied on converging existing programmes, such as the Mahatma Gandhi National Rural Employment Guarantee Programme, BPL ration cards, pensions and so on.

The rehabilitation plan for every person/family identified should have four components:

#### 1. Livelihood rehabilitation:

- a) For persons in regular employment as manual scavengers, Section 6(2) prescribes that her services should not be terminated, and instead she should be assigned work other than manual scavenging, on emoluments and terms not less than what she was receiving as a manual scavenger.
- b) The 2013 law is silent about those employed in municipal or formal employment in government, semi-government or private companies on regular daily wage or contract basis. But officials, trade unions and community organizations should attempt to ensure that her employment is also not terminated, and instead she is confirmed in regular employment in a task not connected with scavenging, or at least on contract basis.
- c) There should be careful and sensitive discussions with all manual scavenging families about the aspirations, aptitudes and skills available in the household. Alternative livelihoods should be carefully chosen to be free from any kind of caste-based stigma: the person should not have to leap from the frying pan into the fire. The new vocations should also be marketable and secure, because we must remember that however humiliating is the original vocation of manual scavenging, it is economically secure, and the family should be protected from falling into risky new vocations. Successful examples include training and establishing a dairy unit linked to functioning milk cooperatives, and computer training for younger educated members of the households.
- d) Given the past experience of corruption and harassment in loans, and the fact that most manual scavengers are women, many of whom are older and with poor literacy, care should be taken not to push them into loan-based schemes for alternate vocations, unless there is strong expectation of success. Instead, younger members of

the household, especially if they are educated, should benefit from the soft loans and training available, and these women should be awarded – as soon as they achieve the required age – pensions for older people, or single women, as the case may be.

- e) In selecting the family member for loan and skills training in the household of the manual scavengers, they should be encouraged to give preference to daughters over sons, in recognition of the fact that women constitute the overwhelming majority of manual scavengers, and they need to be protected from falling back into this vocation because of poverty and unemployment. But the choice of course must rest ultimately with the released manual scavenger herself.
- 2. Guarantee of Priority or BPL Card (rural or urban), as applicable, to all families with one or more member currently engaged in manual scavenging, or having been in this trade for 20 years. This is important because these families should be eligible for all social protection, food, educational, housing and other programmes which require BPL targeting.
- 3. Housing plan. Most manual scavengers live in isolated urban settlements. Continuing to live in these colonies means being stigmatised, even after liberation from the actual vocation. Another problem is that fear of losing the house often leads to parents insisting that their children also join the municipality as scavengers or sweepers, even if they are educated. Therefore they should be assisted with soft loans and subsidies to enable them, if they choose, to acquire a house in a mixed population colony, and thereby escape caste identification permanently. The HUPA scheme should require government to bear the entire cost of the economically weaker section (EWS) house.

The rules mention Indira Awas Yojana for rural manual scavengers, Rajiv Awas Yojana for manual scavengers living in slums, and the Affordable Housing in Partnership Scheme for manual scavengers who wish to apply for soft loans to build a low-income house.

4. Education: The education entitlement should be for all children who are in families in which one or more person is currently engaged in manual scavenging, or was so engaged on or since the date the state adopted the 1993 Act. It should guarantee government-funded school education for every child of schoolgoing age. Children should be offered alternatives of study in social welfare hostels or other residential schools run by central and state governments. Alternatively, they could choose to go to day schools (government or private) supported by a monthly scholarship and stipend from class 1 to 12; and also post-matriculation scholarships. It is underlined that this should be a universal scheme for all children from families so identified.

The Compendium of Schemes provides first for scholarships of children of manual scavengers in classes 3 to 10, of Rs. 110 per month with an ad hoc annual grant of Rs. 750 for day scholars, and Rs. 700 per month with an ad hoc grant of Rs. 1,000 for children in hostels. These also list a series of other scholarship schemes for postmatriculation and higher education.

**5. Health cover:** In addition to ensuring that workers employed in hazardous cleaning by civic agencies are prevented from entering manholes (except in the rarest of rare

cases, and even then, not without foolproof safety arrangements as per the orders of the Supreme Court), the workers should be provided with medical insurance, advance payment in circumstances of familiar difficulties as well as made available sentitive and timely treatment for health hazards they may be facing.

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The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act 2013

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

Dalit

## **Appendices:**

- 1. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013
- 2. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013
- 3. Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)
- 4. The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013

रजिस्ट्री सं० औ० एल०-33004/99

REGD. NO. D. L.-33004/99



#### EXTRAORDINARY

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सं. 2310]

नई दिल्ली, बुधवार, अक्तूबर 2, 2013/आश्विन 10, 1935

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NEW DELHI, WEDNESDAY, OCTOBER 2, 2013/ASVINA 10, 1935

#### सामाजिक न्याय और अधिकारिता मंत्रालय

( सामाजिक न्याय और अधिकारिता विभाग)

#### अधिसूचना

नई दिल्ली, 1 अक्तूबर, 2013

का.आ. 2989(अ).—केन्द्रीय सरकार, हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम, 2013 (2013 का 25) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 6 दिसम्बर, 2013 को उस तारीख़ के रूप में नियत करती है जिसको उक्त अधिनियम प्रवत्त होगा ।

[फा. सं. 12015/3/2008-एससीडी-IV]

संजीव कुमार, संयुक्त सचिव

#### MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

#### NOTIFICATION

New Delhi, the 1st October, 2013

S.O. 2989(E).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013), the Central Government hereby appoints the 6th day of December, 2013 as the date on which the said Act shall come into force.

[E.No. 12015/3/2008-SCD-IV]
SANJEEV KUMAR, Jt. Secy.

4240 GI/2013

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असाधारण

#### EXTRAORDINARY

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PART II -- Section 1

प्राधिकार से प्रकाशित

#### PUBLISHED BY AUTHORITY

सं॰ 35।

नई दिल्ली, बृहस्पतिवार, सितम्बर 19, 2013/ भाद्र 28, 1935 (शक)

No. 35 NEW DELHI, THURSDAY, SEPTEMBER 19, 2013/ BHADRA 28, 1935 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके। Separate paging is given to this Part in order that it may be filed as a separate compilation.

### MINISTRY OF LAW AND JUSTICE

#### (Legislative Department)

New Delhi, the 19th September, 2013/Bhadra 28, 1935 (Saka)

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

## THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013

No. 25 of 2013

[18th September, 2013.]

An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

WIEREAS promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

AND WHEREAS the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution;

And whereas article 46 of the Constitution, inter alia, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

AND WHEREAS the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

AND WHEREAS it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity.

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

#### CHAPTER I.

#### PRELIMINARY

Short title, extent and commencement.

- (1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
  - (2) It extends to the whole of India except the State of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the date so notified shall not be earlier than sixty days after the date of publication of the notification in the Official Gazette.

Definitions.

- (1) In this Act, unless the context otherwise requires,—
- (a) "agency" means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate;
- (b) "appropriate government", in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government;
- (c) "Chief Executive Officer", in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;
- (d) "hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;
- (e) "insanitary latrine" means a latrine which requires human excreta to be cleaned or otherwise handled manually, either in situ, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:

Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.

- (f) "local authority" means,-
- (i) a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;
- (ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006; and

41 of 2006.

- (iii) a railway authority;
- (g) "manual scavenger" means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, buman excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a

railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

Explanation.—For the purpose of this clause,—

- (a) "engaged or employed" means being engaged or employed on a regular or contract basis;
- (b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger';
- (b) "National Commission for Safai Karmacharis" means the National Commission for Safai Karamcharis constituted under section 3 of the National Commission for Safai Karmacharis Act, 1993 and continued by Resolution of the Government of India in the Ministry of Social Justice and Empowerment vide No.17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time;
- (i) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;
- (j) "occupier", in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises;
- (k) "owner", in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises;
  - (I) "prescribed" means prescribed by the rules made under this Act;
- (m) "railway authority" means an authority administering railway land, as may be notified by the Central Government in this behalf;
- (n) "railway land" shall have the meaning assigned to it in clause (32A) of section 2 of the Railways Act, 1989;
  - (o) "sanitary latrine" means a latrine which is not an 'insanitary latrine';
- (p) "septic tank" means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;
- (q) "sewer" means an underground conduit or pipe for earrying off human excreta, besides other waste matter and drainage wastes;
- (r) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;
- (s) "survey" means a survey of manual scavengers undertaken in pursuance of section 11 or section 14.
- (2) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006, shall have the same meanings respectively assigned to them in that Act.
- (3) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively.

64 of 1993.

24 of 1989

41 of 2006

4

Act to have overriding effect. 3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any other law, or in any instrument having effect by virtue of any other law.

46 of 1993.

#### CHAPTER II

#### IDENTIFICATION OF INSANITARY LATRINES

(1) Every local authority shall,—

Local authorities to survey insanitary latrines and provide sanitary community latrines.

- (a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of such insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;
- (b) give a notice to the occupier, within fifteen days from the date of publication of the list under clause (a), to either demolish the insanitary latrine or convert it into a sanitary latrine, within a period of six months from the date of commencement of this Act:

Provided that the local authority may for sufficient reasons to be recorded in writing extend the said period not exceeding three months;

- (c) construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary community latrines as it considers necessary, in the areas where insanitary latrines have been found.
- (2) Without prejudice to the provisions contained in sub-section (1), Municipalities, Cantonment Boards and railway authorities shall also construct adequate number of sanitary community latrines, within such period not exceeding three years from the date of commencement of this Act, as the appropriate Government may, by notification, specify, so as to eliminate the practice of open defectation in their jurisdiction.
- (3) It shall be the responsibility of local authorities to construct community sanitary latrines as specified in sub-sections (1) and (2), and also to make arrangements for their hygienic upkeep at all times.

Explanation.—For the purposes of this section, "community" in relation to railway authorities means passengers, staff and other authorised users of railways.

#### CHAPTER III

PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER

Prohibition of insanitary latrices and employment and engagement of manual scavenger.

- (1) Notwithstanding anything inconsistent therewith contained in the Employment
  of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, no person,
  local authority or any agency shall, after the date of commencement of this Act,—
  - (a) construct an insanitary latrine; or
  - (b) engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging.
- (2) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, by the occupier at his own cost, before the expiry of the period so specified in clause (b) of sub-section (I) of section 4:

Provided that where there are several occupiers in relation to an insanitary latrine, the liability to demolish or convert it shall lie with,—

 (a) the owner of the premises, in case one of the occupiers happens to be the owner; and (b) all the occupiers, jointly and severally, in all other cases:

Provided that the State Government may give assistance for conversion of insanitary latrines into sanitary latrines to occupiers from such categories of persons and on such scale, as it may, by notification, specify:

Provided further that non-receipt of State assistance shall not be a valid ground to maintain or use an insanitary latrine, beyond the said period of nine months.

- (3) If any occupier fails to demolish an insanitary latrine or convert it into a sanitary latrine within the period specified in sub-section (2), the local authority having jurisdiction over the area in which such insanitary latrine is situated, shall, after giving notice of not less than twenty one days to the occupier, either convert such latrine into a sanitary latrine, or demolish such insanitary latrine, and shall be entitled to recover the cost of such conversion or, as the case may be, of demolition, from such occupier in such manner as may be prescribed.
- 6. (1) Any contract, agreement or other instrument entered into or executed before the date of commencement of this Act, engaging or employing a person for the purpose of manual scavenging shall, on the date of commencement of this Act, be terminated and such contract, agreement or other instrument shall be void and inoperative and no compensation shall be payable therefor.

Contract, agreement, etc., to be void.

- (2) Notwithstanding anything contained in sub-section (I), no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual scavenging.
- 7. No person, local authority or any agency shall, from such date as the State Government may notify, which shall not be later than one year from the date of commencement of this Act, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.

Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.

8. Whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Penalty for contravention of section 5 or section 6.

9. Whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both.

Penalty for contravention of section 7.

10. No court shall take cognizance of any offence punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offence. Limitation of prosecution.

#### CHAPTER IV

#### IDENTIFICATION OF MANUAL SCAVENGERS IN URBAN AND RURAL AREAS AND THEIR REHABILITATION

- 11. (1) If any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction, the Chief Executive Officer of such Municipality shall cause a survey to be undertaken to identify such persons.
- (2) The content and methodology of the survey referred to in sub-section (1) shall be such as may be prescribed, and it shall be completed within a period of two months from its commencement in the case of Municipal Corporations, and within a period of one month in the case of other Municipalities.

Survey of manual scavengers in urban areas by Municipalities.

- (3) The Chief Executive Officer of the Municipality, in whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.
- (4) After completion of the survey, the Chief Executive Officer shall cause to be drawn up a provisional list of persons found to be working as manual scavengers within the jurisdiction of his Municipality and fulfilling the eligibility conditions as may be prescribed, shall cause such provisional list to be published for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.
- (5) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (4), shall, within a period of fifteen days from such publication, file an objection, in such form as the Municipality may notify, to the Chief Executive Officer.
- (6) All objections received in pursuance of sub-section (5), shall be enquired into, and thereafter a final list of persons found to be working as manual scavengers within the local limits of the municipality, shall be published by it in such manner, as may be prescribed.
- (7) As soon as the final list of manual scavengers, referred to in sub-section (6) is published, the persons included in the said list shall, subject to the provisions of sub-section (2) of section 6, stand discharged from any obligation to work as manual scavengers.

Application by an urban manual scavenger for identification

- 12. (1) Any person working as a manual scavenger in an urban area, may, either during the survey undertaken by the Municipality in pursuance of section 11, within whose jurisdiction he works, or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the Municipality, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.
- (2) On receipt of an application under sub-section (I), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 11, or, when no such survey is in progress, within fifteen days of receipt of such application, to ascertain whether the applicant is a manual scavenger.
- (3) If an application is received under sub-section (1) when a survey under section 11 is not in progress, and is found to be true after enquiry in accordance with sub-section (2), action shall be taken to add the name of such a person to the final list published under sub-section (6) of section 11, and the consequences mentioned in sub-section (7) thereof shall follow.

Rehabilitation of persons identified as manual scavengers by a Municipality.

- 13. (1) Any person included in the final list of manual scavengers published in pursuance of sub-section (6) of section 11 or added thereto in pursuance of sub-section (3) of section 12, shall be rehabilitated in the following manner, namely:—
  - (a) he shall be given, within one month,-
  - (i) a photo identity card, containing, inter alia, details of all members of his family dependent on him, and
    - (ii) such initial, one time, cash assistance, as may be prescribed;
  - (b) his children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;
  - (c) he shall be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;
  - (d) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;
    - (e) he, or at least one adult member of his family, shall be given, subject to

eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

- (f) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.
- (2) The District Magistrate of the district concerned shall be responsible for rehabilitation of each manual scavenger in accordance with the provisions of sub-section (1) and the State Government or the District Magistrate concerned may, in addition, assign responsibilities in his behalf to officers subordinate to the District Magistrate and to officers of the concerned Municipality.
- 14. If any Panchayat has reason to believe that some persons are engaged in manual scavenging within its jurisdiction, the Chief Executive Officer of such Panchayat shall cause a survey of such manual scavengers to be undertaken, mutatis mutandis, in accordance with the provisions of section 11 and section 12, to identify such person.

Survey of manual scavengers in rural areas by Panchayats.

15. (I) Any person working as a manual scavenger, in a rural area, may, either during the survey undertaken by the Panchayat within whose jurisdiction he works, in pursuance of section 14 or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the concerned Panchayat, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

Application by a rural manual scavenger for identification.

- (2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain whether the applicant is a manual scavenger.
- 16. Any person included in the final list of manual scavengers, published in pursuance of section 14 or added thereto in pursuance of sub-section (2) of section 15 shall be rehabilitated, mutatis mutandis, in the manner laid down for urban manual scavengers in section 13.

Rehabilitation of persons identified as manual scavengers by a Panchayat.

#### CHAPTER V

#### IMPLEMENTING AUTHORITIES

17. Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every local authority to ensure, through awareness campaign or in such other manner that after the expiry of a period of nine months, from the date of commencement of this Act,— Responsibility of local authorities to ensure elimination of insanitary latrines.

- (i) no insanitary latrine is constructed, maintained or used within its jurisdiction;
   and
- (ii) in case of contravention of clause (i), action is taken against the occupier under sub-section (3) of section 5.
- 18. The appropriate Government may confer such powers and impose such duties on local authority and District Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out, and a local authority and the District Magistrate may, specify the subordinate officers, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.

Authorities who may be specified for implementing provisions of this Act.

19. The District Magistrate and the authority authorised under section 18 or any other subordinate officers specified by them under that section shall ensure that, after the expiry of such period as specified for the purpose of this Act,—

Duty of District Magistrate and authorised officers.

 (a) no person is engaged or employed as manual scavenger within their jurisdiction;

- (b) no one constructs, maintains, uses or makes available for use, an insanitary latrine:
- (c) manual scavengers identified under this Act are rehabilitated in accordance with section 13, or as the case may be, section 16;
- (d) persons contravening the provisions of section 5 or section 6 or section 7 are investigated and prosecuted under the provisions of this Act; and
- (e) all provisions of this Act applicable within his jurisdiction are duly complied with.

Appointment of inspectors and their powers.

- 20. (1) The appropriate Government may, by notification, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.
- (2) Subject to any rules made in this behalf, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any premises or place for the purpose of .-
  - (a) examining and testing any latrine, open drain or pit or for conducting an inspection of any premises or place, where he has reason to believe that an offence under this Act has been or is being or is about to be committed, and to prevent employment of any person as manual scavenger;
  - (b) examine any person whom he finds in such premises or place and who, he has reasonable cause to believe, is employed as a manual scavenger therein, or is otherwise in a position to furnish information about compliance or non-compliance with the provisions of this Act and the rules made thereunder;
  - (c) require any person whom he finds on such premises, to give information which is in his power to give, with respect to the names and addresses of persons employed on such premises as manual scavenger and of the persons or agency or contractor employing or engaging them;
  - (d) seize or take copies of such registers, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or agency; and
    - (e) exercise such other powers as may be prescribed.
- (3) Any person required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

45 of 1860.

(4) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any such search or seizure under sub-section (2) as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the said Code.

## 2 of 1974.

#### CHAPTER VI

### PROCEDURE FOR TRIAL

Offences to be tried by Executive Magistrate.

 (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate 2 of 1974. of the first class.

(2) An offence under this Act may be tried summarily.

Offence to be cognizable and sonbailable

22. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, 2 of 1974. every offence under this Act shall be cognizable and non-bailable.

23. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by companies.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
  - (b) "director" in relation to a firm, means a partner in the firm.

#### CHAPTER VII

#### VIGILANCE COMMITTEES

24. (1) Every State Government shall, by notification, constitute a Vigilance Committee for each district and each Sub-Division.

Vigilance Committees.

- (2) Each Vigilance Committee constituted for a district shall consist of the following members, namely:—
  - (a) the District Magistrate—Chairperson, ex officio;
  - (b) all members of the State Legislature belonging to the Scheduled Castes elected from the district—members:

Provided that if a district has no member of the State Legislature belonging to the Scheduled Castes, the State Government may nominate such number of other members of the State Legislature from the district, not exceeding two, as it may deem appropriate.

- (c) the district Superintendent of Police-member, ex officio;
- (d) the Chief Executive Officer of,-
  - (i) the Panchayat at the district level-member, ex officio;
  - (ii) the Municipality of the district headquarters—member, ex officio;
- (iii) any other Municipal Corporation constituted in the district—member, ex officio;
- (iv) Cantonment Board, if any, situated in the district—member, ex officio;
- (e) one representative be nominated by the railway authority located in the district;
- (f) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the district, to be nominated by the District Magistrate, two of whom shall be women;
- (g) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;
  - (h) the district-level officer in-charge of the Scheduled Castes Welfare—

- (i) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.
- (3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:—
  - (a) the Sub-Divisional Magistrate—Chairperson, ex officio;
  - (b) the Chairpersons and the Chief Executive Officers of Panchayats at intermediate level of the Sub-Division, and where Panchayats at intermediate level, do not exist, Chairpersons from two Panchayats at Village level to be nominated by the Sub-Divisional Magistrate—member, ex officio;
    - (c) the Sub-Divisional Officer of Police—member, ex officio;
    - (d) Chief Executive Officer of-
    - (i) the Municipality of the Sub-Divisional headquarters—member, ex officio; and
    - (ii) Cantonment Board, if any, situated in the Sub-Division—member, ex officio;
  - (e) one representative to be nominated by the railway authority located in the Sub-Division—member, ex officio;
  - (f) two social workers belonging to the organisation working for the prohibition of manual scavenging and rehabilitation of the manual scavengers, or representing the scavenger community resident in the Sub-Division, to be nominated by the District Magistrate, one of whom shall be a woman;
  - (g) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;
  - (h) the Sub-Divisional level officer in-charge of Scheduled Castes welfare— Member-Secretary, ex officio;
  - (i) Sub-Divisional level officers of Department and agencies who in the opinion of the Sub-Divisional Magistrate, subject to any general orders of the State Government or the District Magistrate, have a significant role to play in the implementation of this Act—member, ex officio.
- (4) Each Vigilance Committee constituted at district and Sub-Divisional level shall meet at least once in every three months.
- (5) No proceeding of a Vigilance Committees shall be invalid merely by reason of any defect in its constitution.

Functions of Vigilance Committee.

- The functions of Vigilance Committee shall be—
- (a) to advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;
  - (b) to oversee the economic and social rehabilitation of manual scavengers;
- (c) to co-ordinate the functions of all concerned agencies with a view to channelise adequate credit for the rehabilitation of manual scavengers;
- (d) to monitor the registration of offences under this Act and their investigation and prosecution.

 (1) Every State Government shall, by notification, constitute a State Monitoring Committee, consisting of the following members, namely:—

State Monitoring Committee.

- (a) the Chief Minister of State or a Minister nominated by him—Chairperson, ex officio;
- (b) the Minister-in-charge of the Scheduled Castes Welfare, and such other Department, as the State Government may notify;
- (c) Chairperson of the State Commissions for Safai Karamcharis, and Scheduled Castes, if any—member, ex officio;
- (d) representatives of the National Commission for Scheduled Castes, and Safai
   Karamcharis—member, ex officio;
- (e) not less than two members of the State Legislature belonging to the Scheduled Castes, nominated by the State Government:

Provided that if any State Legislature has no member belonging to the Scheduled Castes, the State Government may nominate the members belonging to the Scheduled Tribes;

- (f) the Director-General of Police-member, ex officio;
- (g) Secretaries to the State Government in the Departments of Home, Panchayati Raj, Urban Local Bodies, and such other Departments, as the State Government may notify;
- (b) Chief Executive Officer of at least one Municipal Corporation, Panchayat at the district-level, Cantonment Board and railway authority as the State Government may notify;
- (i) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the State, to be nominated by the State Government, two of whom shall be women;
- (j) State-level head of the convener Bank of the State Level Bankers' Committee member, ex officio;
- (k) Secretary of the Department of the State Government dealing with development of the Scheduled Castes—Member-Secretary, ex officio;
- (I) such other representative of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.
- (2) The State Monitoring Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.
  - 27. The functions of the State Monitoring Committee shall be-

 (a) to monitor and advise the State Government and local authorities for effective implementation of this Act; Functions of the State Monitoring Committee.

- (b) to co-ordinate the functions of all concerned agencies;
- (c) to look into any other matter incidental thereto or connected therewith for implementation of this Act.
- 28. Every State or Union territory Government and Union territory administration shall send such periodic reports to the Central Government about progress of implementation of this Act, as the Central Government may require.

Duty of States or Union territories to send periodireports to th Central Government

29. (1) The Central Government shall, by notification, constitute a Central Monitoring Committee in accordance with the provisions of this section. Central Monitoring Committee.

- (2) The Central Monitoring Committee shall consist of the following members, namely:-
  - (a) The Union Minister for Social Justice and Empowerment—Chairperson. ex officia;
  - (b) Chairperson of the National Commission for Scheduled Castes—member, ex officio;
  - (c) Minister of State in the Ministry of Social Justice and Empowermentmember, ex officio;
    - (d) Chairperson, National Commission for Safai Karamcharis—member, ex officio;
  - (e) the Member of the Planning Commission dealing with development of the Scheduled Castes-member, ex officio;
  - (f) three elected members of Parliament belonging to Scheduled Castes, two from the Lok Sabha and one from the Rajya Sabha;
    - (g) Secretaries of the Ministries of,-
    - (i) Social Justice and Empowerment, Department of Social Justice and Empowerment;
      - (ii) Urban Development;
      - (iii) Housing and Urban Poverty Alleviation;
      - (iv) Drinking Water and Sanitation;
      - (v) Panchayati Raj;
      - (vi) Finance, Department of Financial Services; and
      - (vii) Defence,

members, ex officio;

- (h) Chairman, Railway Board—member, ex officio;
- (i) Director-General, Defence Estates-member, ex officio;
- (j) representatives of not less than six State Governments and one Union territory, as the Central Government may, notify;
- (k) not more than six social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the country, to be nominated by the Chairperson, two of whom shall be women;
- (I) Joint Secretary, Department of Social Justice and Empowerment in the Ministry of Social Justice and Empowerment, looking after development of Scheduled Castes-Member-Secretary, ex officio;
- (m) such other representatives of Central Ministries or Departments and agencies which, in the opinion of the Chairperson, are concerned with the implementation of this Act.
- (3) The Central Monitoring Committee shall meet at least once in every six months.
- 30. The functions of the Central Monitoring Committee shall be,-
- - (a) to monitor and advise the Central Government and State Government for effective implementation of this Act and related laws and programmes;
    - (b) to co-ordinate the functions of all concerned agencies;
  - (c) to look into any other matter incidental to or connected with implementation of this Act.

Functions of the Central Monitoring Committee.

- (1) The National Commission for Safai Karamcharis shall perform the following functions, namely:—
  - (a) to monitor the implementation of this Act;
  - (b) to enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and
  - (c) to advise the Central and the State Governments for effective implementation of the provisions of this Act.
    - (d) to take suo motu notice of matter relating to non-implementation of this Act.
- (2) In the discharge of its functions under sub-section (1), the National Commission shall have the power to call for information with respect to any matter specified in that subsection from any Government or local or other authority.
- 32. (1) The State Government may, by notification, designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority, as it deems fit, to perform, within the State, mutatis mutandis, the functions specified in sub-section (1) of section 31.
- (2) An authority designated under sub-section (1) shall, within the State, have, mutatis mutandis, the powers of the National Commission for Safai Karamcharis as specified in sub-section (2) of section 31.

Power of State Government to designate an appeopriate authority to monitor the implementation of this Act.

Functions of National

Commission

for Safai Karamcharis.

#### CHAPTER VIII

#### MISCELLANEOUS

- 33. (1) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of their cleaning.
- (2) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in subsection (1).
- . 34. No suit, prosecution or other legal proceeding shall lie against an appropriate Government or any officer of the appropriate Government or any member of the Committee for anything which is in good faith done or intended to be done under this Act.
- 35. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done, by or under this Act.
- 36. (1) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—
  - (a) the obligation of an employer, under clause (d) of sub-section (I) of section 2;
  - (b) the manner in which the excreta fully decomposes under clauses (e) and (g) of sub-section (1) of section 2;
  - (c) the manner of carrying out survey of insanitary latrine and publishing list thereof under clause (a) of sub-section (I) of section 4;
  - (d) procedure of giving notice and recovering cost of demolition of an insanitary latrine under sub-section (3) of section 5;
    - (e) content and methodology of the survey under sub-section (2) of section 11;

Duty of local authorities and other agencies to use modern technology for cleaning

Protection of action taken in good faith.

of sewers, etc.

Jurisdiction of civil courts barred.

Power of appropriate. Government to make rules.

- (f) the eligibility conditions for identification of manual scavengers and publication of provisional list of persons found to be working as manual scavengers under sub-section (4) of section 11;
- (g) publication of final list of persons found to be working as manual scavengers under sub-section (6) of section 11;
- (h) manner of application to be made to the Chief Executive Officer of the municipality, or to an officer authorised by him in this behalf, under sub-section (I) of section 12 or, as the case may be, sub-section (I) of section 15;
- (i) provision of initial, one time, cash assistance under sub-clause (ii) of clause
   (a) of sub-section (I) of section 13;
- (f) such other powers of Inspectors under clause (e) of sub-section (2) of section 20; and
  - (k) any other matter which is required to be, or may be, prescribed.
- (3) Every rule made under this Act by the Central Government shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.
- (4) Every rule made under this Act by the State Government shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Power of Central Government to make model rules.

- (1) Notwithstanding anything contained in section 36 of this Act:—
- (a) the Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and
- (b) in case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, mutatis mutandis, in such State, till such time as the State Government notifies its rules.
- (2) The model rules made by the Central Government under this Act shall be laid, as soon as may be after they are made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses make any modification in the rule, the rule shall thereafter have effect only in such modified form; so, however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.

Power to remove difficulties. 38. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

39. (1) The appropriate Government may, by a general or special order published in the Power to Official Gazette, for reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye-laws or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time.

(2) Every general or special order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

> P.K. MALHOTRA, Secy. to the Govt. of India.

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#### असाधारण

#### EXTRAORDINARY

भाग II---खण्ड 3---उप-खण्ड (i)

PART II—Section 3—Sub-section (i) प्राधिकार से प्रकाशित

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NEW DELHI, THURSDAY, DECEMBER 12, 2013/AGRAHAYANA 21, 1935

सामाजिक न्याय और अधिकारिता मंत्रालय (सामाजिक न्याय और अधिकारिता विभाग)

#### अधिसूचना

नई दिल्ली, 12 दिसम्बर, 2013

सा.का.नि.776(अ).—केन्द्रीय सरकार, हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम, 2013 (2013 का 25) की घारा 37 की उपधारा (1) के खंड (क) के साथ पठित घारा 36 की उप-धारा (1) और उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निम्नलिखित नियम बनाती है, अर्थात् :—

#### अध्याय 1

### साधारण

1. संक्षिप्त नाम और प्रारंभ :--

# 10 #경화 5월 5 - 현재 2년 3 A A 1915

- (1) इन नियमों का संक्षिप्त नाम हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास नियम,
  - (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे ।
- 2. परिभाषाएं :- (1) इन नियमों में, जब तक कि संदर्भ से अन्यथा अपेक्षित न हो,-
- (क) "अधिनियम" से हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम, 2013 (2013 का 25) अभिप्रेत है ;
- (ख) "सफाई युक्ति" नियम 5 में निर्दिष्ट उपस्करों को सीमित न करते हुए जिसके अंतर्गत हाथ से या यांत्रिक रूप से प्रचालित किन्तु जहां तक.
  - (i) मल नाली या मल विगलन कुंडों से सेप्टेज के परिवहन या प्रवाह की साफ करने या समर्थ बनाने के लिए, और
- (ii) ऐसी मल या सामग्री के साथ सीधे हाथों के संपर्क को बचाने के लिए, उपयोग किए जा सकेंगे;
- (ग) "जिला स्तर सर्वेक्षण समिति" से निम्नलिखित संरचना के साथ नियम 11(2), नियम 11(18) और नियम 11(19) में निर्दिष्ट समिति अभिप्रेत हैं :-

	THE GAZETTE OF INDIA: EXTRAORDINARY		[PART II—SEC. 3(i)]		
2					
	1. जिला मजिस्ट्रेट	अध्यक्ष			
	<ol> <li>अनुसूचित जाति मामलों को व्यवहार करने वाला जिला स्तर का अधिकारी</li> </ol>	सदस्य	सचिव		
	<ol> <li>जिला सांख्यिकीय अधिकारी</li> </ol>	सदस्य			
	4. नगर विकास विभाग/स्थानीय स्वायत्त संस्कार विभाग का जिला स्तर का अधिकारी	सदस्य			
	<ol> <li>रेल प्राधिकरण का एक प्रतिनिधि</li> </ol>	सदस्य			
	<ol> <li>हाथ से मैला उठाने वाले किर्मयों और सफाई कर्मचारियों के कल्याण के लिए कार्यस्त</li> </ol>				
	गैर सरकारी संगठनों के अधिकतम दो प्रतिनिधि जो जिला मजिस्ट्रेट द्वारा नामनिर्दिष्ट होंगे	सदस्य			
	<ol> <li>अधिकतम दो सामुदायिक प्रतिनिधि जिसमें से एक महिला होगी जो जिला मजिस्ट्रैट</li> </ol>	सदस्य			
	द्वारा नामनिर्दिष्ट होंगे				

## जिला स्तर रावेंक्षण समिति के कृत्य :

- जिला स्तर पर सर्वेक्षण प्रक्रिया को मानीटर और सर्वेक्षण करना ।
- अभिहित स्थानों पर जागरूकता अभियान के लिए सामग्री वितरित करना ।
- सर्वेक्षण के संबंध में स्थानीय समाचार पत्र आदि के माध्यम से प्रचार की व्यवस्था करना ।
- घ. अपनी अधिकारिता के अधीन अभिहित स्थानों पर अनुदित सर्वेक्षण सामग्री वितरित करना I
- जिले के सभी शहर, नगरों और ग्रामों के लिए हाथ से मैला उठाने वाले कर्मियों की अंतिम सूची को अनुमोदित करना ।
- च. जिले में हाथ से मैला उठाने वाले कर्मियों की अंतिम समेकित सूची का प्रकाशन ।
- (३) 'प्रगणक'' से हाथ से मैला उठाने वाले किमैंयों के सर्वेक्षण या सत्यापन के प्रयोजन के लिए किसी स्थानीय प्राधिकरण द्वारा नियोजित कोई व्यक्ति अभिप्रेत हैं;
- (ङ) "निरीक्षक" से अधिनियम की धारा 20 की उपधारा (1) के उपबंधों के अनुसार समुधित सरकार द्वारा "निरीक्षक" के रूप में नियुक्त कोई व्यक्ति अभिप्रेत है ;
- (घ) "ओवरसियर" से इन नियमों के अधीन शक्तियों के प्रयोग या कर्तव्यों के निर्वहन को स्थानीय प्राधिकरण द्वारा नियोजित कोई अधिकारी अभिप्रेत है ;
- (छ) "संख्यात्मक साधनों" से व्यक्तिगत सुख्या उपस्कर और सुख्या युक्तियां अभिप्रेत हैं जो मल नाली और मल विगलन कुंडों की सफाई के संबंध में सफाई कर्मचारियों या सफाई कर्मकारों द्वारा पहनने के लिए या उपयोग के लिए उपलब्ध कराए जाते हैं जो कार्य की विशिष्ट प्रकृति को करने के लिए आवश्यक होंगे जिसके अंतर्गत नियम 4 में निर्दिष्ट सामग्री को सीमित नहीं किया गया है -
- (i) पदार्थों को मानव त्वचा को संपर्क से बचाने के लिए जो किसी रोग का कारण हो सकती है जिसके साथ सभी रवसन उपस्कर जिससे गैसों अंतःश्वसन से रोका जा सके जो रोग का कारण हो सकता है, और जिसके अंतर्गत मल नाली सो मल विगलन कुंडों के अंदर उपस्थित गैसों की पहचान के लिए कोई संवेदी उपस्कर भी हैं;
  - (ii) क्षति को दूर करना जब सफाई कार्य किया जा रहा हो ।
- (ज) "सफाई कर्मचारी" या "खच्छता कर्मकार" से घरेलू कार्य से मिन्न किसी स्वच्छता कार्य के लिए लगा हुआ या नियोजित कोई व्यक्ति अभिप्रेत है ;
- (झ) "सुख्डा पूर्वावधानियां" से नियम 6 में निर्दिष्ट पूर्वावधानियों को सीमित न करते हुए किन्तु जिसके अंतर्गत मल नाली और मल विगलन कुंडों की सफाई में लगे हुए व्यक्तियों द्वारा रोगों और क्षतियों के संपर्क को दूर करने को तथा व्यक्तियों के जोखिम को कम करने के लिए सभी आवश्यक उपाय भी हैं जो मल नाली या मल विगलन कुंडों के मीतर और जब मल नाली या मल विगलन कुंडों में प्रवेश करने के दौरान कोई मीतिक अवस्था (ठोस, द्रव्य या गैस) में मल या कोई अन्य सामग्री के संपर्क में आते हैं;

भारत का राजपत्र : असाधारण

(प्र) "राज्य स्तर सर्वेक्षण समिति" से निम्नलिखित संरचना के साथ नियम 10(12), नियम 10(13) और नियम 11(2) में निर्दिष्ट समिति अभिप्रेत है :-

1. राज्य सरकार द्वारा नामनिर्दिष्ट अतिरिक्त मुख्य सचिव वा प्रमुख सचिव

आध्यक्ष

 अनुसूचित जाति मामलों को व्यवहार करने वाला प्रमुख सचिव/सचिव, यदि अतिरिक्त मुख्य सदस्य सचिव सचिव द्वारा समिति की अध्यक्षता की जा रही है । यदि प्रमुख सचिव अनुसूचित जाति कल्याण

स्वयं अध्यक्षता कर रहे हैं तो निदेशक अनुसुचित जाति कल्याण

निदेशक अर्थशास्त्र और सांख्यिकीय

सदस्य

सचिव, नगर विकास विभाग/स्थानीय स्वायत्त सरकार विभाग

सदस्य

प्रादेशिक निदेशक, जनगणना प्रचालन

सदस्य

रेल प्राधिकरण का एक प्रतिनिधि

सदस्य

हाथ से मैला उठाने वाले किमैयों और सफाई कर्मचारियों के कल्याण के लिए कार्यरत

सदस्य

गैर सरकारी संगठनों के अधिकतम दो प्रतिनिधि जो द्वारा नामनिर्दिष्ट होंगे

अधिकतम दो सामुदायिक प्रतिनिधि जिसमें से एक महिला होगी जो राज्य सरकार

सदस्य

द्वारा नामनिर्दिष्ट होंगे

## राज्य स्तर सर्वेक्षण समिति के कृत्य :

- क. राज्य स्तर पर सर्वेक्षण प्रक्रिया को मानीटर और सर्वेक्षण करना ।
- ख. अभिहित स्थानों पर जागरूकता अभियान के लिए सामग्री वितरित करना ।
- सर्वेक्षण के संबंध में स्थानीय समाचार पत्र आदि के माध्यम से प्रचार की व्यवस्था करना ।
- घ. अपनी अधिकारिता के अधीन अभिहित स्थानों पर अनुदित सर्वेक्षण सामग्री वितरित करना ।
- इ. राज्य के सभी शहर, नगरों और ग्रामों के लिए हाथ से मैला उठाने वाले किर्मियों की अंतिम सूची को अनुमोदित करना।
- च. राज्य में हाथ से मैला उठाने वाले किमयों की अंतिम समेकित सुची का प्रकाशन ।
- (2) उन शब्दों और पदों के जो इन नियमों में प्रयुक्त किए गए है और परिमाषित नहीं हैं किन्तु अधिनियम में परिभाषित हैं, वहीं अर्थ होंगे जो अधिनियम में हैं।

#### अध्याय 2

## मल नाली या मल विगलन कुंडों की सफाई में नियोजित कर्मचारियों के प्रति नियोजक की बाध्यताएं

- (1) इन नियमों के अधीन किसी व्यक्ति को संख्यात्मक साधनों और सुख्या युक्तियों के बिना किसी मल नाली की हाथ ले सफाई के लिए अनुझात नहीं किया जाएगा सिवाय :-
- (क) कंक्रीट या फाप्रप्ता (फाइबर प्रवलित प्लास्टिक) या क्षतिव्रस्त मेनहोल जहां यांत्रिक उपस्कर प्रचालन में उपयोग नहीं किए जा सकते हैं, को हटाने के लिए ।
- (ख) तीन सौ मिलीमीटर व्यास से अधिक आकार की मल नाली की दशा में विद्यमान मुख्य मल नाली के साथ नई मुख्य ढाली गई मल नाली के अंतर्सयोजन के लिए ।
- (ग) चूषण कूपों के तल पर नियत सबमर्सिंबल पम्प सेटों को हटाने के लिए ।
- (घ) मेन होल के पुनर्निर्माण या मुख्य मल नाली के सुधार के लिए ।
- (ङ) ऐसी सफाई अनुझात करने के लिए विनिर्दिष्ट विधिमान्य कारणों को लेखबद्ध करने के पश्चात् स्थानीय प्राधिकरण के मुख्य कार्यकारी अधिकारी की अनुझा प्राप्त करने के पश्चात् किसी परिस्थिति में जब हाथ से मलवाही की सफाई नितांत रूप से आवश्यक है।

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- (2) उपचारा (1) के खंड (ग) और खंड (घ) के प्रयोजनों के लिए मल नाली में किसी व्यक्ति के प्रवेश को अनुझात करने से पहले मलवाही पूर्णतया खाली होगी ।
- ि किसी मल नाली या किसी मल विगलन कुंड की सफाई में नियोजित किसी व्यक्ति को उसके नियोजिक द्वारा संख्यात्मक साधनों और सुख्या उपस्कर, निम्नलिखित को सीमित किए बिंगा, उपलब्ध कराने होंगे :-
- (i) ब्लोअर के लिए वायु संपीडित्र
- (ii) वायु रेखा श्वसन उपस्कर
- (iii) हस्त चालित वायु ब्लोअर के सहित वायु रेखा स्वसित्र .
- (iv) वायु शोधक गैस मास्क/चिन काट्रिज
- (v) कृत्रिम श्वसन जालिका
- (vi) अवरोध चेतावनी फीता
- (vii) अवरोधक क्रीम
- (viii) अवरोधक शंकू
- (ix) ब्लोअर
- (x) श्वसन मास्क
- (xi) श्वसन उपस्कर
- (xii) चेतावनी पट्ट
- (xiii) क्लोरीन मास्क
- (xiv) आकस्मिक चिकित्सा आक्सीजन पुनर्जीवक किट
- (xv) प्राथमिक चिकित्सा बॉक्स
- (xvi) चेहरा मास्क
- (xvii) गैस मानीटर (चार गैस)
- (xviii) मार्गनिर्देश नद समूह
- (xix) पूर्ण शरीर जलग सूट
- (xx) जुतों के साथ संबद्ध मत्स्य जलग सूट
- (xxi) हाथ के दस्ताने
- (xxii) सिरो दीप
- (xxiii) हेलमेट
- (xxiv) हेलमेट विध्वंसक
- (xxv) सीसा एसीटेट पत्र
- (xxvi) जीवनस्थक गद्दी
- (xxvii) अनुकूलन वायुरेखा प्रदाय ठेला प्रणाली
- (xxviii) सामान्य चेहरा मास्क
- (ocix), नायलॉन रस्से की सीढ़ी पांच मीटर
- (xxx) नायलॉन सुरक्षा पेटी

[भाग II - खण्ड x(i)] भारत का राजपत्र : असाधारण	
(xxxi) जेबी पुस्तक	
(xxxii) पोर्ट ऑक्सी	
(xxxiii) बरसाती	
(xxxiv) परावर्तक आवरण	
(xxxv) सुख्सा पेटी	
(xxxvi) शारीरिक सुरक्षा कपड़े	
(xxxvii) যাবীবিক सुरक्षा सज्जा	
(xxxviii) सुरक्षा घरमें	
(xxxix) सुरक्षा गम बूट	
(xl) सुन्का टोप	
(All) Book 3-one	
h	
(xliii) सुख्सा ट्राइपॉड सेट	
(xliv) सुख्या सर्च लाइट	
<ol> <li>स्थानीय प्राधिकारी यह सुनिश्चित करेगा कि निम्नलिखित सफाई की युक्तियां मलवु लगे व्यक्तियों द्वारा प्रयोग की जाती है किंतु यह निम्नलिखित तक सीमित नहीं होगी ।</li> </ol>	हंड या मलविगलन कुंख की सफाई में
(i) मल नाली स्वच्छता बकेटिंग मशीन	and the second
(ii) जेटिंग मशीन	
(iii) चूषण मशीन (गूली एमटायर)	
(iv) संघटित मशीन (जेटिंग सह चूबण )	
<ul><li>(v) गहन चूषण संघटित मशीन (जेटिंग सह चूषण )</li></ul>	
(vi) हस्त प्रचालित ग्राह बाल्टी	
(vii) हाइड्रोलिक प्रचालित द्राली आरुढ् ग्राह बाल्टी	
(viii) ट्रक आरुढ मोटर और विंच प्रचासित ग्राह बाल्टी मशीन	
(ix) नियत बनावट आरुड मोटर और विंच प्रचालित ग्राह बाल्टी मशीन	
(x) तरल कूप के लिए रिक्शा आरुड विंच और मोटर प्रचालित मशीन डिसलेंटिंग मशीन	
(xi) प्रवेश छिद्र के लिए रिक्शा आरुढ विंच और सहायक इंजन प्रचालित डिसलेंटिंग मर	गीन

- (xii) एसकार्ट हाइद्राक्रेन आरुढ हाइद्रोलिक विंच प्रचालित ग्राह बाल्टी डिसलेंटिंग मशीन
- (xiii) हस्तचालित छडें, बेलचा, फावडे, नाली साफ करने की मशीनें और हत्थों सहित इस्पात सक्रैपर्स
- (xiv) होज़ और धुलाई उपकरण
- 6. (1) इन नियमों के अधीन सभी संरक्षात्मक गियर और सुरक्षा युक्तियों की प्रत्येक छह मास में जांच की जाएगी और नियोजक द्वारा आवश्यक मरम्मत या प्रतिस्थापन किया जाएगा जो मल नाली या मल विगलन कुंड को साफ करने के लिए किसी व्यक्ति को लगाता है ।
- (2) आरामदायक शरीर के कपड़े उस कर्मकार को उपलब्ध कराया जाएगा जिसे मलनाली या मल विगलन कुंड में उनकी सफाई के लिए प्रवेश करना है। नियोजक उन कर्मकारों को पूर्ण शरीर के कपड़े उपलब्ध कराएगा जो 5 फीट से अधिक की गहराई में मेन होल में प्रवेश कर रहे हैं और अनुकल्पी रूप से भागतः फिशिंग वाडर काया पोशाक उन व्यक्तियों को उपलब्ध कराएगा जो 5 फीट से कम की गहराई में मेनहोल में प्रवेश कर रहे हैं।
- (3) नियोजक मलनाली या मलविगलन कुंड की सफाई में किसी व्यक्ति के लगने से पूर्व निम्नलिखित सुरक्षा पूर्वावधानियाँ भी सुनिश्चित करेगा अर्थात् :--
- (क) सभी समय न्यूनतम तीन कर्मचारी रहेंगे जिनमें से एक पर्यवेक्षक होगा ;
- (ख) परिरुद्ध स्थान के भीतर वातावरण को आक्सीजन की कमी और सम्मिलित विषैली कंबस्टीबल गैसों के लिए परीक्षण किया जाएगा किंतु निम्नलिखित को सम्मिलित करते हुए पता लगाने के परीक्षणों के माध्यम से हाइड्रोजन सल्फाइड, कार्बन मोनोक्साइड, मेथीन और गैसोलीन वेपर जैसी विषालु गैसों तक सीमित नहीं होगी :--
  - (i) मेनहोल में पता लगाने वाले लैंप को नीचे करना
  - (ii) भीगा सीसा, एसिटेट पेपर का अंतःस्थापन जो परिसंकटमय गैसों की उपस्थिति में रंग को परिवर्तन करता है।
  - (iii) गैस अन्वेषक नकाबों के माध्यम से गैसों का पता लगाना—
- (ग) उपनियम (1) के अधीन स्वच्छता प्रारंभ करने से पूर्व उपनियम (3) के खंड (क) में निर्दिष्ट पर्यवेक्षक ने निरीक्षण किया है और अवधारित किया है यदि निकटवर्ती कोई उद्योग मलनाली का उपयोग कर रहा है जिससे किसी परिसकंटमय वातावरण की प्रत्याशा का सामना किया जा सकता है।
- (घ) धातुदंड सीढ़ियां और मेनहोल के की पार्श्व दीवारों की दशाएं यह देखने के लिए जांची जाएगी यदि उनके ढहने का कोई खतत्त है।
- (ड) यातायात और पैदल चलने वाले व्यक्तियों के लिए सभी समय वैरीकेड उपलब्ध किए जाते हैं ।
- (च) एक फ्लैगमैन स्थल से कम से कम पचास फीट आगे तैनात होना चाहिए और कम से कम पांच सी फीट के लिए आने वाले यातायात के लिए दृश्यमान होना चाहिए ।
- (छ) मलनाली कर्मकारों की नियमित विकित्सा जांच जिसमें स्वसन अंग, त्वचा क्षति और अन्य कृतिक रोग की जांच और क्षतियां उनके उपचार के लिए यह सुनिश्चित करने के लिए सम्मिलित होगी कि मलनाली कर्मकार जो ऐसी बीमारियों और क्षतियों से प्रभावित हैं, सफाई के लिए मलनाली में प्रवेश न करें ।
- (ज) स्वसन और त्वचा रोगों और अन्य कृतिक रोगों के विरुद्ध नियमित टीकाकरण जिसके लिए इन किमेंयों का मलनाली में हानिकर पदार्थों से प्रभावित होने का खतरा बना खता है ।
- (झ) सभी कर्मचारी जो स्थल पर सफाई कार्य के दौरान उपस्थित रहते हैं, ऐसे कार्यों से सहबद्ध क्षति या रोगों से बचने के लिए सफाई कार्य में अंतर्वलित सभी उपरकरों के प्रचालन का प्रशिक्षण ज्ञान से पर्याप्त रूप से सुपरिचित हों और कार्यस्थान पर आपातस्थिति पैदा होने की दशा में आवश्यक कदम उठाने के लिए सक्षम हो और प्रत्येक दो वर्ष में प्रशिक्षण संचालित किया जाएगा और कर्मचारी उपरोक्त विषय के संबंध में पद्धति और तकनीक में किन्हीं परिवर्तनों से सुपरिचित होंगे।
- (अ) पर्यवेक्षक निकटतम अस्पतालों और चिकित्सालयों के नामों, पतों और टेलीफोन नंबरों को अपने पास और सुविधाजनकस्थिति में रखेंगे ।

- (ट) मलनाली या मलविगलन कुंड की सफाई, (i) केवल दिन के प्रकाश में की जाएगी (ii) किसी खंड पर 90 मिनट से अधिक की अवधि के लिए नहीं होगी और दो खंडों के बीच 30 मिनट का मध्यान देना आज़ायक होगा ।
- (ठ) किन्ही लाइन की पहचान करना और उसे बंद करना या पुनःमार्गी जिससे या उसके माध्यम से कार्यक्षेत्र में हानिकर पदार्थ लाये जाते हैं ।
- (ढ) यह सुनिश्चित करना कि प्रवेश स्थल पर लिखित प्रचालन और बचाव प्रक्रियाएं दर्शित की गई हैं ।
- (ढ) यदि प्रवेश शिखर द्वार के माध्यम से किया जाता है, काम में लगने वाली हाउसिंग युक्ति जो किसी व्यक्ति को सीधे प्रास्थिति में निलंबित करती है और यांत्रिक युक्ति पांच फीट की गहराई से अधिक उर्घ्याघर स्थान से पुनःप्राप्त कार्मिकों को उपलब्ध कराई जाएगी।
- (ण) किसी परिरुद्ध स्थल कार्य के दौरान कम से कम एक व्यक्ति प्राथमिक चिकित्सा और हदय फुरफुस पुनरुज्जीवन में प्रशिक्षित होना चाहिए जो तुरंत उपलब्ध हो ।
- (त) मेनहोल में आक्सीजन अंतर्वस्तु सभी स्तरों पर (तल, मध्य और शिखर) में मेनहोल उपाय के परिरुद्ध स्थान में कम से कम 19.5 प्रतिशत होनी चाहिए और यदि आक्सीजन स्तर 19.5 प्रतिशत से कम है और 21 प्रतिशत से अधिक है तो कोई व्यक्ति मेनहोल में प्रवेश नहीं करे ।
- (थ) दोनों तरफ कम से कम दो या तीन मेनहोलों को खोलकर के मलनाली लाइन को संवातित करना जहां कार्य का क्रियान्वित किया जाना है ।
- (द) प्रचालन के प्रारंभ से पूर्व मेनहोल को कम से कम एक घंटे पहले खोला जाना चाहिए ।
- (घ) किसी व्यक्ति विशेषकर बालकों को खोले गए मेनहोल को रोकने के लिए जो मलनाली में दुर्घटनावश गिर जाते हैं, रोकने के लिए समुचित रूप से बाढ़ या रुकावट उचित रूप से होगी । वेलडित फैब्रिक या वायर नेट से छदम कवर का उपयोग किया जा सकेगा ।
- (न) सभी कर्मी मलनाली लाइन में प्रवेश करने से पूर्व सुरक्षात्मक साधनों और सुरक्षा युक्तियों का उपयोग करेंगे ।
- (प) मेनहोल या मलनाली में प्रवेश कर रहे व्यक्ति की संकेतन या कैमरा या सीसीटीवी आदि से प्रचालन अवधि के दौरान मानीटरी की जानी चाहिए ।
- (फ) मेनहोल रंगदंडा या चरणों की संरचनात्मक सुरक्षा की मेनहोल में प्रवेश करने से पूर्व जांच की जानी चाहिए ।
- (ब) जहां आवश्यक है सुवाह्य एल्मूनियम सीबी कार्य अविध के दौरान उपलब्ध हो और सुवाह्य सीबी को प्रयोग करने के दौरान उसे समुचित रूप से बैठाया या नियत किया गया है ।
- (भ) किनारे के समीप कोई सामग्री या औजार नहीं होने चाहिए जो मेनहोल में गिर सकते हैं और कर्मकार को क्षित पहुंचा सकते
- (म) मलनाली की सफाई के दौरान उपयोग किए गए उपस्कर विस्फोटक और अग्निरोधी हो ।
- (य) ध्रमपान, खुली लपटें मेनहोल के अंदर के साथ साथ खुले मेनहोल के ठीक निकट प्रतिशिद्ध है ।
- (यक) अचानक या अघोषित वातावरण में परिवर्तन की दशा में कम से कम 10 मिनट वायु प्रदाय के साथ आपात बचाव श्वसन साभित्र पहनना चाहिए ।
- नियोजक उस समय जब व्यक्ति मलनाली या मलविगलन कुंड की सफाई में लगा है, निम्निलखित सुन्ता पूर्वाधानियों को सुनिश्चित करेगा ।
- (i) अच्छी चलती हालत में बैटरी के साथ सुवाह्य पंखे और एयर ब्लोयर जिसमें मलनाली में व्यक्ति के प्रदेश के दौरान प्राक्कितित अविध से अधिक अविध की चालन क्षमता हो, संवातन के लिए मलनाली में लगाए जाएंगे और संवातन स्रोत मेनहोल के मुख में संस्थित किए जाएंगे
- (ii) फ्लैश लाइट और द्विपथ रेडियो जैसी संचार युक्तियों को मलकुंड में लगाया जाएगा ।
- (iii) स्थल पर निम्नलिखित बचाव उपस्कर की उपस्थिति --
  - (क) घायल कर्मी के युक्ति चालन को सुनिश्चित करने के लिए ट्राइपॉड या साज प्रणाली या कुछ अन्य पद्धति ।

FAR GARAGE W. W.

- (ख) टोकरी स्ट्रेंचर या उसी प्रकार की युक्ति, आपात परिवहन के लिए घायल कर्मियों को ले जाने के लिए उपलब्ध
- (ग) उपाबंध-1 में दिए गए प्राथमिक विकित्सा उपस्कर और प्रशिक्षित कार्मिक शीघ्र ही उपलब्ध होंगे ।
- (iv) नियोजक एबुंलेंस की उपलब्धता सुनिश्चित क़रेगा और अधिकतम निकटता से अनुसरण करेगा ।
- (v) नियोजक यह सुनिश्वित करेगा कि समनुदेशित व्यक्ति के पास कम से कम दस लाख रुपये की जीवन बीमा गालिसी है और जिसका प्रीमियम नियोजक द्वारा संदत्त किया जाएगा ।
- 8. नियोजक निम्नलिखित स्वच्छता के अवधि के पश्चात् मलनाली या मलविगलन कुंड से बाहर मलनाली या विगलन कुंड की सफाई में लगे किसी व्यक्ति के लिए निम्नलिखित पश्च स्वच्छता सुख्ता सावधानियां सुनिश्चित करेगा :--
- (i) दूषित कपड़ों को हटाने के लिए और धुलाई के साथ-साथ साफ सुखे कपड़ों सुखाने के लिए सुविधाएं देगा I
- (ii) सामग्री धोना सम्मिलित होगी किंतु यह जल, साबुन हाथ धोने वाले साबुन तक सीमित नहीं होगी और पश्च सफाई सुस्ता के लिए शरीर पर प्रयोग किए जाने के लिए चिकित्सीय रूप से अधिप्रमाणित त्वचा क्रीम होगी ।
- (iii) त्यचा पर कोई घाव/रगढ़ या मलनाली की सफाई के कारण पीडित स्वसन अंग की समस्याओं का शीघ्र ही उपचार किया जाएगा ।

#### अध्याव-2

#### अस्वच्छ शीचालय

9. मानव विष्टा पूर्णतः अपघटित रूप में उपचारित होगी जब वह अरुचिकर गंध के बिना स्थायी सामग्री में परिवर्तित हो जाती है और मृत्यवान पादप पोषकों में अंतर्विष्ट हो जाती है।

# अस्वच्छ शीचालयों का सर्वेक्षण

- 10 (1) प्रत्येक स्थानीय प्राधिकारी, उसकी अधिकारिता के भीतर अस्वच्छ शौचालयों का सर्वेक्षण करने के लिए और उनकी सुची का प्रकाशन करने के लिए एक समुचित समय अनुसूची तैयार करेगा ।
- (2) स्थानीय प्राधिकारी, उसकी अधिकारिता के अधीन अस्वच्छ शौचालयों के अस्तित्व पर सामुदायिक नेताओं और सफाई कर्मचारियों या स्वच्छता कर्मकारों के कल्याण के लिए उसके क्षेत्र में कार्य कर रहे गैर सरकारी संगठनों की सहावता लेगा ।
- (3) स्थानीय प्राधिकारी, अस्वच्छ शौचालयों के संनिर्माण, अनुव्हाण या उपयोग के संबंध में गैर सरकारी संगठनों सहित किसी व्यक्ति द्वारा पारित किसी शिकायत की शिकायत फाइल करने के 15 दिन के भीतर जांच करेगा।
- (4) स्थानीय प्राधिकारी, अपने मुख्य कार्यकारी अधिकारी के अधीन, कम से कम सफाई कर्मबारियों या स्वच्छता कर्मकारों के समुदाय से दो सदस्यों सहित जिनमें से एक महिला होगी और कम से कम एक सदस्य सिविल सोसाइटी समुहों से होगा, एक समिति का गठन करेगा।
- (5) उपनियम (4) में निर्दिष्ट समिति, सर्वेक्षण की योजना बनाएगी और उसकी मानीटरी करेगी तथा यह सुनिश्चित करेगी कि किए जा रहे सर्वेक्षण के साथ-साथ एक जागरुकता अभियान चलाया जाए ।
- (6) स्थानीय प्राधिकरण का मुख्य कार्यकारी अधिकारी उसकी अधिकारिता के भीतर अस्वच्छ शौचालयों की एक आरंभिक सूची तैयार करेगा और उसे स्थानीय प्राधिकारी के कार्यालय के सूचना पटट पर प्रदर्शित करेगा तथा सूची के संबंध में, उस तारीख को निर्दिष्ट करते हुए जिस तक आक्षेप, यदि कोई हों, प्राप्त किए जा सकेंगे आक्षेप आमंत्रित करते हुए दो स्थानीय समाचार पत्रों में उसे प्रकाशित करेगा ।
- (7) स्थानीय प्राधिकारी प्रारंभिक सूची पर प्राप्त शिकायतों और आक्षेपों की सुनवाई करने के लिए विनिर्दिष्ट समय और तारीख को एक बैठक का आयोजन कारित करेगा और अस्वच्छ शौचालयों की अंतिम सूची का अनुमोदन करेगा ।
- (8) अस्वच्छ शौचालयों की अंतिम सूची तैयार की जाएगी और स्थानीय प्राधिकारी द्वारा प्रकाशित की जाएगी, जो स्थानीय प्राधिकारी के कार्यालय के सूचना पट्ट पर उन्हें प्रदर्शित करेगा तथा दो स्थानीय समाचार पत्रों जिसमें से एक प्रादेशिक भाषा में होगा, में प्रकाशित करेगा ।
- (9) स्थानीय प्राधिकारी अस्वच्छ शौचालयों की सूची के अंतिम प्रकाशन के पंद्रह दिन के मीतर अस्वच्छ शौचालय के अधिभोगी को ऐसे अस्वच्छ शौचालय को अधिनियम के प्रारंभ होने की ताचिख से छह मास की अवधि के भीतर ध्वस्त करने या उसे स्वच्छ शीचालय में परिवर्तित करने की सूचना की तामील करेगा ।

- (10) उपनियम (9) में निर्दिष्ट ऐसी सचना की एक प्रति निरीक्षक को भेजी जाएनी ।
- (11) जपनियम (9) में निर्दिष्ट सूचना में, केन्द्रीय सरकार और राज्य सरकार की स्कीमों के संबंध में जो कायदाग्रहियों को अस्वच्छ शौचालयों को ध्वस्त करने या उन्हें स्वच्छ शौचालयों में परिवर्तित करने के लिए प्रोत्साहन का हकदार बनाती हैं और उन स्कीमों के अधीन फायदा उठाने के लिए प्रांत्साहन का हकदार बनाती हैं और उन स्कीमों के अधीन फायदा उठाने के लिए पात्रता के संबंध में तथा ऐसा फायदा उठाने की प्रक्रिया के संबंध में, जानकारी शामिल होगी।
- (12) उपनियम (4) में निर्दिष्ट समिति जिला मजिस्ट्रेट को एक सर्वेक्षण रिपोर्ट प्रस्तुत करेगी जो या इस एयोजन के लिए उसके द्वारा पदामिहित कोई विभाग उसकी अधिकारिता के अधीन सभी स्वानीय प्राधिकारियों की समेकित रिपोर्टों को राज्य स्तरीय सर्वेक्षण समिति को प्रस्तुत करेगा।
- (13) राज्य स्तरीय सर्वेक्षण समिति सर्वेक्षण की रिपोर्ट को अस्वच्छ शौचालयों को शहरी और ग्रामीण क्षेत्रों में स्वच्छा शौचालयों में परिवर्तित करने की स्कीमों से संबंधित केन्द्रीय मंत्रालय/विभाग को प्रस्तुत करेगी ।
- (14) केन्द्रीय या राज्य सरकार की सुसंगत स्कीमों के अधीन पात्र फायदाग्राही ऐसी स्कीमों के अधीन अनुझेय वित्तीय सहायता के लिए आवेदन कर सकेंगे ।
- (15) उपनियम (9) के अधीन अवधि के अवसान के पश्चात् स्थानीय प्राधिकारी अस्वच्छ शीचालय के परिसर का निरीक्षण करेगा।
- (16) यदि अधिमोगी ने न तो अस्वच्छ शौवालय को ध्वस्त किया है न ही उसे स्वच्छ शौचालय में परिवर्तित किया है तो स्थानीय प्राधिकारी उसको ध्वस्त करने के लिए आदेश करेगा तथा अधिमोगी से लागत को मृ-राजस्व के बकायों के स्था में वसल करेगा।

#### अध्याय ३

# हाथ से मैला उठाने वाले कर्मियों का सर्वेक्षण

- 11 (1) स्थानीय प्राधिकारी यह सुनिश्चित करेगा कि हाथ से मैला उठाने वाले कर्मियों का सर्वेशण करने वाले व्यक्तियों को पर्याप्त रूप से और यथोचित रूप से स्थानीय प्राधिकारी द्वारा उस विधि और रीति पर प्रशिक्षित किया गया है जिसमें सर्वेक्षण संचालित किया जाएगा और उन्हें हाथ से मैला उठाने के विषय पर सुग्राही बनाया गया है ।
- (2) राज्य स्तरीय सर्वेक्षण समिति और जिला स्तरीय सर्वेक्षण समिति विभिन्न स्तरों पर विशेषकर ऐसे क्षेत्रों में जहां अस्वच्छ शौचालयों के सर्वेक्षण के दौरान अस्वच्छ शौचालय पाए गए हैं पर्याप्त अभियान चलाएंगी ।
- (3) स्थानीय प्राधिकारी, हाथ से मैला उठाने वाले कर्मियों की पहचान करने के लिए सामुदायिक नेताओं या सफाई कर्मचारियों या स्वच्छता कर्मकारों के कल्याण के लिए कार्य कर रहे गैर सरकारी संगठनों को भी सहबद करेगा।
- (4) स्थानीय प्राधिकारी, हाथ से मैला उठाने वाले किमैंयों को स्वयं की घोषणा करने वाले केन्द्रों पर स्वयं की घोषणा करने के लिए जागरुकता अभियानों के माध्यम से आमंत्रित करेगा और अविध के दौरान उन स्थानों पर जिनको स्थानीय प्राधिकारी द्वारा अधिसाचित किया जाएगा उनके ब्योरों को सत्यापित करेगा ।
- (5) हाथ से मैला उठाने वाले कर्मियों की सूचियां यदि गैर सरकार संगठनों या अन्य व्यक्तियों या अभिकरणों हारा उपलब्ध कराई गई हैं, को हाथ से मैला उठाने वाले कर्मियों की पहचान करने के लिए पूर्णतया सत्यापित किया जाएगा ।
- (6) अस्वच्छ शौचालयों या हाथ से मैला उठाने वाले कर्मियों की संख्या के डाटा के बीच किसी व्यक्ति या संगठन द्वारा बताए गए अंतर की दशा में , स्थानीय प्राधिकारी, प्रगणकों द्वारा उन अस्वच्छ शौचालयों में सेवा कर रहे हाथ से मैला उठाने वाले कर्मियों के नामों को जानने के लिए द्वार से द्वार सर्वेक्षण करने का आदेश करेगा
- (7) स्थानीय प्राधिकारी, हाथ से मैला उठाने वाले किमयों की पहचान करने के लिए सफाई कर्मचारियों, स्वच्छता कर्मकारों या हाथ से मैला उठाने वाले किमियों के पर्यावासों का भी भ्रमण करेगा ।
- (8) इस प्रयोजन के लिए स्थानीय प्राधिकारी द्वारा पदाभितित ओवरसियरों द्वारा प्रगणकों द्वारा किए गए कार्य की नीचे उपदर्शित परिमाण तक यादच्छिक चयन के आधार पर नमुनों की जांध की जाएगी: -
  - (i) ग्रामों में शत प्रतिशत जांच ।
  - (ii) शहरों और नगरों में जहां अस्वच्छ शौचालयों सहित 1000 से कम गृहस्थ हैं शत प्रतिशत जांच ।
  - (iii) उन नगरों या शहरों में जिनमें 1000 से 9999 गृहस्थ अस्वध्छ शौधालयों सहित हैं प्रत्येक प्रगणक द्वारा सत्यापित धोषणाओं का 50 प्रतिशत !

- (१४) उन नगरों या शहरों में जिनमें 10000 गृहस्थ या अधिक गृहस्थ अस्वच्छ शौचालयों सहित हैं प्रत्येक प्रगणक द्वारा सत्यापित घोषणाओं का 33 प्रतिशत ।
- (v) प्रवर्ग (iii) और प्रवर्ग (iv) में, यदि प्रगणक द्वारा किए गए कार्य के नमूनों की जांच में > 10% त्रुटि का पता बलता है. तो पर्ववेक्षक द्वारा उसके कार्य की शत प्रतिशत जांच की जाएगी ।
- (ः) इस अधिनियम के अनुसरण में हाथ से मैला उठाने वाले कर्मियों की अनंतिम सूची में किसी नाम को शामिल करने या इसने पर किसी व्यक्ति द्वारा आपत्ति की दशा में अनंतिम प्रकाशन से पंद्रह दिन की अवधि के मीतर, वह संबंधित स्थानीय प्राधिकारी द्वारा विश्वित प्रारूप में आक्षेप फाइल कर करेगा।
- (10) स्थानीय प्राधिकारी इस अधिनियम के अधीन हाथ से मैला उठाने वाले कर्मियों के सर्वेक्षण के दौरान उक्त सूची के प्रकाशन की शिंति को भी अधिसूचित करेगा ।
- (11) रधानीय प्राधिकारी आक्षेपों की जांच कारित करवाएगा और उसकी अधिकारिता में हाथ से मैला उठाने वाले कर्मियों की सुधी को अंतिम रूप देने के लिए बैठक, यदि आवश्यक हो तो, करेगा ।
- (12) रथानीय प्राधिकारी द्वारा अंतिम सूची के प्रकाशन के पश्चात् सूची पर किसी दावे या आक्षेप को सूची में जोड़ने या हटाने के लिए रथीकार नहीं किया जाएगा परंतु हाथ से मैला उठाने वाला कमीं स्वयं के विषय में उसका हाथ से मैला उठाने वाला कमीं स्वयं के विषय में उसका हाथ से मैला उठाने वाला कमीं श्रीय की घोषणा करने का हकदार होगा ।
- (13) जिला मजिस्ट्रेट, तहसीलदार या खंड विकास अधिकारी से अन्यून अधिकारी को प्राप्त दावों और आक्षेपों की जांच करने के लिए विद्यागिहित पदाधिकारी द्वारा की गई जांच पर निष्कर्ष देने के लिए पदाभिहित करेगा तथा पदाभिहित प्राधिकारी यह सुनिश्चित करेगा कि -
  - (i) दावाकर्ता या आक्षेपकर्ता को सुने जाने का पर्याप्त अवसर दिया गया है ;
  - (ii) दावाकर्ता या आक्षेपकर्ता को उपनियम (15) में यथाउपबंधित अनुसार त्वरित सुनवाई की 7 दिन से अन्यून सचना दी गई है :
  - (iii) दावाकर्ता या आक्षेपकर्ता को उपनियम (4) में यथाउपबंधित अनुसार उसके दावे के समर्थन में दस्तावेजी साक्ष्य देने के लिए अनुझात किया जाएगा;
  - (iv) दावाकर्ता या आक्षेपकर्ता को किसी वकील, गैर सरकारी संगठन या मित्र द्वारा प्रतिनिधित्व करने का अधिकार होगा ; और
  - (v) दावाकर्ता या आक्षेपकर्ता को उपनियम (20) में यथाबंधित अनुसार पदामिहित प्राधिकारी द्वारा पारित आदेश की प्रति दी जाएगी ।
- (14) इन नियमों के अधीन दावे और आक्षेप पारित करने के लिए प्ररूपों को आवेदकों को निर्दिष्ट स्थान पर मांग करने पर बिना किसी प्रभार के और स्थानीय प्राधिकारी की वेबसाइट के माध्यम से उपलब्ध कराया जाएगा तथा दावाकर्ता या आक्षेपकर्ता अपने दावे के समर्थन में दस्तावेजी साक्ष्य, यदि कोई हो, दे सकेगा ।
- (15) स्थानीय प्राधिकारी द्वारा पदाभिहित अधिकारियों द्वारा त्वरित सुनवाईयां की जाएंगी ।
- (14) दार्टी का सत्यापन करने के लिए पदाभिहित अधिकारी यदि अपेक्षित हो तो नए सत्यापन का आदेश कर सकेगा ।
- (17) त्वरित सुनवाई और सत्यापन, (यदि आदेश किया गया है) के पश्चात, अधिकारी यथास्थिति, दावे या आक्षेप को स्वीकार या अन्वीकार करते हुए समुचित आदेश पारित करेगा और आदेश की एक प्रति संबंधित व्यक्ति को दी जाएगी ।
- (18) गदाभितित पदाधिकारी द्वारा दावों और आक्षेपों का निपटान करने के पश्चात् स्थानीय प्राधिकारी प्रारूप सूची में अपेक्षित राजाधा करेगा और उन्हें जिला स्तरीय सर्वेक्षण समिति को उसके विचारार्थ संप्रेषित करेगा ।
- (19) जिला स्तरीय सर्वेक्षण समिति प्रत्येक स्थानीय प्राधिकरण, शहर से प्राप्त हाथ से मैला ढोने वाले कर्मियों की सूचियों को संकलित करवाएगी और ऐसे जिले के लिए हाथ से मैला ढोने वाले कर्मियों की सूची तैयार करेगी जिसे जिला कलक्टर राज्य सरकार को नेजेगा।
- (20) राज्य सरकार विभिन्न जिलों से प्राप्त हाथ से मैला ढोने वाले कर्मियों की सुचियां रखेगी, संकलित करेगी, और हाथ से मैला ढोने वाले कर्मियों की समेकित राज्य सूची तैयार करेगी।

- (21) हाथ से मैला ढोने वाले किंमियों के रूप में कार्यरत कोई भी किमी स्थानीय प्राधिकारी द्वारा किए गए सर्वेक्षण के दौरान या उसके पश्चात् किसी भी सगय विहित प्ररूप में हाथ से मैला ढोने वाले किर्मियों के रूप में पहचान किए जाने के लिए स्वयं घोषित कर सकेगा और स्थानीय प्राधिकरण के मुख्य कार्यपालक अधिकारी या इस निमित्त उसके द्वारा प्राधिकृत किसी अन्य अधिकारी को आवेदन कर सकेगा । आवेदन का रूपविधान उपाबंध-2 पर दिया गया है ।
- (22) हाथ से मैला ढोने वाले कर्मी की पहचान के लिए कोई न्यूनतम आयु सीमा नहीं होगी और हाथ से मैला ढोने वाले कर्मी के रूप में पहचान किए जाने के लिए जाति या धर्म या आय या लिंग के संबंध में कोई प्रतिबंध नहीं होगा ।
- (23) उप नियम (22) के प्रयोजनों के लिए, कोई व्यक्ति इस अधिनियम के प्रारम्भ पर या उसके पश्चात् हाथ से मैला ढोने वाले कर्मी के रूप में लगाया जाना चाहिए था या नियोजित किया जाना चाहिए था और उनसे कम से कम तीन मास तक निरंतर उस रूप में कार्य किया हो ।
- (24) ओवर्त्तसयरों द्वारा यथा सत्यापित पहचान किए गए हाथ से मैला ढोने वाले किमैयों की अनंतिम सूची स्थानीय समाचार पत्रों में संबद्ध स्थानीय प्राधिकरण द्वारा प्रकाशित की जाएगी और उसके अपने ही कार्यालय में और ऐसे अन्य स्थानों पर जो समुचित समझे जाएं, प्रदर्शित की जाएगी ।
- (25) अनंतिम सूची की एक प्रति स्थानीय प्राधिकरण के सदस्यों और गैर सरकारी संगठनों या सफाई किमेंयों या सफाई किमेंयों के सामुदायिक नेता को उपलब्ध कराई जाएगी ।
- (26) अंनतिम सूची प्रकाशित करते समय, स्थानीय प्राधिकरण जनता के सदस्यों से यह अपेक्षा करेगा कि वे स्थानीय प्राधिकरण द्वारा अधिसूचित में कम से कम 15 दिन की अवधि के भीतर सूची के विरुद्ध दावे और आक्षेप फाइल करें।
- (27) जिला स्तरीय सर्वेक्षण समिति द्वारा अंनतिम सूची के अनुमोदन के पश्चात, उसे संबंद्ध कार्यालयों के सूचना पटों पर सम्यकतः प्रकाशित किया जाएगा और अन्तिम सूची जिला प्रशासन तथा राज्य सरकार की वेबसाइट पर अपलोड की जाएगी ।
- 12. पहचान किए गए हाथ से मैला ढोने वाले कर्मी, प्रत्येक कुटुम्ब से एक कर्मी, पहचान करने के ठीक बाद में 40,000 रुपए की नकद सहायता प्राप्त करने के लिए पात्र होगा । फायदाग्राही को अधिकतम 7,000 रुपए की मासिक किस्तों में स्क्रम प्रत्याहत के लिए अनुझात होगा ।

#### अध्याय - 4

#### निरीक्षक की शक्तियां

- 13. यदि किसी निरीक्षक के पास यह विश्वास करने का कारण है कि इस अधिनियम के अधीन कोई अपराध, जो अधिनियम की धारा 5 या धारा 6 की उपधारा (2) या धारा 7 के अधीन परिभाषित हैं, होता है या उसके होने की संभावना है, तो वह उसका निरीक्षण, अन्वेषण करेगा या उसकी जांच कराएगा ।
  - (1) यदि अपराध किसी अस्वच्छ शौचालय के संनिर्माण, रखरखाव या उसके उपयोग से संबंधित है तो निरीक्षक स्थानीय प्राधिकरण को इसकी रिपोर्ट करेगा जो इसके पश्चात अधिनियम के उपबंधों के अनुसार कार्रवाई करेगा ।
  - (2) यदि अपराध हाथ से मैला डोने वाले कर्मियों के नियोजन से संबंधित है तो निरीक्षक स्थानीय प्राधिकरण को और साथ ही जिला मजिस्ट्रेट को रिपोर्ट भेजेगा ।
  - (3) स्थानीय प्राधिकरण हाथ से मैला ढोने वाले ऐसे कर्मी का नाम सम्मिलित करने के लिए कदम उठाएगा जो, चाहे सर्वेक्षण के दौरान या उसके पश्चात किसी भी समय, हाथ से मैला ढोने वाले किमियों की अन्तिम सूची में नियोजित पाया जाए और जब हाथ से मैला ढोने वाले किसी कर्मी का नाम अन्तिम सूची में जोड़ दिया जाता है तब मैला ढोने वाले किमियों को अधिनियम के उपबंधों के अधीन पुनर्वासित किया जाएगा ।
  - (4) बदि निरीक्षक को ऐसा प्रतीत होता है कि मलनाली या मल विगलन कुंड की परिसंकटमय सफाई को अपनाया जा रहा है, तो निरीक्षक ऐसी परिसंकटमय सफाई पुरंत रोकने के लिए आदेश करेगा और मामले को स्थानीय प्राधिकरण को रिपोर्ट करेगा ।
  - (5) निशेक्षक अपनी अधिकारिता के भीतर किसी संरचना, स्थल, स्थान या परिसर की परीक्षा उस समय कर सकेगा जब यह विश्वास करने के लिए कारण है कि ऐसा परिसर का मलनाली या मल विगलन कुंड की परिसंकटमय सफाई के लिए उपयोग किया जा रहा है या उपयोग किया गया है या उपयोग किया जाने वाला है ।
  - (6) निरीक्षक किसी व्यक्ति का ऐसा साक्ष्य उसी जगह या अन्यथा ले सकेगा जिसे वह अस्वास्थ्यकर शौचालय या मलनाली या मल विगलन कुंड से संसक्त किसी परीक्षा या जांच के प्रयोजन के लिए आवश्यक समझे परंतु ऐसे व्यक्ति

को किसी प्रश्न का उत्तर देने के लिए या उस ऐसे किसी साक्ष्य, जो अपराध में फंसाने की प्रवृति रखता हो, देने के लिए विवश नहीं किया जाएगा ।

- (7) निरीक्षक ऐसा कोई फोटोग्राफ, विडियो क्लिप, नमूना, रिकार्ड प्राप्त कर सकेगा या प्राप्त करवा सकेगा या किसी ऐसी युक्ति, जिसमें इलेक्ट्रानिक युक्ति भी है, का प्रयोग करके कोई स्कैच बना सकेगा या बनवा सकेगा जो वह इन नियमों के अधीन किसी परीक्षा या जांच के प्रयोजन के लिए आवश्यक समझे ।
- (8) यह देखने पर कि कोई त्थानीय प्राधिकरण, व्यक्ति या अभिकरण पिसंकटमय सफाई में किसी व्यक्ति को लगा रहा है या नियोजित कर रहा है, तो निरीक्षक ऐसे प्राधिकरण, व्यक्ति या अभिकरण को निदेश देगा कि वह ऐसे सफाई के कार्य-को तुरंत रोक दे और इस संबंध में इन नियमों के उपाबंध-3 के रूप में उपाबद्ध प्ररूप में लिखित सूचना तामील करेगा ।

#### अध्याय 5

#### राज्य निगरानी समिति

- 14. (1) राज्य निगरानी समिति ऐसी तारीख और ऐसे समय पर छह मास में कम से कम एक बार बैठक करेगी जो अध्यक्ष द्वारा नियत की जाएं ।
- (2) बैठक सामान्यतः राज्य मुख्यालयों में आयोजित की जाएगी ।
- (3) जहां समिति किसी ऐसे अन्य रथान पर बैठक आयोजित करना आवश्यक समझती है वहां उन कारणों को जों लेखबद्ध किए जाएं, ऐसी बैठकें अन्य स्थानों पर राज्य के भीतर आयोजित की जा सकेंगी ।
- (4) सदस्य सचिव, सिमिति के सभी सदस्यों को न्यूनतम दस दिन की सूचना जारी करवाएगा और बैठक के दौरान विचार किए जाने वाली कार्य सुची भी भेजेगा ।
- (5) ऐसे किसी कार्य पर, जो कार्य सुची में सम्मिलित नहीं है, अध्यक्ष की अनुजा के बिना विचार नहीं किया जाएगा ।
- (6) अध्यक्ष, उस प्रत्येक बैठक की, जिसमें वह उपस्थित रहता है, अध्यक्षता करेगा और उसकी अनुपस्थिति में, सदस्य, बैठक की अध्यक्षता करने के लिए उपस्थित ज्येष्ठतम सदस्य को अध्यक्ष के रूप में चयन कर सकते हैं।
- (7) किसी बैठक में कोई काखार तब तक नहीं किया जाएगा जब तक कि समिति के कुल सदस्यों के कम से कम एक तिहाई सदस्य उपस्थित न हों।

परंतु यदि, किसी बैठक में, एक तिहाई सदस्यों से कम सदस्य उपस्थित हैं तो अध्यक्ष, उपस्थित सदस्यों को सूचित करते हुए और अन्य सदस्यों को रजिस्ट्रीकृत सूचना भेजकर, बैठक की तारीख से कम से कम सात दिन की तारीख तक बैठक को आस्थगित कर सकेगा।

- (8) आस्थगित बैठक में कारबार गणपूर्ति को ध्यान में लाए बिना निपटाया जाएगा ।
- (9) प्रत्येक बैठक की कार्यवाहियां उपस्थित सभी सदस्यों को परिचालित की जाएंगी और पढ़कर सुनाई जाएंगी तथा समिति की अगामी बैठक में पुष्टि की जाएंगी और उन्हें अध्यक्ष द्वारा हस्ताक्षरित किया जाएगा ।
- (10) कार्यवृत्त पुस्तिका में कार्यवृत्त अभिलिखित किए जाएंगे जो स्थायी अभिलेख के रूप में रखे जाएंगे ।
- (11) कार्यवृत्त की एक प्रति केंद्रीय निगचनी समिति को सूचनार्थ देते हुए केंद्रीय सरकार को पृष्टांकित की जाएगी।

[फा. सं. 19014/55/2013-एससीडी-IV]

मौलश्री पांडे, निदेशक

उपाबंध-1

(नियम ७ देखिए)

प्राथमिक उपचार सुविधा

- 1. 150 कर्मचारियों के लिए कम से कम एक प्राथमिक उपचार पेटी प्रत्येक कार्यस्थल पर, उपलब्ध कराई जाएगी और उसे बनाए रखा जाएगा जिससे यह कार्य घंटों के दौरान सहजतः पहुंच योग्य हो सके, ।
- (क) प्राथमिक उपवार पेटी सफेद पृष्ठभूमि पर लाल क्रांस से सुभिन्नतः चिह्नित की जाएगी और उसमें निम्नलिखित उपस्कर होंगे, अर्थात् :-

को किसी प्रश्न का उत्तर देने के लिए या उस ऐसे किसी साक्ष्य, जो अपराध में फंसाने की प्रवृति रखता हो, देने के लिए विवश नहीं किया जाएगा ।

- (7) निरीक्षक ऐसा कोई फोटोग्राफ, विडियो क्लिप, नमूना, रिकार्ड प्राप्त कर सकेगा या प्राप्त करवा सकेगा या किसी ऐसी युक्ति, जिसमें इलेक्ट्रानिक युक्ति भी है, का प्रयोग करके कोई स्कैच बना सकेगा या बनवा सकेगा जो वह इन नियमों के अधीन किसी परीक्षा या जांच के प्रयोजन के लिए आवश्यक समझे ।
- (8) यह देखने पर कि कोई स्थानीय प्राधिकरण, व्यक्ति या अभिकरण पिसंकटमय सफाई में किसी व्यक्ति को लगा रहा है या नियोजित कर रहा है, तो निरीक्षक ऐसे प्राधिकरण, व्यक्ति या अभिकरण को निदेश देगा कि वह ऐसे सफाई के कार्य को तुरंत रोक दे और इस संबंध में इन नियमों के उपाबंध-3 के रूप में उपाबद्ध प्ररूप में लिखित सूचना तामील करेगा ।

#### अध्याय 5

#### राज्य निगरानी समिति

- 14. (1) राज्य निगरानी समिति ऐसी तारीख और ऐसे समय पर, छह मास में कम से कम एक बार बैठक करेगी जो अध्यक्ष द्वारा नियत की जाएं ।
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- (3) जहां समिति किसी ऐसे अन्य स्थान पर बैठक आयोजित करना आवश्यक समझती है वहां उन कारणों को जों लेखबद्ध किए जाएं, ऐसी बैठकें अन्य स्थानों पर राज्य के भीतर आयोजित की जा सकेंगी ।
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- (6) अध्यक्ष, उस प्रत्येक बैठक की, जिसमें वह उपस्थित रहता है, अध्यक्षता करेगा और उसकी अनुपस्थिति में, सदस्य, बैठक की अध्यक्षता करने के लिए उपस्थित ज्येष्ठतम सदस्य को अध्यक्ष के रूप में चयन कर सकते हैं।
- (7) किसी बैठक में कोई कास्थार तब तक नहीं किया जाएगा जब तक कि समिति के कुल सदस्यों के कम से कम एक तिहाई सदस्य उपस्थित न हों ।

परंतु यदि किसी बैठक में, एक तिहाई तदस्यों से कम सदस्य उपस्थित हैं तो अध्यक्ष, उपस्थित सदस्यों को सूचित करते हुए और अन्य सदस्यों को रिजस्ट्रीकृत सूचना भेजकर, बैठक की तारीख से कम से कम सात दिन की तारीख तक बैठक को आस्थिगित कर सकेंगा।

- (8) आस्थिगत बैठक में कारबार गणपूर्ति को ध्यान में लाए बिना निपटाया जाएगा ।
- (9) प्रत्येक बैठक की कार्यवाहियां उपस्थित सभी सदस्यों को परिचालित की जाएंगी और पदकर सुनाई जाएंगी तथा समिति की अगामी बैठक में पुष्टि की जाएंगी और उन्हें अध्यक्ष द्वारा हस्ताक्षरित किया जाएगा ।
- (10) कार्यवृत्त पुस्तिका में कार्यवृत्त अभिलिखित किए जाएंगे जो स्थायी अभिलेख के रूप में रखे जाएंगे ।
- (11) कार्यवृत्त की एक प्रति केंद्रीय निगरानी समिति को सूचनार्थ देते हुए केंद्रीय सरकार को पृष्टांकित की जाएगी।

[फा. सं. 19014/55/2013-एसरीडी-IV]

मौलश्री पांडे, निदेशक

उपाबंध-1

(नियम ७ देखिए)

प्राथमिक उपचार सुविधा

- 1. 150 कर्मचारियों के लिए कम से कम एक प्राथमिक उपचार पेटी प्रत्येक कार्यस्थल पर, उपलब्ध कराई जाएगी और उसे बनाए रखा जाएगा जिससे यह कार्य घंटों के दौरान सहजतः पहुंच योग्य हो सके, ।
- (क) प्राथमिक उपवार पेटी सफेद पृष्ठभूमि पर लाल क्रांस से सुभिन्नतः चिहिनत की जाएगी और उसमें निम्नलिखित उपस्कर होंगे, अर्थात :-

- (ख) ऐसे कार्यस्थलों के लिए, जिनमें नियोजित कर्मचारियों की संख्या 50 से अधिक नहीं है, प्रत्येक उपचार पेटी में निम्नलिखित उपस्कर होंगे:-
- 6 लघु विसंक्रमित मस्हम पट्टियां
- अ मध्य आकार वाली विसंक्रमित मरहम पटिटयां
- 3 विस्तृत आकार वाली विसंक्रमित मरहम पट्टियां
- 3 विस्तृत आकार वाली बर्न मस्हम पटिटयां
- 1 (30 मि.लि.) बोतल जिसमें दो प्रतिशत एल्कोहलिक विलेयन आयोडीन हो
- (30 मि.लि.) सेलवोलाटाइल से युक्त बोतल जिसमें लेबल पर खुराक और उसे देने का ढंग उपदर्शित हो
- 1 सर्पदंश नश्तर
- 1 (30 मि.ग्रा.) पोटेशियम परमनगेनेट क्रिस्टल की बोतल
- 1 कैंची
- महानिदेशक, कारखाना सलाह सेवा और श्रम संस्थान, भारत सरकार द्वारा जारी प्रथम उपचार पत्रक की एक प्रति
- 11. 1 बोतल जिसमें एस्प्रिन की 100 गोलियां (प्रत्येक 5 मि.प्रा.) हों
- 12. जले पर लगाने का मरहम
- उपयुक्त शल्यक रोगाणुरोधक विलेयन की एक बोतल ।
- छा. कार्यस्थल, जिसमें कर्मचारियों की संख्या 50 से अधिक है, के प्रत्येक प्राथमिक सहायता बॉक्स में निम्नलिखित उपस्कर होंगे :--
- 12 जीवाण्हीन छोटी मरहम-पटिटयां ।
- 6 मध्यम आकार की जीवाणुहीन मरहम-पट्टियां ।
- 6 बड़ी आकार की जीवाणुहीन मरहम-पट्टियां ।
- 6 बड़ी आकार की जीवाणुहीन नितंब-पटिटयां ।
- व पैकेट (आई.एस.जी.एम.एस.) जीवाणुहीन रूई ऊन ।
- वोतल (60 मि0ली0), जिसमें दो प्रतिशत एल्कोहल विलयन आयोडिन हो ।
- 1 बोतल (60 मि0ली0), जिसमें साल्वोलाइट हो, जिसके लेबल पर प्रयोग की मात्रा और रीति उपदर्शित हो ।
- विपकने वाले प्लाटर का एक रोल ।
- 1 सांप के दंश का नश्तर ।
- पोटेशियम परमैगनेट क्रिस्टल की एक बोतल (30 मि0ली0) ।
- 11. 1 की वी ।
- कारखाना सलाहकार सेवा और श्रम संस्थान, महानिदेशक/भारत सरकार द्वारा जारी प्राथमिक सहायता पुस्तिका की एक प्रति ।
- एस्प्रिन की 100 गोलियों (5 ग्राम प्रत्येक) की एक बोतल I
- जले पर लगाने का मरहम ।
- उपयुक्त शल्य चिकित्सा रोगाणुरोधक विलयन की एक बोतल ।
- (क) उपस्करों को तुरंत प्राप्त करने के लिए, जब आवश्यक हों, पर्याप्त व्यवस्थाएं करनी होगी !
- (ख) प्राथमिक चिकित्सा पेटी ऐसे उत्तरदायी व्यक्ति के भारसाधन में रखा जाएगा, जो कार्यस्थल के कार्य घंटों के दौरान आसानी से उपलब्ध हो ।
- (ग) ऐसे कार्यस्थल में, जिसमें कर्मचारियों की संख्या 150 या अधिक है, प्राथमिक चिकित्सा पेटी का भारसाधक व्यक्ति ऐसा व्यक्ति होगा, जो प्राथमिक सहायता उपचार में प्रशिक्षित हो ।
- (घ) ऐसे कार्यस्थल में, जिसमें नियोजित कर्मचारियों की संख्या 500 या अधिक है और विकित्सा सुविधाएं कार्यस्थल से उचित दूरी पर उपलब्ध नहीं है, प्राथमिक सहायता पोस्ट की स्थापना की जाएगी और प्रशिक्षित कम्पाउंडर द्वारा संचालित किया जाएगा और जब कर्मकार कार्य पर हो तो वह ड्यूटी पर रहेगा तथा सभी समय उपलब्ध रहेगा ।
- (ड) जहां कार्यस्थल ऐसे स्थान में स्थित है, जो शहरों या नगरों नहीं है, जख्मी व्यक्ति या अचानक बीमार हुए व्यक्ति को निकटतम अस्पताल ले जाने के लिए एक उपयुक्त मोटर वाहन सहज रूप से उपलब्ध रखा जाएगा ।
- प्राथमिक चिकित्सा पेटी में उपर्युक्त पैत्त क और पैश ख में यथा वर्णित से मिन्न कोई अन्य उपरकर या पदार्थ नहीं रखा जाएगा ।

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		उपाबंध 2
		{नियम 11(2) देखिए}
	स्व घोषणा प्ररूप	
	हाथ से मैला उठाने वाले व्यक्तियों की पहचान	
		(कार्यालय प्रयोग के लिए)
	<ul> <li>राज्य का नाम :</li> </ul>	(514314 7417 4 147)
	• जिला :	हाथ से मैला उठाने वाले
		व्यक्ति का फोटो
	<ul> <li>नगरपालिका : नगर वार्ड :</li> </ul>	
	- पंचायत गांव	
	हाथ से मैला उठाने वाले व्यक्ति के परिवार का फोटो	
	(पोस्टकार्ड आकार का फोटोचित्र 6" x 4")	
. 1		
1.	हाथ से मैला उठाने वाले व्यक्ति का नाम :	
2.	पिता/माता/पति या पत्नी का नाम :	
3.	आयु :	
4.	लिंग : पुरूष स्त्री	
5.	रौक्षिक प्रास्थिति : (उपयुक्त बाक्स में √ का चिह्न लगाए)	
	(i) क) शिक्षित ख) अशिक्षित (ii) यदि शिक्षित है तो, शिक्षा का स्तर :	
	(क) प्राप्त शिक्षा	कक्षा 11 - 12 :
	लक्षा 12 से अधिक ।	
	कक्षा 12 से अधिक :	
	व्यवसाय :	
	35° 35 5	
6. (i) (ii)	व्यवसाय :	

[भाग	II-खण्ड ३(i)]	भारत का राजपत्र : असाधारण	15
7. 1	निवोजन की प्रास्थिति :		
	I. नियोजित :		
(ক)	নিতা :		
	(i) व्यक्तिगत कुर्	दुंब (ii) समुदाय़/कुटुंब का समूह	
	(iii) संविदाकार	(iv) अस्पताल, कार्यालय, आदि जैसे संस्थान	
	(v) अन्य (वि	वेनिर्दिष्ट करें)	
	(ख) केंद्रीय सरक	गर (ग) राज्य सरकार	*
	(घ) नगर निगम	1 1 12	
	II. नियोजन :		
	(क) स्थायी आधा	र पर (ख) अस्थायी आधार पर	
	(ग) संविदा के आ	ाधार पर (घ) जजमानी	
8.	आप इस व्यवसाय में कि	bतने समय से हैं :	
9.	सामाजिक पृष्ठभूमि :		
	(क) क्या अ.जा./	अ.ज.जा./अ.पि.व./अन्य से हैं	
			,
	(ন্ত) जाति	(ग) उप जाति	
	(घ) धर्म		
10. (	क) क्या आपने संस्कार की	पुनर्वास स्कीमों से कोई फायदा प्राप्त किया है	
(उपयु	क्त बाक्स में √ का विहन	न लगाए)	
		हां नहीं	
रवी श	िन्द्रांतो स्कीम का नाम /ः	उचित बॉक्स में √ का चिह्न अंकित करें):	
4		order did in the fine order did to the	
	स्कीमों के नाम	रुपये	
(1)	मैला उठाने वाले कमियो स्कीम (एनएसएलआरएस)	की मुक्ति और पुनर्वास के लिए राष्ट्रीय	
(2)	हाथ से मैला उठाने वाले	कर्मियों के पुनर्वास के लिए स्वरोजगार	1
(3)	स्कीम (एसआरएमएस) कोई अन्य स्कीम (स्कीमों)	ी का नाम विकिर्विक करें	-
		ीम के माध्यम से वित्तपोषित परियोजना चल रही है :	1
	Total	प्राप्ति को को प्राप्तिक शाम (क्यू)	
	हां	नहीं यदि हां, तो मासिक आय (रु0)	

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11. (ক)	क्या आप मैला उठाने से मिन	न किसी उपजी	वेका में लगे ह	ए हैं ? : हां	न	eff	
(ন্ত্ৰ)	यदि हां, तो विनिर्दिष्ट करें :						
12. को	ई अन्य कौशल जो रखते हों :						
i)	संनिर्माण	ii) बर्व्हगीरी		***			
iii)	वाहन चालन	iv) भोजन ब	ताना				
v)	कपड़े सिलना	vi) (विनिर्दिष्ट	কেই)				
13. प्रस	तावित वैकल्पिक उपजीविका (व	<b>कृ</b> पया विनिर्दिष्ट	करें):				
हाथ से	मैला उठाने में लगे हुए व्यक्ति	का नाम और पर	π				
	-						
पिनकोड							
संपर्क दू	रगाष/मोबाइल सं0						
हाथ से	मैला उठाने में लगे हुए व्यक्ति	के	डाटा एंट्री व	गापरेटर के हस्त	nery		
हस्ताक्षर,	/अंगूठे का निशान						
नाम औ	र तारीख :		नाम और त	ारीख (कोड सं0	के साथ) :		
प्रगणक	के हस्ताक्षर,	***					
	र तारीख (कोड सं0 के		पर्यवेक्षक के	हस्ताक्षर्			
साथ):			नाम और त	ारीख (कोड सं0	के साथ) :		
अस्वच्छ	शौचालय के ब्यौरे						
	क अस्वच्छ शौचालव (आईआ				, oh offi	Not be of a	
क्रम सं(	) अस्वच्छ शीचालय के स्वा	मी का नाम	निम्न की व	भवस्थिति	हाथ से मैला कर्मी का मा वेतन/मजदूरी	रेक	
			शुष्क शीचालय	शीचालय जिससे मल खुले नाले में बहाया जा रहा है	नकद में	अनाज आदि के रूप में	

हाथ से मैला उठाने में लगे हुए व्यक्ति द्वारा साफ किए जा रहे व्यष्टिक अस्वच्छ शौचालयों की कुल संख्या : .....

(टिप्पण : कृपया हाथ से मैला उठाने में लगे हुए व्यक्ति द्वारा साफ किए जा रहे व्यष्टिक अस्वच्छ शौचालयों के विस्तृत वर्णन दें । यदि आपको अतिरिक्त जानकारी लिखने की आवश्यक्ता हो तो कृपया इस पृष्ठ की छायाप्रति करें और सर्वेक्षण प्रस्त्य के साथ संलग्न करें)

सामुदायिक अरवच्छ शौचालयों (सीआईएल) के ब्यारे :

क्रम सं0	सामुदायिक अस्वच्छ शौवालय के स्वामी (संगठन/अभिकरण) का नाम	निम्न की अ	प्रवस्थिति	हाथ से मैल कर्मी क वेतन/मजदूरी	
		शुष्क शीचालय	शीचालय जिससे मल खुले नाले में बहाया जा रहा है	नकद में	अनाज आदि के रूप में

# खुले नालों (ओडी)/रेल मार्गो/अन्य स्थानों का ब्यौरा :

क्रम सं0	खुले नालों/रेल मार्गों/अन्य स्थानों की अवस्थिति जिनमें अरवच्छ शौचालयों से मल बहाया जा रहा है ।		
		नकद में (रु0)	वस्तु के रूप में (रु0)
\$30°.			

(टिप्पण : यदि खुले नाले में हाथ से मैला उठाने में लगे हुए कर्मियों की संख्या एक से अधिक हो तो हाथ से मैला उठाने में लगे हुए प्रत्येक व्यक्ति के लिए पृथक प्ररूप भरें)

> उपाबंध-3 (नियम 13(8) देखिए)

हाथ से मैंला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम, 2013 की धारा 20 के अधीन निरीक्षक का कार्यालय.......(क्षेत्र का नाम)

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1	हाथ	से मैर	ना	उठाने	वाले	कर्मियो	के	नियोजन	কা	प्रतिषेघ	और	उनका	पुनवसि	नियम,	2013	की	धारा	13(8)	क	अधीन}	
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विषय : हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेघ और उनका पुनर्वास अधिनियम, 2013 (इसमें इसके पश्चात् अधिनियम) और हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेघ और उनका पुनर्वास नियम, 2013 (इसमें इसके पश्चात नियम) के अधीन सूचना : मलनालियों और मल विगलन कुंडो की परिसंकटमय सफाई ।

अधिनियम की धारा 7 उपबंध करती है कि कोई भी व्यक्ति, स्थानीय प्राधिकारी या कोई अभिकरण, ऐसी तारीख से, जो राज्य सरकार अधिसूचित करे, जो इस अधिनियम के प्रारंभ की तारीख से एक वर्ष के बाद की नहीं होगी, किसी व्यक्ति को, प्रत्यक्ष रूप से या अप्रत्यक्ष रूप से, किसी मलनाली या किसी मल विगलन कुंड की परिसंकटमय सफाई के लिए न तो लगाएगा और न ही नियोजित करेगा;

18	THE GAZETTE OF INDIA: EXTRAORDINARY	[PART II—SEC. 3(i)]
	(राज्य का नाम) सरकार ने अधिनियम की धारा 7 के उपबंधों के प्रवर्तन (प्रमावी होने की तारीख) अधिसूचित की है ;	की तारीख के रूप
और, मल नाति है ;	तथा गल विगलन कुंडों की सफाई का विनियमन नियमों के नियम 3 से	के उपबंधों के अधीन
	उक्त अधिनियम की घारा 2(1) (घ) के साथ पठित घारा 7 के उपबंघों तथा उ (नियम संख्या) का अतिक्रमण करने की सूचना निम्नलिखित ब्यौरों के अनुसार दी गई	
(i) अतिह	कमण का स्थान	
(ii) अतिह	हमण की तारीख	
4-4	क्रमण के ब्यौरे	
(III)		
विरुद्ध कार्रवाई	ते यह कारण दर्शित करने की अपेक्षा की जाती है कि क्यों न अधिनियम की धारा की जाए । आपसे(तारीख) तक लिखित में स्पष्टीकरण प्रस्तुत करने पर मेरे कार्यालय में व्यक्तिगत रूप से उपस्थित होने की अपेक्षा की जाती है ।	
	स्थित होने में असफल रहने की दशा में, यह समझा जाएगा की आपको इस विषय में वृ अधिनियम और नियमों के अनुसार कार्रवाई करने के लिए स्वतंत्र होगा ।	<b>ह</b> छ नहीं कहना है तथा
	ਰਿਹੀਸ਼ਾ	क का नाम और पदनाम
		to the same states
तारीख		
स्थान		100 000
	MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT	
	(Department of Social Justice and Empowerment)	
	NOTIFICATION	
	New Delhi, the 12th December, 2013	
clause (a) of	R. 776(E).— In exercise of the powers conferred by sub-sections (1) and (2) of Sub-Section (1) of Section 37 of the Prohibition of Employment As Manual Act, 2013 (25 of 2013), the Central Government hereby makes the following rules	Scavengers and their
	CHAPTER-1	
	GENERAL	
1. Shor	rt title and commencement:-	
(1)	These rules may be called the Prohibition of Employment as Manual S Rehabilitation Rules, 2013.	Scavengers and their
(2)	They shall come into force on the date of their publication in the Official Gazette	
2. Defi	mitions:- (1) In these rules, unless the context otherwise requires :-	

- "Act" means the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act. 2013 (25 of 2013);
- (b) "Cleaning device" includes but not limited to the equipments referred to in rule 5, whether manually or mechanically propelled which can be used to:-
  - clean or enable the transport or flow of sewage in sewers or septage from septic tanks, and
  - (ii) avoid direct manual contact with such sewage or material.
- (c) "District Level Survey Committee" means the Committee referred to in rule 11 (2), 11 (18) and 11 (19), with the following composition:-

1.	District Magistrate	Chairman
2.	District Level Officer dealing with Scheduled Castes Affairs	Member Secretary
3.	District Statistical Officer	Member
4.	District level officer of Urban Development Department/Local	Member
	Self Government Department	
5.	One representative of railway authority	Member
6.	Upto two representatives of Non Government Organisations working for Welfare of manual scavengers and Safai	Member
	Karamcharis to be nominated by the District Magistrate	
7.	Upto two community representatives of whom one should be a	Member
	woman to be nominated by the District Magistrate	

#### Functions of the District Level Survey Committee:

- a. to monitor and oversee the survey process at District level.
- to distribute the materials for awareness campaign to designated place.
- to arrange publicity through local newspapers etc. about the survey.
- d. to distribute translated survey material to designated place under its jurisdiction.
- e. to approve final list of manual scavengers for all towns, cities and villages in the district.
- Publication of final consolidated list of the manual scavengers in the district.
- (d) "enumerator" means any person engaged by a local authority for the purpose of survey or verification of manual scavengers.
- (e) "inspector" means a person appointed as "inspector" by the appropriate Government as per the provisions of sub section (1) of section 20 of the Act.
- (f) "Overseer" means an officer engaged by a local authority to exercise the powers and perform the duties under these rules.
- (g) "Protective gear" means personal safety gear and safety devices that are to be provided, worn or used by safai karamcharis or sanitary workers in respect of cleaning of sewers and septic tanks that may be necessary for the specific nature of work to be carried out, as including and not limited to the materials referred to in Rule 4 to -
  - avoid any exposure of human skin to substances which can lead to diseases, along with all breathing equipment which prevents inhalation of gases which can lead to diseases, and, also includes any sensory equipment for detection of gases present inside the sewers or septic tanks;
  - (ii) avoid any injuries while carrying out cleaning work.
- "Safai Karamchari" or "Sanitation Worker" means any person engaged in or employed for any sanitation work, other than domestic work;
- (i) "safety precautions" shall include, but not be limited to, the precautions referred to in rule 6, and are all steps necessary to reduce the risk to the person and to avoid contraction of diseases and injuries by the persons engaged in cleaning of sewers and septic tanks due to exposure to sewage or any other

material in any physical state (solid, liquid or gas) inside the sewers or septic tanks and while entering sewers or septic tanks.

- "State Level Survey Committee" means the Committee referred to in rules 10(12), 10 (13) and 11 (2) with the following composition:-
  - Additional Chief Secretary or Principal Secretary, nominated Chairman by the State Government
  - Principal Secretary/Secretary dealing with Scheduled Castes,
     If the Committee is chaired by Additional Chief Secretary. If
     Principal Secretary, Scheduled Caste Welfare himself is the
     Chairman then Director, Scheduled Castes Welfare.
  - 3. Director, Economics and Statistics

Member

- Secretary, Urban Development Department/Local Self Member Government Department
- Regional Director, Census Operations.

Member

6. One representative of railway authority

Member Member

- Upto two representatives of Non Government Organisations working for Welfare of Manual Scavengers and Safai Karamcharis to be nominated by the State Government
- Upto two community representatives of whom one should be a Member woman to be nominated by the State Government

# Functions of the State Level Survey Committee:

- a. to monitor and oversee the survey process at state level.
- b. to distribute the materials for awareness campaign to designated place.
- to arrange publicity through local newspapers etc. about the survey.
- to distribute translated survey material to designated place under its jurisdiction.
- to approve final list of manual scavengers for all towns, cities and villages in the state.
- Publication of final consolidated list of the manual scavengers in the state.
- (2) Words and expressions used and not defined in these rules but, defined in the Act, shall have the same meanings as assigned to them in the Act.

#### CHAPTER-II

# OBLIGATIONS OF EMPLOYER TOWARDS EMPLOYEES ENGAGED IN THE CLEANING OF SEWER OR SEPTIC TANK

- (1) No person shall be allowed to clean a sewer manually, with the protective gear and safety devices under these rules except:-
  - (a) for the removal of concrete or FRP(Fibre Reinforced Plastic) or damaged manhole door where mechanical equipments cannot be put into operation.
  - (b) for inter-linking the newly laid sewer main with the existing sewer main, in case of sewer of size of more than 300 mm diameter.
  - for removal of submersible pump sets fixed at the bottom of the suction wells.
  - (d) for the reconstruction of the manhole or rectification of the sewer main.
  - (e) Any circumstance, when it is absolutely necessary to have manual sewage cleaning, after the CEO of the local authority has permitted to do so after recording in writing the specific valid reasons for allowing such cleaning.
  - (2) For the purposes of clauses (c) and (d) of sub-rule (1), before allowing entry of a person in the sewer, sewage shall be totally emptied.
- 4. Any person engaged to clean a sewer or a septic tank shall be provided by his employer, protective gear and safety devices including, but not limited to the following:-
  - (i) Air compressor for blower

	खण्ड ३(i)	
	(ii)	Air line breathing apparatus
	(iii)	Air line respirator with manually operated air blower
	(iv)	Air Purifier Gas mask/chin cortege
	(v)	Artificial respiration/Reticulate
	(vi)	Barrier caution tape
	(vii)	Barrier cream
	(viii)	Barrier cone
	(ix)	Blower
	(x)	Breath mask
	(xi)	Breathing Apparatus
	(xii)	Caution board
	(xiii)	Chlorine mask
	(xiv)	Emergency medical oxygen resuscitator Kit
	(xv)	First Aid Box
	(xvi)	Face Mask
	(xvii)	Gas Monitor (4 gases)
	(xviii)	Guide Pipe Set
	(xix)	Full body wader suit
		Fishing wader suit attached with boots
	(xx)	
	(xxi)	Hand gloves
	(xxii)	Head Lamp
	(xxiii)	Helmet
	(xxiv)	Helmet demolishing
	(xxv)	Lead acetate paper
	(xxvi)	Life guard pad
	(xxvii)	Modular Airlines Supply Trolley System
		Normal face mask
	(xxix)	Nylon rope ladder 5 metres
	(xxx)	Nylon safety belt
	(xxxi)	Pocket book
	(xxxii)	Port oxy
	(xxxiii)	Raincoat
	(xxxiv)	Reflecting Jacket
	(xxxv)	Safety belt
	(xxxvi)	Safety body clothing
	(xxxvii)	Safety body harness
	(xxxviii	) Safety goggles
	(xxxix)	Safety Gumboots
	(xl)	Safety helmet
	(xli)	Safety showers
	(xlii)	Safety torch
	(xliii)	Safety Triped Set
	(xliv)	Search light
	he local	authority shall ensure that the following cleaning devices are used by persons engaged in clean
9	ewer or:	septic tank including but not limited to the following:
	(i) S	ewer Line Cleaning Bucketing Machine
	(ii) Jo	tting Machine

- (iii) Suction Machine (Gulley Emptier)
- (iv). Combined Machine (Jetting cum Suction)
- (v) Deep Suction Combined Machine (Jetting cum Suction Machine)
- (vi) Manual Hand Operated Grab Bucket
- (vii) Hydraulic Operated Trolley Mounted Grab Bucket
- (viii) Truck Mounted Motor & Winch Operated Grab Bucket Machine
- (ix) Fixed Structure Mounted Motor & Winch Operated Grab Bucket Machine
- (x) Rickshaw Mounted Winch & Motor Operated Desilting Machine for Wet well
- (xi) Rickshaw Mounted Winch & Auxilliary Engine Operated Desilting Machine for Manhole
- (xii) Escort Hydra Crane Mounted Hydraulic Winch Operated Grab Bucket Desilting Machine
- (xiii) Manual rods, shovels, spades, drainage cleaning machines and steel scrapers with handles
- (xiv) Hoses and washing instruments
- 6 (1) All protective gear and safety devices under these rules shall be checked every six months and necessary repair or replacements shall be made by the employer who engages a person for cleaning a sewer or a septic tank.
  - (2) Comfortable bodysuits shall be made available to the worker who has to enter sewers or septic tanks for their cleaning. The employer shall provide full body suits to workers entering manholes of depth more than five feet and alternatively, partial fishing wader body suits to those entering manholes of depth less than five feet.
  - (3) The employer shall also ensure the following safety precautions before a person is engaged in the cleaning of a sewer or a septic tank, namely:-
    - (a) There shall be a minimum of three employees present all the time, one of whom shall be a supervisor;
    - (b) The atmosphere within the confined space shall be tested for oxygen deficiency and toxic and combustible gases including but not limited to poisonous gases like Hydrogen Sulphide, Carbon Monoxide, Methane, and gasoline vapours, through detection tests including the following: -
      - lowering a detector lamp into the manhole,
      - (ii) inserting wet lead acetate paper which changes colour in the presence of hazardous gases,
      - (iii) detection of gases through gas detector masks.
    - (c) Before starting the cleaning under sub-rule (1) the supervisor referred to in clause (a) of sub-rule (3) has inspected and determined if the sewer serves any industries nearby to anticipate any hazardous atmosphere that may be encountered.
    - (d) The condition of metal-rung ladders and the side walls of the manhole shall be checked to see if there is any danger of collapse.
    - (e) Traffic and pedestrian barricades are provided all the times.
    - (f) A flag man should be stationed at least 50 feet ahead of a site and should be visible to incoming traffic for at least 500 feet.
    - (g) Regular medical check-up of sewage workers which shall include the examination of respiratory organs, skin injuries, and other occupational diseases and injuries for their treatment to ensure that sewage workers afflicted with such diseases or injuries do not enter sewers for cleaning.
    - (h) Regular vaccination against respiratory and skin diseases and other occupational diseases to which these workers are prone due to exposure to harmful substances and gases in sewers.
    - (i) All employees who are present on-site during cleaning work are given training and adequately familiarised with the knowledge to operate all equipments involved in cleaning work, to avoid injuries or diseases associated with such work and to take necessary steps in case of emergency arising at the place of work and the training shall be conducted every two years and the employees shall be familiarised with any changes in method and technique with respect to the above.

- The supervisor possesses and keeps handy the names, addresses and telephone numbers of the nearest hospitals or clinics.
- (k) Cleaning of a sewer or a septic tank shall be done:-
  - (i) only in day-light; and
  - for a duration not exceeding 90 minutes, at a stretch. There shall be a mandatory interval of 30 minutes between two stretches.
- Identify and close off or reroute any lines that might carry harmful substances to, or through, the work area.
- (m) Ensure that written operating and rescue procedures are displayed at the entry site.
- (n) If the entry is made through a top opening, use a housing device with a harness that suspends a person in an upright position and a mechanical device shall be available to retrieve personnel from vertical spaces more than five feet deep.
- (o) At least one person trained in first aid and cardiopulmonary resuscitation should be immediately available during any confined space job.
- (p) Oxygen content in the manhole must be at least 19.5% in the confined space of the manhole measures at all levels (bottom, middle and top) and no person enters the manhole if oxygen level is below 19.5% and more than 21%.
- (q) Ventilate the sewer line by opening at least two or three manholes on both sides where work is to be carried out.
- (r) Manhole shall be opened at least one hour before the start of operation.
- (s) The opened manhole shall be properly fenced or barricaded to prevent any person, specially children, from accidentally falling into the sewer. Dummy cover with welded fabric or wire-net may be used.
- (t) All workers use the safety gear and safety devices before entering the sewer line.
- (u) The person entering the manhole or sewer line must be monitored using signal or camera or CCTV etc., throughout the operation period.
- (v) Structural safety of manhole rungs or steps must be tested before entering the manhole.
- (w) Portable aluminium ladder is available during the work period where necessary and the portable ladder is properly seated or fixed during use.
- (x) No material or tools are located near the edge which can fall into the manhole and injure the workman.
- (y) Equipments used during sewer cleaning are explosion and fire-proof.
- (z) Smoking, open flames are prohibited inside the manhole as well as in the immediate vicinity of open manholes.
- (za) In the event of a sudden or unpredictable atmospheric change, an emergency escape breathing apparatus with atleast a 10 minute air supply is worn.
- 7. The employer shall ensure the following safety precautions at the time when the person is engaged in the cleaning of a sewer or a septic tank:-
  - Portable fans and air blowers with batteries, in good working condition with a back up capacity of more than the estimated duration of the entry of the person in the sewer, shall be carried into sewers for ventilation and a ventilation source shall be installed at the mouth of the man hole.
  - Flashlights and communication devices such as two-way radios shall be carried into sewers.
  - (iii) Presence of the following rescue equipment at the site: -
    - (a) A tripod and harness system, or some other method ensuring manoeuvring of an injured worker to the surface.
    - (b) A basket stretcher, or similar device, shall be available for moving the injured worker to emergency transportation.
    - (c) First aid equipment as given in Annexure-I, and trained personnel shall be immediately available.
  - (iv) the employer shall ensure availability of ambulance and follow-up in close proximity.
  - (v) The employer shall ensure that the assigned person has life insurance policy of at least ten lakh rupees and the premium for which shall be paid by the employer.
- 8. The employer shall ensure the following post-cleaning safety precautions after an person engaged in the cleaning of a sewer or a septic tank comes out of the sewer or septic tank after a session of cleaning:-

- Provide facilities for removal of contaminated clothing and for wash-up as well as cleaning, dry clothing.
- (ii) Wash-up material shall include but not be limited to water, soaps, hand sanitizers and adequate and medically authenticated skin cream for applying on the body for post cleaning safety.
- (iii) Any cuts/bruises on the skin or problems with a respiratory organ suffered on account of cleaning of sewer shall be immediately cured.

#### CHAPTER-II

#### INSANITARY LATRINES

9 Human excreta shall be treated as fully decomposed when it eventually becomes stable material with no unpleasant smell and containing valuable plant nutrients.

#### SURVEY OF INSANITARY LATRINES

- 10 (1) Every local authority shall draw a suitable time schedule for carrying out survey of insanitary latrines within its jurisdiction and the publication of their list.
  - (2) The local authority shall take the assistance of the community leaders and non Governmental organizations working in the area for the welfare of the Safai Karamcharis or sanitary workers, on the existence of insanitary latrines in the area under its jurisdiction.
  - (3) Any complaint filed by any person including a non Governmental organization, regarding the construction, maintenance or use of insanitary latrine, shall be inquired by the local authority within fifteen days of filing the complaint.
  - (4) The local authority shall constitute a Committee under its Chief Executive Officer with at least two members from the community of Safai Karamcharis or sanitary workers, one of whom shall be a woman and at least one member from the civil society groups.
  - (5) The Committee referred to in sub-rule (4) shall plan and monitor the survey, and ensure that an awareness campaign is carried out simultaneously with the survey that is conducted.
  - (6) The Chief Executive Officer of the local authority shall prepare an initial list of insanitary latrines existing in his jurisdiction and display the same at the notice board of the office of the local authority and publish in two local daily newspapers, inviting the objections, specifying the date by which the objections, if any, to the list, shall be received.
  - (7) The local authority shall cause to hold a meeting on the due date as specified to hear the complaints and objections received on the initial list and approve the final list of insanitary latrines.
  - (8) The final list of insanitary latrines shall be prepared and published by the local authority which shall display the same at the notice board of office of the local authority and publish in two local newspapers, one of which shall be in the vernacular language.
  - (9) The local authority, within fifteen days of final publication of list of insanitary latrines, shall serve a notice on the occupier of the insanitary latrine to either demolish such insanitary latrine or convert it into a sanitary latrine within a period of six months from the date of commencement of the Act.
  - (10) A copy of such notice referred to in sub-rule (9) shall be sent to the inspector.
  - (11) The notice referred to in sub-rule (9) shall include information regarding the schemes of the Central and State Government which entitle the beneficiaries to incentives for the demolition of insanitary latrines or conversion to sanitary latrines; and other information regarding the eligibility to avail the benefits under those Schemes and the procedure for availing such benefits.
  - (12) The Committee referred to in sub-rule (4) shall submit the survey report to the District Magistrate, who, or any department designated by him for this purpose, in turn, shall submit the consolidated reports of all local authorities under his jurisdiction to State Level Survey Committee.
- (13) State Level Survey Committee shall furnish the report of the survey to the Central Ministry/Department dealing with the Schemes of conversion of insanitary latrines into sanitary latrines for the urban and rural areas.
- (14) The eligible beneficiaries under the relevant Schemes of the Central or State Government may apply for the admissible financial assistance under such schemes.
- (15) After the expiry of the period under sub-Rule (9), the local authority shall have the premises of the occupier of insanitary latrine inspected.
- (16) If the occupier has neither demolished nor converted the insanitary latrine into a sanitary latrine, the local authority shall order for its demolition and recover the cost from the occupier as arrears of land revenue.

#### CHAPTER-III

#### SURVEY OF MANUAL SCAVENGERS

- (1) The local authority shall ensure that the persons conducting the survey of manual scavengers shall be adequately and appropriately trained by the local authority on the method and manner in which the survey shall be conducted and sensitized on the issue of manual scavenging.
  - (2) The State Level Survey Committee and the District Level Survey Committee shall carry out adequate campaigns at various levels especially in all such areas where insanitary latrines have been found during the survey of insanitary latrines.
  - (3) The local authority shall also associate community leaders or non governmental organizations working for the welfare of Safai Karamcharis or sanitary workers in identification of manual scavengers.
  - (4) The local authority shall invite manual scavengers through awareness campaigns to declare themselves at the self declaration centres and have their details verified during a period and at places, which shall be notified by the local authority.
  - (5) The lists of manual scavengers, if provided by the non governmental organisations or any other persons or agency, shall be fully verified to identify manual scavengers.
  - (6) In case, there is discrepancy between the data of insanitary latrines or the number of manual scavengers thrown up by any person or organisation, the local authority shall order a house-to-house survey of insanitary latrines by the enumerators to know the names of manual scavengers servicing those insanitary latrines.
  - (7) Local authority shall also make efforts to identify manual scavengers by visiting the habitations of concentration of safai karamcharis, sanitary workers or manual scavengers.
  - (8) Sample checks of the work done by the enumerators would be carried out by overseers designated for the purpose by the local authority, on the basis of random selection to the extent indicated below:-
    - 100% check in villages.
    - (ii) 100% check in cities and towns having less than 1000 households with insanitary latrines.
    - (iii) 50% of the declarations, verified by each enumerator, shall be checked in towns or cities having 1000 to 9999 households with insanitary latrines.
    - (iv) 33% of the declarations, verified by each enumerator, shall be checked in towns/cities having 10000 or more households with insanitary latrines.
    - (v) in categories (iii) and (iv), if sample check of the work done by any enumerator reveals an error of>10%, a 100% check of his work shall be carried out by the supervisor.
  - (9) Any person having objection either to the inclusion or exclusion of any name in the provisional list of manual scavengers in pursuance of Act, may within a period of fifteen days from the provisional publication, file an objection in the prescribed format specified by the concerned local authority.
  - (10) The local authorities shall also notify the manner of publication of said list during the survey of manual scavengers carried out under the Act.
  - (11) The local authority shall get the objections enquired into and hold a meeting, if necessary to finalise the list of manual scavengers in its jurisdiction.
  - (12) After publication of the final list by the local authority no claim or objection on the list shall be accepted for being included or excluded in the list, provided that the manual scavenger shall be entitled to give selfdeclaration about his being a manual scavenger.
  - (13) The District Magistrate shall notify a designated officer not below the Tehlisdar or Block Development Officer for inquiring into claims and objections received and giving their findings and the inquiry conducted by the designated authority shall ensure that —
    - the claimant or objector is given adequate opportunity to be heard;
    - the claimant or objector is given not less than seven days' notice about the date of summary hearing as provided under sub-rule (15);
    - the claimant or objector shall be allowed to support his claim with documentary evidence, if any, as provided under sub-rule(14);

- (iv) the claimant or objector shall have the right to be represented by a lawyer, Non Governmental Organization, or a friend; and
- the claimant or objector shall be given a copy of the order passed by the designated authority as provided under sub-rule(20).
- (14) Forms for filing claims and objections under these rules shall be made available to the applicants free of charge on demand at the designated place, as also through the website of the local authority and the claimant or objector may support his claim with documentary evidence, if any.
- (15) Summary hearings shall be conducted by officers designated by the local authority.
- (16) The officer designated to verify the claims may order fresh verification, if necessary.
- (17) After summary hearing and such further verification (if ordered), the officer would pass an appropriate order, accepting or rejecting the claim or objection, as the case may be and a copy of the order would be given to the persons concerned.
- (18) After settlement of claims and objections by the designated authority, the local authority shall carry out necessary corrections in the draft list and transmit it to the District Level Survey Committee for its consideration.
- (19) The District Level Survey Committee shall cause compilation of lists of manual scavengers received from each local authority, town and prepare a list of manual scavengers for the district which the District Collector will forward to the State - Government.
- (20) The State Government shall have the lists of manual scavengers received from various districts, compiled and prepare a consolidated State list of manual scavengers.
- (21) Any person working as a manual scavenger, may self declare either during the survey undertaken by the local authority, or any time thereafter, apply to the Chief Executive Officer of the local authority, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger in the prescribed Proforma. Format of the application is given at Annexure-II.
- (22) There shall be no minimum age limit for identification of manual scavenger, and there shall be no restriction regarding the caste or religion or income or gender for being identified as manual scavenger.
- (23) For the purposes of sub-rule (22), a person should have been engaged or employed as manual seavenger at the commencement of the Act or thereafter and should have worked as such continuously for not less than three months.
- (24) A provisional list of identified manual scavengers as verified by the Overseers, shall be published by the concerned local authority in local newspapers and displayed in its own office and at such other places as deemed appropriate.
- (25) A copy of the provisional list shall be made available to members of the local authority and the non Governmental organizations or community leader of Safai Karamcharis or sanitary workers.
- (26) While publishing the provisional list, the local authority shall call upon members of the public to file claims and objections vis-à-vis, the list, within a period, not less than 15 days, in a proforma notified by the local authority.
- (27) After the approval of the final list by the District Level Survey Committee, it shall be duly published at the notice boards of concerned offices and the final list shall also be uploaded on the website of the District administration and the State Government.
- 12. The identified manual scavengers, one from each family, shall be eligible for receiving cash assistance of Rs.40,000 immediately after identification. The beneficiary shall be allowed to withdraw the amount in monthly instalments of maximum of Rs.7,000.

# CHAPTER- IV POWERS OF THE INSPECTOR

- 13. If an inspector has reason to believe that an offence under the Act as defined under sections 5, sub-Section (2) of Section 6 or 7 of the Act has, or is, or is likely to take place, he shall conduct inspection, investigation or enquiry.
  - If the offence pertains to the construction, maintenance or use of an insanitary latrine, the inspector shall report to the local authority, which shall thereafter take action as per the provisions of the Act.
  - (2) If the offence pertains to the employment of manual scavengers, the inspector shall send a report to the local authority as well as the District Magistrate.
  - (3) The local authority shall take steps to include the name of a manual scavenger found to be employed in the final list of manual scavengers, whether during survey or any time thereafter, and once the name of a manual scavenger is added to the final list, the manual scavengers shall be rehabilitated under the provisions of the Act.
  - (4) If it appears to the inspector that hazardous cleaning of sewer or septic tanks is being resorted to, the inspector shall order to stop such hazardous cleaning forthwith and shall report the matter to the local authority.
  - (5) The inspector may examine any structure, site, place or premises within his jurisdiction, when there are reasons to believe that any such premises is being used or has been used or about to be used for hazardous cleaning of sewer or septic tank.
  - (6) The inspector may take on the spot or otherwise such evidence of any person which he may consider necessary for the purpose of any examination or enquiry connected with insanitary latrines or hazardous cleaning of sewer or septic tank.
    - Provided that such person shall not be compelled to answer any question or give any such evidence tending to incriminate him.
  - (7) The inspector may take or caused to be taken any photograph, video clip, sample, record or make any sketch by using any device including electronic device as he may consider necessary for the purpose of any examination or enquiry under these rules.
  - (8) On finding that a local authority, person or agency is engaging in or employing a person in hazardous cleaning, the inspector shall instruct such authority, person or agency to stop such undertaking of cleaning immediately and shall serve a notice in writing in this regard in Form annexed as annexure-III to these rules.

### CHAPTER - V

# STATE MONITORING COMMITTEE

- 14 (1) The State Monitoring Committee shall meet atleast once in six months on such dates and times as may be appointed by the Chairperson.
  - (2) The meeting shall normally be held at the State headquarters.
  - (3) Where the Committee finds it necessary to hold the meeting at any other place, for the reasons to be recorded in writing, such meetings may be held at other places, within the State.
  - (4) Member-Secretary shall cause a notice of minimum ten days issued to all the members of the Committee and also send the list of business to be considered during the meeting.
  - (5) No business, which is not included in the list of business, shall be considered, without the permission of the Chairperson.
  - (6) The Chairperson shall preside over each meeting at which he is present, and in his absence, members may elect the senior-most member present to be Chairperson to preside over the meeting.
  - (7) No business shall be transacted at a meeting unless atleast one third of the total members of the Committee are present:
    - Provided that if at any meeting, less than one third of the members are present, the Chairman may adjourn the meeting to a date not less than seven days from the date of the meeting, informing the members present and sending registered notice to the other members.
  - (8) Business at the adjourned meeting shall be disposed irrespective of the quoram.
  - (9) The proceedings of each meeting shall be circulated to all members present and shall be read out and confirmed at the next meeting of the Committee, and shall be signed by the Chairperson.
  - (10) The minutes shall be recorded in a minute book which shall be kept as a permanent record.
  - (11) A copy of the minutes shall be endorsed to the Central Government for the information of the Central Monitoring Committee.

[ F. No. 19014/55/2013-SCD-IV] MAULISHREE PANDEY, Director

Annexure I (See rule 7)

# First Aid Facilities

- A. At every work place there shall be provided and maintained, so as to be easily accessible during working hours, not less than one first-aid box for 150 employees.
- (a) The first-aid box shall be distinctly marked with a red cross on white back ground and shall contain the following equipments, namely:-
- (b) For work places in which the number of employees employed does not exceed 50, each first-aid box shall contain the following equipments:-
- ekalesti ing terapasah ayo gang ayin seb 1. 6 small sterilised dressings.
- 2. 3 medium size sterilised dressings
- 3. 3 large size sterilised dressings
- 3 large sterilised burn dressings 4. 3 large sterilised burn dressings
- l (30 ml.) bottle containing a two per cant alcoholic solution lodine

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- 6. (30 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label · Part and
- I snakebite lancet
- wild appropriate the following states 8 I (30 gms.) bottle of policionary 1 (30 gms.) bottle of potassium permanganate crystals
- 9. I pair scissors

  10. Learn of the Control of the I copy of the first-aid leaflet issued by the Director General, Factory Advice Service and Labour Institutes, Government of Tridia State Control of the Control
- 11. 1 bottle containing 100 tablets (each of 5 gms.) of aspirin All the second s
- Ointment for burns the filter personal and in a consequence of extending to the place of an
- 13. A bottle of suitable surgical antiseptic solution
- B. For Work places in which the number of employees exceeds 50, each first-aid box shall contain the following equipments:
- L. 12 small sterilised dressings.
- 6 medium size sterilised dressings.
- principalism since our 6 large size sterilised dressings.

Markey Spile of A

- 6 large size sterilised bum dressings.
- 6 (ISgms.) packets sterilised cotton wool.
- 6. 1 (60 ml.) bottle containing a two percent alcoholic solution rodine
- 7. I (60 ml.) bottle containing salvolatile having the dose and mode of administration indicated on the label
- 8. I roll of adhesive plaster.
- 9. I snake bite lancet.
- 10. 1(30 gms.) bottle of potassium permanganate crystals.
- I pair scissors.
- I copy of the first-aid leaflet Issued by the Director General Factory Advice Service and Labour Institutes
   Government India
- 13. A bottle containing 100 tablets (each of 5 gms.) of aspirin.
- 14. Ointment for burns.
- A bottle of suitable surgical antiseptic solution.
- (a) Adequate arrangements shall be made for immediate recoupment of the equipment, when necessary.
- (b) The first-aid box shall be kept in charge of a responsible person who shall always be readily available during the working hours of the work place.
- (c) A person in charge of the First-aid box shall be a person trained in first-aid treatment, in the work places where the number of employees employed is 150 or more.
- (d) In work places where the number of employees employed is 500 or more and hospital facilities are not available within easy distance from the work place, first-aid posts shall be established and run by a trained companyeer and he shall be on duty and shall be available at all hours when the workers are at work.
- (e) Where work places are situated in places which are not towns or cities, a suitable motor transport shall be kept readily available to carry injured person or person suddenly taken ill to the nearest hospital.
- (f) The first-aid box shall not contain any other equipment or substance as mentioned in paragraphs A and B.

_	THE GAZETTE OF INDIA: EXTRAORDINARY	[PART II—SEC. 3
	Self Declaration Form  Identification of the persons engaged in manual scavenging	Annexure {See rule 11(
		(Office Use)
:	Name of the State:  District:  Municipality: Town Ward:  Panchayat Village	Photo of the persor engaged in manual scavenging
	Family Photo of the nerson angual is manual accused in	
	Family Photo of the person engaged in manual scavengin (Picture post card size photograph 6"x4")	g
		1 - 1
		1 1
1.	Name of the person engaged in manual scavenging:	<u> </u>
2.	Name of Father / Mother / Spouse:	
3.	Age:	far of pr
1.	Sex : Male Female	
	Educational Status : (Put a √ mark in the appropriate box)  (i) a ) Literate b) Not literate  (ii) If literate level of education:-	
	a) Studied: Class 1-5: Class 6-10: Class 11-12: Class	above 12:
5.	Occupation:	
i)	Carrying/disposing/cleaning of human excreta manually from insanitary latrine	
	Cleaning untreated human excreta manually from: (a) open drain	

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7.	Status of Em I. Employed i			1,00000	Albaniania	e y
	(a) Priv					
	(I) I-45	des Wessel		1		
	(1) Indiv	idual Household		(ii) Community/ Group of Hou	iseholds	
	(iii) Co	ntractor		(iv) Institution like hospital,	office etc.	
	(v) Other	rs (specify)	_			- [
	(b) Centr	al Government		(c) State Government		
		icipal Corporation	n	,		
	II. Employee	d on:		In a good of Streams, and		
	(a) Permar	ent basis		(b) Temporary basis		
	(c) Contra	ct basis		(d) Jajmani		
8.	How long you	have been in th	is Occupat	ion:	<u> </u>	
9.	Social Backgro	ound:				
(a)	) Whether SC/S	T/OBCs/Others				
(b)	) Caste			(c) Sub Caste		
(0)	) Religion			(c) Sub Casie		
				Yes No		
	die .		(Put a √n	nark in the appropriate box):	The second	
	Name of the S	chemes			Rupees	
)	National Scher	me for liberation	and rehabi	litation of scavengers (NSLRS) in for manual scavengers (SRMS)	, , ,	
	Any other			ni tor manuai scavengers (SKMS)	-	
	(Please specify	the name of Sci	neme(s))			
1	c) If yes, whet	her project funde	d through	above scheme is running:		
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		Yes	NO	If yes, monthly income		
		Yes	140	If yes, monthly income (Rs.)	an and a second distribution of the second distr	
(a) (b)		ged in any occup			No	
(b) Any	If yes, specify y other skills you	ged in any occupa	ation other	than scavenging? : Yes	No	
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Name ar	nd Address of the person engaged	d in manua	l scav			ncode	
Contact	Telephone/Mobile No				- F1	icode	
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	al scavenging			-			
	nd date:			name and date(	with code No.)		
	re of Enumerator,						
name an	nd date: (with code No.):						
-				1.0	with code No.)		
Details	of Insanitary Latrine						
1.	Details of Individual Insanitar	y Latrine	(IIL)				
-	2.0	11 / 11					
	Name of the owner of	Lo	catio	n of the	Monthly Salary/ wages of the Manual Scavenger (Rs.)		
	Insanitary Latrine			- Carl - C	Manual S	scavenger (RS.)	
		dry	latrine from which excreta is				
				ng flushed	In cash	In food grains	
				open drain	7,10	etc.	
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	200	261.1					
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	Act, 2015,	Notice (Area name).	
{under rule 1	3(8) of the Prohibition of Employm	nent as Manual Scavengers and their Reha	abilitation Rules, 2013}
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the Stat	e Government may notify, which s t, engage or employ, either directly	at no person, local authority or any agenc shall not be later than one year from the y or indirectly, any person for hazardous	date of commencement
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and wh		ave violated the provisions of Section 7, mber) made thereunder, as per the follow	
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Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS)

# SELF EMPLOYMENT SCHEME FOR REHABILITATION OF MANUAL SCAVENGERS (SRMS) – APPLICABLE FROM NOVEMBER, 2013.

The Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) was introduced in January, 2007, with the objective to rehabilitate the remaining manual scavengers and their dependents in alternative occupations by March, 2009. However, as this could not be done by the target date, the Scheme was extended upto March, 2010, with a provision for the coverage of spill-over of beneficiaries even thereafter, if required. As per the updated number, reported by States/UTs, after launch of the Scheme, 1.18 lakh manual scavengers and their dependents in 18 States/UTs were identified for implementation of the Scheme.

- 1.1 As per reports received from the concerned States/UTs, all eligible and willing 78,941 manual scavengers, out of the identified 1,18,474 manual scavengers, were provided assistance for their rehabilitation in alternative occupations. Thereafter, NGOs working for elimination of manual scavenging reported existence of manual scavenging in 15 States and provided list of 10,697 manual scavengers. On verification of these lists only 628 persons were found eligible for assistance under SRMS, and all of them were provided assistance under the Scheme.
- 1.2 Subsequently, 'Houselisting and Housing Census 2011' data released by the Registrar General of India(RGI) in March, 2012, showed that there were about 26 lakh insanitary latrines in the country, of the following categories:-
- Latrines from which Nightsoil is disposed into open drain; and
- Service latrines in which nightsoil is: -
  - i) removed by humans, and
     ii) serviced by animals.
     State/UT wise detail is given at Annexure-I.

- 1.3 RGI has not provided any data regarding the number of manual scavengers in the country. However, out of the total number of households(HHs) with insanitary latrines, the no. of HHs with (i) manually serviced latrines, and (ii) latrines discharging excreta into open drains, is 8 & 13 lakhs, respectively (total 21 lakh).
- 1.4 Actual data of manual scavengers for coverage under the Scheme would be available from the following surveys:
- Survey of manual scavengers in statutory towns being steered and coordinated by the Ministry of Social Justice and Empowerment.
- (ii) Survey conducted by any State/UT in accordance with the provisions of the "Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013".
- 1.5 Funding for the survey of manual scavengers as at (i) above will continue to be provided as per the survey guidelines prepared by the Ministry of Social Justice and Empowerment.
- 2. Objective of the scheme is to assist the manual scavengers, identified during various surveys, for their rehabilitation in alternative occupations. Manual Scavengers and their dependents, irrespective of their income, will be eligible for assistance.
- Definition of manual scavenger is as under:

"manual scavenger" means a person engaged or employed by an individual or a local authority or a public or private agency, 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 human excreta from insanitary latrines is disposed of, or on a railway track, before the excreta fully decomposes, and the expression "manual scavenging" shall be interpreted accordingly;

Explanation.- (a) "engaged or employed" means being engaged or employed on a regular or contract basis;

(b) a person engaged or employed to clean excrete with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger'.

- 3.1 The dependent of manual scavengers is one who is a member of their family or is dependent on them. Each individual manual scavenger and his/her spouse or children who are of 18 years of age and above, who are not employed (other than manual scavengers) will be provided assistance. For the purpose of training, the age of dependent to be eligible would be reduced by the duration of the training so that immediately after getting the training he/she can be provided other assistance immediately after attaining the age of 18 years.
- 4. The identified manual scavengers, one from each family, would be eligible for receiving Cash Assistance of Rs. 40,000 immediately after identification. The beneficiary would be allowed to withdraw the amount in monthly installments of maximum of Rs. 7,000. He/she would also be eligible for Capital Subsidy, Interest Subsidy and Training with stipend at the rates prescribed under the scheme. The dependents of manual scavengers would not be eligible for initial Cash Assistance.
- 5. Loan upto a maximum cost of Rs. 10 lakhs will be admissible under the scheme, and Rs. 15 lakh in case of sanitation related projects like Vaccum Loader, Suction Machine with Vehicle, Garbage Disposal Vehicle, Pay & Use Toilets etc., which are extremely relevant for the target group, with high success rate and income.
- 6. The moratorium period to start the repayment of loan will be two years. The period of repayment of loan, including moratorium period will be five years for projects upto Rs. 5,00,000 and 7 years for projects above Rs. 5,00,000. The SCAs would distribute the funds within a period of three months after receiving the application from the eligible beneficiaries.
- The rate of interest chargeable from the beneficiaries will be as follows:-
- (a) For projects upto Rs. 25,000/- 5% per annum (4% per annum for women beneficiaries)
- (b) For projects above Rs 25,000/- 6% per annum.
- 8. Where the rate of interest chargeable by the banks on loans will be higher than the rates prescribed in the scheme, interest subsidy to the extent of the difference will be given to the banks by the respective State Channelising Agencies (SCAs). The

SCAs would be required to pay this amount to banks on monthly basis so that there is no case of charging of compound interest by banks on the interest subsidy portion.

Credit linked back-end capital subsidy will be provided to the beneficiaries in a scaled manner, as follows:

Range of Project Cost (Rs.)	Rate of Subsidy
Upto 2,00,000	50% of project cost
2,00,000 to 5,00,000	Rs. 1 lakh + 33.3% of project cost between Rs. 2-5 lakh
5,00,000 to 10,00,000	Rs. 2 lakh + 25% of project cost between Rs. 5-10 lakh
10,00,000 to 15,00,000	Rs. 3,25,000/-

- 10. Subsidy will be back-ended. Banks/lending agencies would disburse the full project cost including subsidy to the beneficiaries as loan. The operation of subsidy amount by the bank will be as follows:-
- (a) The subsidy admissible to the beneficiaries under SRMS should be kept in the Subsidy Reserve Fund Account beneficiary-wise, instead of in term deposit in the name of the beneficiary. Banks etc. should apply no interest on the Subsidy Reserve Fund Account. In view of this, for the purpose of charging interest on the loan, the subsidy amount should be excluded. The balance lying to the credit of Subsidy Reserve Fund Account will not form part of deferred tax liabilities(DTL) for the purpose of SLR/CRR.
- (b) The repayment schedule of loan would be drawn in such a way that the subsidy kept under Subsidy Reserve Fund would be sufficient for adjustment towards loan repayment equivalent to capital subsidy amount. The beneficiary would be required to repay the loan portion of the project as per repayment schedule prescribed under the Scheme. Beneficiaries will not be entitled for any benefit of subsidy, if the loan is fully repaid before a certain fixed period, specified by the lending agency, depending upon the activity. The availability of the benefit of subsidy to beneficiaries would be contingent on their proper utilization of loan for the sanctioned project.

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- (c) Lending agencies would issue loan passbooks to beneficiaries. These pass books should, inter alia, contain details such as the date of sanction of loan, amount of loan sanctioned, subsidy to be adjusted in the final installment of repayment, rate of interest, amount due under each installment, due dates of installments, etc. Banks should ensure that the bank branches fill in all the columns in the passbooks, as otherwise the purpose of issuing the passbooks will be defeated.
- Beneficiaries will be allowed to avail second and subsequent loan from banks if required, without capital subsidy and interest subsidy and other grants under the scheme.
- 12. NSKFDC or any other agency identified under the scheme, will undertake all activities under the scheme and will co-ordinate with the concerned agencies to ensure optimum benefits to the beneficiaries. NSKFDC or other identified agency will have freedom to meet admissible expenditure under the scheme out of their own funds, which will be reimbursable to them. NSKFDC or any other identified agency, will have option to provide loan to the target group at the rates prescribed in the scheme, out of their own funds and recover them. Such amounts, however, will not be reimbursable from Government. In such cases, they will be entitled to claim assistance for training, interest subsidy(if required), capital subsidy etc., as provided under the scheme.
- 13. The scheme will be implemented at the national level through the NSKFDC or other identified agencies for this purpose. At the State level, the implementing agencies will be the state channelising agencies identified for the purpose, which may include government agencies and reputed non-governmental organisations. It is also provided to encourage involvement of reputed micro finance institutions and NGOs for micro financing schemes through the SHGs. For training of the beneficiaries, it is envisaged to involve reputed specialised training institutions, in addition to government institutions.
- 14. The existing institutions under the Ministry such as the NSKFDC and its SCAs have the requisite experience to implement the proposed scheme. However, their limited infrastructure capacity would need to be enhanced. They would be expected to implement the scheme, in addition to their existing activities would, therefore, need to be supported for building their capacity to cope up with the increased work and will need

to devise innovative mechanisms to achieve the task assigned. Similarly, there would be a need to support other identified agencies involved at various levels. They would be provided financial support under Miscellaneous and administrative expenses.

- 15. In the course of implementation of the scheme, there would be a need to take timely decisions on several important aspects. To facilitate implementation and timely decisions on critical issues, a special mechanism is envisaged. A committee under the chairmanship of Secretary, Ministry of Social Justice and Empowerment shall be constituted with the following composition:-
- Additional Secretary, Ministry of Social Justice and Empowerment Member
- Joint Secretary and Financial Advisor, Ministry of Social Justice and Empowerment - Member
- Advisor concerned in the Planning Commission Member
- Joint Secretary(Scheduled Caste Development) Convenor.
- Joint Secretary Level Representative of Department of Financial Services

The committee can call special invitees, if felt necessary, to attend its meeting. The recommendations of the committee would be within the broad parameters of the scheme and would be implemented with the approval of Minister, Social Justice and Empowerment.

- In every State, annual targets of each bank will be fixed by State Level Bankers Committees (SLBC's) as per statewise scheme targets.
- 17. The beneficiaries are free to select any viable income generating self employment project. Projects would not be imposed on the beneficiaries, rather their interest, experience and choice would be given due weightage in selection of project. An indicative list of projects, which may be selected by the beneficiaries is given at Annexure-II.
- 17.1 The beneficiary provided training would be provided loan for the activity/trade for which the beneficiary had taken the training. All the beneficiaries living in the same locality should not be provided the loan for

the same activity/trade to avoid the competition among themselves and/or make the projects unviable.

- 18. Since the scavengers will be rehabilitated in non-traditional professions, they will require training to acquire new skills and entrepreneurship capabilities. This can be given by government agencies/institutes as well as by reputed specialised training agencies. Synergies with selected industries/ business establishment would be encouraged for facilitating gainful employment of the trainees.
- 18.1 Beneficiaries would be provided training for courses upto two years with stipend @ Rs. 3,000 per month. The training will be given as per level of education and aptitude of the beneficiary.
- 18.2 An indicative list of trades of training of various duration is at Annexure-III.
- 18.3 The existing schemes of various other Ministries etc., like Ministry of Labour and Employment, District Rural Development Agency, District Industries Centres etc., for imparting training, would be optimally used for training of beneficiaries. In Addition, the National and State specific Training Frameworks prepared under SRMS, for training of beneficiaries, would be the guiding document for selection of training programme for each beneficiary.
- 18.4 After training, wherever required, beneficiaries would also be provided assistance for self employment ventures. Self employment venture to be selected after training should have relevance with training obtained by beneficiary. An indicative list of training programme and related projects, is given at **Annexure-IV**.
- 19. A comprehensive programme of publicity with a view to awareness generation at all levels will be undertaken so as to ensure that optimum benefit reaches the beneficiaries in the shortest possible time.
- 20. Camp approach would be adopted for guiding the beneficiaries in choosing project/training course, making application, obtaining sanction of funds etc. This would speed up process of rehabilitation of beneficiaries and implementation of the scheme.
- As far as possible, the databases of the targeted beneficiaries of the proposed
   Scheme would be integrated with UIDAI by-

- (a) Embedding with Aadhaar numbers (UID numbers) in the beneficiaries databases.
- (b) Using the UIDAI enabled bank account (UEBA) for crediting the assistance intended for the beneficiaries; and
- (c) Using the online Authentication Services of UIDAI for beneficiary identification for overall improvement in Service delivery.
- 22. In case of diversion of funds by beneficiaries for their other needs, the banks can initiate action as per their policy and rules in this regard. In case it is found that the beneficiary has diverted the subsidy for any purpose, other than for which the assistance was provided,
- he/she shall be liable to repay the entire amount of subsidy immediately with a penal interest of 9% per annum.
- He/she shall become ineligible for any assistance under the scheme, in future.
- 22.1 The SCAs are expected to provide all possible assistance and cooperation to the banks for timely recovery of loan from the beneficiaries. They will also take appropriate measures to ensure that the beneficiaries do not divert the assistance for any other purpose.
- 22.2 District level Vigilance Committees to be set up under the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 would monitor the implementation of the Scheme and hold quarterly meetings with the banks etc. to review the status of the implementation of the Scheme.
- 23. For monitoring the progress of implementation of the Scheme, an exclusive interactive website would be launched, on which data would be uploaded at district/State and National level. Arrangements for online submission of application for loan/subsidy would be made to ensure transparency in the procedure. Further, name of beneficiaries alongwith their details and benefit provided to them would also be displayed on the website. The status of the sanction/ disbursement of loan would be intimated to the

concerned beneficiaries online or by return email also by the concerned authorities.

- 23.1 System of 'Toll Free Number' may be introduced by the SCAs so that the beneficiaries may be able to settle their queries instantly and they may also be allowed to register their names for availing the financial assistance under the scheme of SRMS.
- 23.2 The progress of implementation of the Scheme will be monitored by NSKFDC and other apex level agencies, identified for the purpose.
- 23.3 The National Commission for Safai Karamcharis may, in accordance with its terms of reference, review the implementation of programmes and schemes, social and economic rehabilitation of the manual scavengers. The scheme will be concurrently evaluated by an independent agency and expenditure on this would be met out of the funds earmarked under the head 'Miscellaneous and administrative expenses' under the Scheme.
- 24. In order to bridge the gap between liberation and rehabilitation of manual scavengers, the scheme will be linked with the programme of conversion of dry latrines in co-ordination with the Ministry of Housing and Urban Poverty Alleviation(MoH&UPA) and municipal bodies at State/local levels. As various Ministries of Government of India and State Governments are implementing different developmental programmes, efforts will be made to converge the benefits with other existing programmes so as to give a meaningful package to the target group. The mechanism of Central Monitoring Committee (CMC) as provided in the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' would be utilised for this purpose.

# Annexure-I

State/UT -wise no. of Insanitary Latrines as per 'Houselisting and Housing Census, 2011'

S. No.	State/UT	Total number of households	No. of H Nightsoil disposed into open drain	Serviced Manually	Sub Total (4+5)	Serviced by animal	Total (6+7)	% of col. 8 to col. 3
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
	ALL INDIA	246,692,667	1,314,652	794,390	2,109,042	497,236	2,606,278	1.06
1	UTTAR PRADESH	32,924,266	151,717	326,082	477,799	80,291	558,090	1.7
2	WEST BENGAL	20,067,299	78,446	130,330	208,776	72,289	281,065	1.4
3	JAMMU & KASHMIR	2,015,088	64,479	178,443	242,922	13,109	256,031	12.71
4	ANDHRA PRADESH	21,024,534	165,673	10,357	176,030	52,767	228,797	1.09
5	MAHARASHTRA	23,830,580	154,331	9,622	163,953	45,429	209,382	0.88
6	TAMIL NADU	18,493,003	149,455	27,659	177,114	26,020	203,134	1.1
7	ASSAM	6,367,295	54,381	22,139	76,520	35,394	111,914	1.76
8	RAJASTHAN	12,581,303	94,061	2,572	96,633	8,781	105,414	0.84
9	KARNATAKA	13,179,911	61,802	7,740	69,542	28,995	98,537	0.75
10	BIHAR	18,940,629	39,246	13,587	52,833	35,009	87,842	0.46
11	ODISHA	9,661,085	30,567	26,496	57,063	24,222	81,285	0.84
12	NCT OF DELHI	3,340,538	68,424	583	69,007	633	69,640	2.08
13	MADHYA PRADESH	14,967,597	41,363	5,664	47,027	13,948	60,975	0.41
14	PUNJAB	5,409,699	28,274	3,465	31,739	9,460	41,199	0.76
15	MANIPUR	507,152	27,713	10,062	37,775	2,964	40,739	8.03
16	HARYANA	4,717,954	32,432	1,343	33,775	4,752	38,527	0.82
17	GUJARAT	12,181,718	25,234	2,566	27,800	4,890	32,690	0.27
18	JHARKHAND	6,181,607	9,317	1,836	11,153	5,986	17,139	0.28
19	KERALA	7,716,370	12,052	3,011	15,063	1,713	16,776	0.22
20	UTTARAKHAND	1,997,068	6,730	4,701	11,431	2,562	13,993	0.7
21	ARUNACHAL PRADESH	261,614	1,865	1,059	2,924	9,579	12,503	4.78
22	CHATTISGARH	5,622,850	4,881	736	5,617	3,484	9,101	0.16
23	TRIPURA	842,781	3,760	830	4,590	3,733	8,323	0.99
24	MEGHALAYA	538,299	1,792	1,962	3,754	4,126	7,880	1.46
25	NAGALAND	399,965	1,208	786	1,994	2,481	4,475	1.12
26	HIMACHAL PRADESH	1,476,581	3,069	310	3,379	561	3,940	0.27
27	GOA	322,813	667		667	3,151	3,818	1.18
28	MIZORAM	221,077	583	121	704	562	1,266	0.57
29	PUDUCHERRY	301,276	638	133	771	88	859	0.29
30	DADRA & N. HAVELI	73,063	55	168	223	28	251	0.34
31	A.& N. ISLANDS	93,376	151	11	162	57	219	0.23
32	SIKKIM	128,131	93		93	126	219	0.17
33	CHANDIGARH	235,061	164		164	32	196	0.08
34	DAMAN & DIU	60,381	29	16	45	14	59	0.1
35	LAKSHADWEEP	10,703	0	0	0	0	0	-

Source: Census, 2011

# Annexure-II

# Indicative Projects/Activities

S. No.	Range	Indicative Projects/Activities/Schemes
1	Upto Rs.25000	Agricultural Sector:
		Mixed Farming, Bee keeping
		Service Sector:
		Tea Leaf Shop, Tea Stall, Cane Bamboo Shop, General Store, Singar Shop, Statue Making, Carpentry, Rickshaw, Sale of Steel
		Utensils, Gift Items Shop, Flower Shop, Egg Business, Rice
	1.1	Selling, Badi/Papad Making, Readymade Garments, Masons,
	1.	Mobile Repairing, TV/Domestic Appliances Repairing,
	0.4	Electrician, Plumbing & Mason, Fruit & Vegetable Vendor &
		Meat Shop, Paan Shop,.
2	From Rs.25001	Agricultural Sector:
	to Rs.50000	Goatary, Dairy, Poultry, Duckery.
		Service Sector:
	700	Beauty Parlour, Fotwear Shop, Readymade Garments,
	180	Domestic Appliances Repairing, Electronic Shop, CD/
		Cassettes Shop, Fast Food, Photo Studio, Dice Polishing,
		Imitation Jewellery, Gift Stall, Cycle repairing, Barber Shop,
		Tailoring Shop, Flour Mill, Bicycle Hiring and Repairing
	Elever .	Industrial Sector:
		Wooden Photo frame, Handmade bricks, Jali Pillars, Herbal
		Cosmetics, Rakhee / Decorative Jhallers
3	From Rs.50001	Agricultural Sector:
	to Rs.1.00 lakh	Poultry, Goatery, Milch Animals.
		Service Sector:
		Fabrication Work, Shuttering, Computer, Carpentry Business,
		Fertilizer Shop, Mobile Repair, Battery binding & repairing,
		Two/Four wheeler repairing, Barber Shop, Auto-rickshaw
		(Petrol), Automobile Repair Shop, Photocopier Booth, General
		Provision Store, Beauty Parlour and Music Store etc.
		Industrial Sector:  Broom Stick Artificial Jawellery Paper Jute & Cloth Bags &
		Broom Stick, Artificial Jewellery, Paper, Jute & Cloth Bags & folders, Paper envelopes & File covers, Air bag/purse, Halwai
		Chappal, Surgical Bandages making, Paper cup & plates
		manufacturing, Socks manufacturing.
4	From Rs.1.01	Agricultural Sector:
	lakh to Rs.5.00	Land Purchase, Poultry Farming, Plants Nursery, Vermi

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S. No.	Range	Indicative Projects/Activities/Schemes
	lakh	Composting, Medicinal and Aromatic Plants, Sericulture and Mulberry Farming, Mushroom Cultivation, Tractor, Power Tiller, Horticulture.  Service Sector:  Dhabas/Mini Hotel, Advocate Office, Bricks Sale, Travel Agency, Medical Shop, Internet Cafe, Plastic Lamination, Repairing of Agricultural equipments, Dry cleaning, dyeing & draping, Transport, Denting & Painting of Vehicles and Domestic Gadgets, Sanitary & Hardware Shop, Servicing & Repair of Domestic electrical Appliances, Tent House, Band Party, Readymade Garments Shop, Agriculture and allied activities including Non-land based schemes like Tractor, Trolley, Poultry Farming.  Industrial Sector:  Broom making, Brush making, Hollow Bricks and Jallis Making, Printing Press, Black Smith, Embroidery/Jari Work, Machine Screw Manufacturing, Surgical Bandage Manufacturing, Silver Ornaments, Footwear Manufacturing, Herbal Shampoo Manufacturing, Tyre Retreading, Citronella Oil Manufacturing, Silver Ornaments.
5	From Rs.5.01 lakh to Rs.10.00 lakh	Service Sector: Mini Hotels/Motels, Dhaba, Transport Sector: Bolero, Mahindra Jeep, Innova, Qualis, TATA Sumo, Micro Bus(RTV)  Industrial Sector Rice Mill, Stone Crusher, Hosiery unit, Mineral Soda Water Plant
6	For More than Rs.10.00 lac	Sanitary based equipments Vacuum loader, Suction Machine with Vehicle, Garbage Disposal Vehicle, Pay & use toilets etc

# Annexure-III

# **Details of Training Trade/Courses with Duration**

S.No.	Trade/Areas	Courses	Duration in Months
1	Computer Technology	Computer Hardware Assembling & services	3
		Computer Software	3
		Basic Computer Application	3
	-: -	Certificate Course in Data Processing	3
		Certificate Courses in Office Automation & Internet	3
	1	PC, Monitor & Printer Repair & Servicing	4
		Certificate Courses in Computer Hardware Maintenance	4
		Computer software and Tally	6
		Adv. Diploma in Software Tech.	6
		AUTO CAD	12
2	Apparel Technology	Smart Checker	1
		Smart Operator (Sewing Machine) (Basic)	1.5
%		Embroidery	3
		Embroidery & Jerry work	3
		Cutting & Tailoring/ Fashion Designing	3 ,
		Woolen Shawl Embroidery Caps & Shocks	3
		Himachali Craft (Rumal & Dolls Making)	3
		Fashion Designing	3
		Fashion Designing and use of fancy dress material	3
		Readymade Garments Mfg.	3
		Himachali Shawl Weaving and Designing Training	6

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S.No.	Trade/Areas	Courses	Duration in Months
3	Electric/ Electronics Technology	Mobile Repair	2
		Repairs of Electrical Appliances & Domestic Wiring etc.	3
		Mobile repair including Hardware and Software	3
		Motor Rewinding	3
		Consumer Electronic Products- repairs & maintenance	3
		Certificate Course in Camera (Still Photography)	3
	,	Advance Certificate Course in Television Reporting.	3
		Videography & Photography	3
		Certificate Course in Video Editing	6
4	Automobiles	LMV Driving	1
		L.T. Motor Driving cum Advance Mechanism Training	3
		Automobile Repairs & Servicing	3
		Motor driving and basic mechanism	6
5	Vocational	Eco-Tourism Training	1
		Dona Pattal Mfg.	1.5
		Paper Bags, Paper Envelops, Gift Bags, File Cover etc.	2
	-	Aerometric Candles	2
		Beauty culture and skin care	2
		Beautician	3

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S.No.	Trade/Areas	Courses	Duration in Months
		Packaging, Grading, Labeling and Marketing Techniques for Local Products	3
		Beauty culture and skin care	3
		Air Travel Fare Ticketing & Airport Handling	6
		Holistic Beauty Culture	12
Š.		Travel & Tourism Management	. 12
6	Household	Himachali Food cum Fast Food Training	1
		Fruit Processing	1
		Soft Toys	1.5
		Food Processing and Preservation	1.5
		Soft Toys	2
		Fruit Processing	2
		Himachali Food cum Fast Food Training	3
		Soft Toys and fancy Handicrafts	3
		Regizine Bag & Seat cover mfg.	3
		Imitation Jewelry	3
7	Construction	Wooden Work / Craft Items	3
		Plumbing & Sanitary work	3
	,	Raj Mistry	3
		Steel Fabrication	3
		Security Guards	6
		Sanitary Inspector	12
8	Entrepreneurship Development Programme	EDP	1

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# Indicative list of Training Programmes of duration of more than one year

S. No.	Name of Training Programme	Duration (months)	Minimum Qualification	Organising Agency/
1.	Laboratory Asstt./Attendant Operator (Chemical Plant)	24	SSLC	,
2.	Draughtsman (Civil/Mech.)	24	SSLC	1
3.	Electronic Mechanic	24	SSLC	
4.	Information Technology & Electronics System	24	SSLC	ITIs
5.	Lift Mechanic, Machinist, Maintenance Mechanic, Machanic	24	SSLC	
6.	Radiologist	24	12th	
7.	Surveyor	24	SSLC	
8.	Wireman	24	8th	
9.	Dental Laboratory Technician	24	SSLC	
10.	Diploma in Radiation and Imaging Tech.	18		
11.	Diploma in Medical Lab Technology	18		Apollo Med-Skills
12.	Diploma in Cardiac Non-invasive Tech.	18		Ltd.
13.	Diploma in Operation Theatre Tech.	18		
14.	Diploma in Dialysis Tech	18		
15.	Diploma in Ward Secretary	18		
16.	Junior Basic Teacher's Training	24	12th	Teachers Training Institutes
17.	Nursing Courses	Upto 24 months	SSLC/12th	Nursing Training Institutes
18.	Textile Wet Processing	14	SSLC	KVIC

Annexure-IV

Details of Proposed Trade/Courses of Training & the Activities/Schemes for which loan may be disbursed

Computer Schware   3   yes   Hardware	တ် လို	Trade/Areas	Courses	Duration in Months	Job Employment	Upto Rs.1.00 lakh	From Rs.1.01 lakh to Rs.5.00 lakh	From Rs.5.01 lakh to Rs.10.00 lakh	For More than Rs.10.00 lac
Hardware	-	Computer Technology	Computer Hardware Assembling & services	0					
Besic Computer Application         3         yes         Service Shop           Certificate Course in Data         3         yes         Computer Job           Automation & Internet         4         Computer Job         Work shop           PC, Monitor & Printer Repair & Servicing         4         Hardware Repair & Servicing           Certificate Courses in Clinicate Courses in Computer Software Maintenance         4         Hardware Repair & Service Shop           Adv. Diploma in Software and Tally         6         yes         Service Shop           Tech.         Autro CAD         12         Service Shop           Apparel         Autro CAD         12         Autro Software Shop Job Work           Apparel         Smart Checker         1         Yes         Talloring Shop           Machine) (Basic)         1.5         Yes         Talloring Shop			Computer Software	0	yes		Hardware Repair &		
Certificate Course in Data       3       yes       Computer Job         Automation & Internet       3       4       Mork shop         Automation & Printer Repair & Servicing       4       Hardware         Certificate Courses in Computer Hardware       4       Hardware         Maintenance       4       Hardware         Computer Software and Tally       6       yes         Adv. Diploma in Software       6       yes         Apparell       Smart Checker       1       Yes         Apparell       Smart Operator (Sewing       1.5       Yes			Basic Computer Application	3	yes		Service Shop		
Automation & Internet Automation & Internet BC, Monitor & Printer Repair & 4 Bepair & Servicing Certificate Courses in Computer Hardware Maintenance Maintenance Computer Hardware Maintenance Maintenance Adv. Diploma in Software Adv. Diploma in Software Adv. Diploma in Software Adv. Diploma in Software Tech. AUTO CAD Tech. AUTO CAD Technology Smart Checker Technology Techn			Certificate Course in Data Processing	8	yes				
PC, Monitor & Printer Repair & 4 Servicing Computer Hardware Maintenance and Tally 6 yes Computer Software and Tally 6 yes Service Shop Adv. Diploma in Software 6 yes Computer Software 12 Adv. Diploma in Software 6 yes Computer Shop for Tech.  AUTO CAD 12 Apparel Smart Checker 1 Yes Talloring Shop for AutoCAD Job Work Machine) (Basic) 1.5 Yes Talloring Shop			Certificate Courses in Office Automation & Internet	6			Computer Job Work shop		
Certificate Courses in Computer Hardware Maintenance Maintenance Maintenance Computer Software and Tally 6 yes Service Shop Adv. Diploma in Software 6 yes Computer Schop for Shop for Shop for Shop for Shop for Shop for Shop for AUTO CAD 12 Yes Talloring Shop for Auto CAD 1.5 Yes Talloring Shop Smart Checker 1 Yes Talloring Shop Smart Checker 1 Yes Talloring Shop Shop Shop Shop Shop Shop Shop Shop			PC, Monitor & Printer Repair & Servicing	4			Hardware Repair & Service Shop		
Adv. Diploma in Software 6 yes Service Shop Tech. Auto CAD Auto CA			Certificate Courses in Computer Hardware Maintenance	4			Hardware		
Apparel Adv. Diploma in Software 6 yes Computer Shop for AUTO CAD 12 Shop for AUTOCAD Job Work Autocad Job Work 15 Yes Tailoring Shop Machine) (Basic) 1.5 Yes Tailoring Shop			Computer software and Tally	9	yes		Repair & Service Shop		
Autocab 12 Computer Shop for Autocab Job Work autoperator (Sewing 1.5 Yes Tailoring Shop Machine) (Basic)			Adv. Diploma in Software Tech.	9	yes				
Apparel Smart Checker 1 Yes Smart Operator (Sewing 1.5 Yes			AUTO CAD	12			Computer Shop for AUTOCAD Job Work		
Apparel Smart Checker 1 Yes Technology Smart Operator (Sewing 1.5 Yes									
1.5 Yes	01	Apparel Technology	Smart Checker	-	Yes				
			Smart Operator (Sewing Machine) (Basic)	1,5	Yes	Tailoring Shop			

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es S	Trade/Areas	Courses	Duration in Months	Job Employment	Upto Rs.1.00 lakh	From Rs.1.01 lakh to Rs.5.00 lakh	From Rs.5.01 lakh to Rs.10.00 lakh	For More than Rs.10.00 lac
		Embroidery	ෆ		Embroidery &			
		Embroidery & Jerry work	ю		Jerry work			
		Woolen Shawl, Embroidery, Caps & Socks	60					
		Himachall Craft (Rumal & Dolls Making)	е			Manufacturing Shop		
		Himachali Shawl Weaving and Designing Training	9					
		Cutting & Tailoring/ Fashion Designing	6					
		Fashion Designing	e			Fashion		
	-	Fashion Designing and use of fancy dress material	6			Designing		
		Readymade Garments Mfg.	3		Tailoring Shop			
6	Electric/ Electronics Technology	Mobile Repair	2		Mobile Repair Shop			
		Repairs of Electrical Appliances & Domestic Wiring etc.	ю		Repair & Maintenance of Household items shop			
		Mobile repair including Hardware and Software	6			Mobile Sale & Repair Shop		
		Motor Rewinding	e	Yes	Electrician Shop			

For purchase of vehicle For purchase of vehicle (including Sanitation (including Sanitation Rs.10.00 lac Vehicles) Vehicles) Related Related For More than For purchase of vehicle For purchase lakh to Rs.10.00 lakh From Rs.5.01 of vehicle Videography & Videography & From Rs.1.01 lakh to Rs.5.00 lakh Photography Video Editing Photography Repair Shop Automobile Studio for Studio for Shop Upto Rs.1.00 lakh of Household Maintenance items shop Repair & Job Employment Yes Yes Yes Yes Duration Months က ෆ e က 8 က e Advance Certificate Course in Television Reporting. L.T. Motor Driving cum Advance Mechanism Training Certificate Course in Camera (Still Photography) Videography & Photography Certificate Course in Video Editing Automobile Repairs & Servicing Consumer Electronic Courses Products-repairs & maintenance LMV Driving Automobiles Trade/Areas s è 4

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si Š	Trade/Areas	Courses	Duration in Months	Job Employment	Upto Rs.1.00 lakh	From Rs.1.01 lakh to Rs.5.00 lakh	From Rs.5.01 lakh to Rs.10.00 lakh	For More than Rs.10.00 lac
		Motor driving and basic mechanism	9	Yes				
	THE PROPERTY OF			AND STREET, ST				
2	Vocational	Dona Pattal Mfg.	5.		Paper Utensil Manufacturing Shop			
		Paper Bags, Paper Envelops, Gift Bags, File Cover etc.	64		Paper Utensil Manufacturing Shop		R	
		Beauty culture and skin care	8			Beauty		
		Packaging, Grading, Labeling and Marketing Techniques for Local Products	၈	Yes				
		Air Travel Fare Ticketing & Airport Handling	9			Travel Agent Shop		
		Holistic Beauty Culture	12			Beauty Parlour		
ì		Travel & Tourism Management	12			Travel Agent Shop		
				Marie Continue	STATE	The state of the s		
9	Household	Himachali Food cum Fast Food Training	М	Yes		Dhaba/ Restaurant		
		Fruit Processing	-	Yes	Fruit Processing Shop			

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-	Trade/Areas	Courses	Duration in Months	Job Employment	Upto Rs.1.00 lakh	From Rs.1.01 lakh to Rs.5.00 lakh	From Rs.5.01 lakh to Rs.10.00 lakh	For More than Rs.10.00 lac
		Food Processing and Preservation	1,5			Food Processing Unit		
		Soft Toys and fancy Handicrafts	0			Fancy Item Shops		
		Regizine Bag & Seat cover mfg.	ю			Upholstery manufacturing shop		
		Imitation Jewlary	ဧ			Imitation Jewelry Shop		
E-30-50	Section of the second							
-	Construction	Wooden Work / Craft Items	6			Furniture shop		
		Plumbing & Sanitary work	60	Yes		Hardware Shop		
		Raj Mistry	3	Yes				
		Steel Fabrication	9	Yes		Steel Fabrication Unit		
		Security Guards	9	Yes				
		Sanitary Inspector	12	Yes				

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

# THE EMPLOYMENT OF MANUAL SCAVENGERS AND CONSTRUCTION OF DRY LATRINES (PROHIBITION) ACT, 1993



# CHAPTER I

## PRELIMINARY

## Short title, application and commencement.

- (1) This Act may be called the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.
  - (2) It applies in the first instance to the whole of the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and to all the Union territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of Article 252 of the Constitution.
  - (3) It shall come into force in the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and in the Union territories on such date as the Central Government may, by notification, appoint and in any other State which adopts this Act under clause (1) of Article 252 of the Constitution, on the date of such adoption.

#### Definitions.

- In this Act, unless the context otherwise requires,-
  - (a) "area", in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification;
  - (b) "building" means a house, out-house, stable, latrine, urinal, sheet house, hut, wall (other than a boundary wall) or any other structure whether made of masonry, bricks, wood, mud, metal or other material;
  - (c) "dry latrines" means a latrine other than a water-seal latrine;
  - "environment" includes water, air and land and the interrelationship which exist among and between water, air and land and human beings, other living creatures, plants, microorganism and property;
  - (e) "environmental pollutant" means any solid, liquid or gaseous substance present in such concentration as may be, or tend to, be injurious to environment;
  - (f) "environmental pollution" means the presence in the environment of any environmental pollutant;
  - (g) "Executive Authority" means an Executive Authority appointed under sub-Section (1) of Section 5;
  - (h) "HUDCO" means the Housing and Urban Development Corporation Limited, a Government company registered by that name under the Companies Act, 1956;

- "latrine" means a place set apart for defectation together with the structure comprising such place, the receptacle therein for collection of human excreta and the fittings and apparatus, if any, connected therewith;
- "manual scavenger" means a person engaged in or employed for manually carrying human excreta and the expression "manual scavenging" shall be construed accordingly;
- (k) "notification" means a notification published in the Official Gazette;
- "prescribed" means prescribed by rules made under this Act;
- (m) "State Government", in relation to a Union territory, means the Administrator thereof appointed under Article 239 of the Constitution;
- (n) "water-seal latrine" means a pour-flush latrine, water flush latrine or a sanitary latrine with a minimum water-seal of 20 millimetres diameter in which human excreta is pushed in or flushed by water.

## CHAPTER II

# PROHIBITION OF EMPLOYMENT OF MANUAL SCAVENGERS, ETC.

- (1) Subject to sub-section (2) and the other provisions of this Act, with effect from such date and in such area as the State Government may, by notification, specify in this behalf, no person shall-
  - engage in or employ for or permit to be engaged in or employed for any other person for manually carrying human excreta; or
  - (b) construct or maintain a dry latrine.
  - (2) The State Government shall not issue a notification under subsection (1) unless-
    - it has, by notification, given not less than ninety days' notice of its intention to do so;
    - (ii) adequate facilities for the use of water-seal latrineş in that area exist; and
    - (iii) it is necessary or expedient to do so for the protection and improvement of the environment or public health in that area.

Prohibition of employment of manual scavengers etc. Power to exempt.

4. The State Government may, by a general or special order published in the Official Gazette, and upon such conditions, if any, as it may think fit to impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, if it is satisfied that compliance with such provisions or such requirement is or ought to be exempted or dispensed with in the circumstances of the case.

## CHAPTER III

# IMPLEMENTING AUTHORITIES AND SCHEMES

Appointment 5, of Executive Authorities and their powers and functions.

- (1) The State Government may, by order published in the Official Gazette, appoint a District Magistrate or a Sub-Divisional Magistrate, as an Executive Authority to exercise jurisdiction within such area as may be specified in the order and confer such powers and impose such duties on him, as may be necessary to ensure that the provisions of this Act are properly carried out and the Executive Authority may specify the officer or officers, subordinate to him, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.
- (2) The Executive Authority appointed under sub-Section (1) and the officer or officers specified under that sub-Section shall, as far as practicable, try to rehabilitate and promote the welfare of the persons who were engaged in or employed for as manual scavengers in any area in respect of which a notification under sub-Section (1) of Section 3 has been issued by securing and protecting their economic interests.

Power of State Government to make schemes.

6. (1)

The State Government may, by notification, make one or more schemes for regulating conversion of dry latrines into, or construction and maintenance of, water-seal latrines, rehabilitation of the persons who were engaged in or employed for as manual scavengers in any area in respect of which a notification under subsection(1) of section 3 has been issued in gainful employment and administration of such scheme and different schemes may be made in relation to different areas and for different purposes of this Act:

Provided that no such scheme as involving financial assistance from the HUDCO shall be made without consulting it.

- In particular, and without prejudice to the generality of the foregoing power, such schemes may provide for all or any of the following matters, namely:
  - time-bound phased programme for the conversion of dry latrines into water-seal latrines:
  - provision of technical or financial assistance for new or alternate low cost sanitation to local bodies or other agencies;
  - construction and maintenance of community latrines and regulation of their use on pay and use basis;
  - (d) construction and maintenance of shared latrines in slum areas or for the benefit of socially and economically backward classes of citizens:
  - (e) registration of manual scavengers and their rehabilitation;
  - specification and standards of water-seal latrines;
  - (g) procedure for conversion of dry latrines into water-seal latrines;
  - licensing for collection of fees in respect of community latrines or shared latrines.
- Notwithstanding anything contained in any other law but subject to the other provisions of this Act, the State Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in writing to any person, officer or local or other authority and such person, officer or a local or other authority shall be bound to comply with such directions.

Power of State Government to isome directions.

All Executive Authorities, all officers and other employees of such authorities including the officers authorized under sub-section (1) of section 5, all inspectors appointed under sub-section (1) of section 9 and all officers and other employees authorized to execute a scheme or order made under this Act, when acting or purporting to act in pursuance of any provisions of this Act or the rules or schemes made or orders or directions issued thereunder, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Executive authorities, inspectors, officers and employees of such authorities to be public servants.

45 of 1860.

9. (1) The State Government may, by notification, appoint such persons as it may think fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

Appointment of inspectors and their powers of entry and inspection.

(2) Every inspector within the local limits of jurisdiction of an Executive Authority shall be subordinate to such authority.

- Subject to any rules made in this behalf by the State Government, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any place for the purpose of
  - performing any of the functions of the Executive Authority entrusted to him:
  - (b) determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules, orders or schemes made thereunder or any notice, order, direction or authorisation served, made, given or granted under this Act is being or has been complied with:
  - (c) examining and testing any latrine or for conducting an inspection of any building in which he has reason to believe that an offence under this Act or the rules, orders or schemes made thereunder has been or is being or is about to be committed and to prevent or mitigate environmental pollution.
- (1) On receipt of information with respect to the fact or apprehension of any occurrence of contravention of the provisions of section 3, whether through intimation by some person or on a report of the inspector or otherwise, the Executive Authority shall, as early as practicable, besides taking any other action under this Act, direct the owner or occupier of the premises to take such remedial measures, as may be necessary, within such reasonable time as may be specified therein and in case the owner or occupier, as the case may be, fails to comply with such directions, cause such remedial measures to be taken as are necessary to prevent or mitigate the environmental pollution at the cost of such owner or occupier of the premises.

Power of Executive Authority to prevent environmental pollution in certain cases.

- (2) The expenses, if any, incurred by the Executive Authority with respect to the remedial measure referred to in sub-section (1), together with interest at such rate as the State Government may specify from the date when a demand for the expenses is made until it is paid, may be recovered by such authority or agency from the person concerned as arrears of land revenue or of public demand.
- 11. (1) Notwithstanding anything contained in its Memorandum of Association or Articles of Association or schemes for the grant of loans for housing and urban development, it shall be the duty of assistance in

Duty of HUDCO to extend financial certain cases.

HUDCO to extend, in suitable cases, financial assistance for the implementation of such schemes for the construction of water-seal latrines as may be made under section 6.

- (2) The financial assistance referred to in sub-section (1) may be extended by HUDCO on such terms and conditions (including on easy and concessional rates of interest) and in such manner as it may think fit in each case or class of cases.
- 12. Any order or scheme which the State Government is empowered to make under this Act may notwithstanding the absence of any express provision to that effect, provide for levy of fees in respect of-

Power to levy fee.

- (a) community latrines constructed under a scheme on pay and use basis; or
- (b) shared latrines constructed under a scheme; or
- (c) supply of copies of documents or orders or extracts thereof; or
- (d) licensing of contractors for construction of water-seal latrines; or
- (e) any other purpose or matter involving rendering of service by any officer, committee or authority under this Act or any rule, direction, order or scheme made thereunder;

Provided that the State Govt. may, if it considers necessary so to do, in the public interest, by general or special order published in the Official Gazette, grant exemption on such grounds as it deems fit from the payment of any such fee either in part or in full.

- 13. (1) The Central Government may, by notification, constitute
  - (a) one or more Project Committees for appraising of the schemes for the construction of water-seal latrines in the country;
  - (b) one or more Monitoring Committees to monitor the progress of such schemes;
  - (c) such other committees for such purposes of the Act and with such names as the Central Government may deem fit.
  - (2) The composition of the committees constituted by the Central Government, the powers and functions thereof, the terms and conditions of appointment of the members of such committees and other matters connected therewith shall be such as the Central Government may prescribe.
  - (3) The members of the committees under sub-section (1) shall be paid such fees and allowances for attending the meetings as may be prescribed.

Constitution of committees.

- (4) The State Government may, by notification, constitute-
  - (a) one or more State Co-ordination Committees for coordinating and monitoring of the programmes for the construction of water-seal latrines in the State and rehabilitation of the persons who were engaged in or employed for as manual scavengers in any area in respect of which a notification under sub-section (1) of section 3 has been issued;
  - (b) such other committees for such purpose of the Act and with such names as the State Government may deem fit.
- (5) The composition of the committees constituted by the State Government the powers and functions thereof, the terms and conditions of the members of such committees and other matters connected therewith shall be such as the State Government may prescribe.
- (6) The members of the committees under sub-section (4) shall be paid such fees and allowances for attending the meetings as may be prescribed.

## CHAPTER IV

# PENALTIES AND PROCEDURE

14. Whoever fails to comply with or contravenes any of the provisions of this Act, or the rules or schemes made or orders or directions issued thereunder, shall, in respect of each such failure or contravention be punishable with imprisonment for a term which may extend to one year or with fine, which may extend to two thousand rupees, or with both; and in case the failure or contravention continues, with additional fine which may extend to one hundred rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention. Penalty for contravention of the provisions of the Act and rules, orders, directions and schemes.

Offenses by companies. 15. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had

- exercised all due diligence to prevent the commission of such offence.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or such other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation .- For the purposes of this Section,-

- (a) "company" means any body corporate and includes a firm or other association of individuals; and
- (b) "director", in relation to a firm, means a partner in the firm.

Offences to be cognizable.  Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable.

2 of 1974.

Provision in relation to jurisdiction.

- (1) No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.
  - (2) No prosecution for any offence under this Act shall be instituted except by or with the previous sanction of the Executive Authority.
  - (3) No Court shall take cognizance of any offence under this act except upon a complaint made by a person generally or specially authorized in this behalf by the Executive Authority.

Limitation of prosecution. 18. No Court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of the complainant.

## CHAPTER V

## MISCELLANEOUS

Information, reports or returns. 19. The Central Government may, in relation to its functions under this Act, from time to time, require any person, officer, State Government or other authority to furnish to it, any prescribed authority or officer any reports, returns, statistics, accounts and other information as may be deemed necessary and such person, officer, State Government or other authority, as the case may be, shall be bound to do so.

20. No suit, prosecution or other legal proceedings shall be against the Government or any officer or other employee of the Government or any authority constituted under this Act or executing any scheme made under this Act or any member, officer or other employee of such authority or authorities in respect of anything which is done or intended to be done in good faith in pursuance of this Act or the rules or schemes made, or the orders or directions issued, thereunder.

Protection of action taken in good faith.

21. (1) Subject to the provisions of sub-section (2), the provisions of this Act, the rules, schemes or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, custom, tradition, contract, agreement or other instrument.

Effect of other laws and agreements inconsistent with the Act.

- (2) If any act or omission constitutes an offence punishable under this Act and also under any other Act, then, the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.
- (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.

Power of Central Government to make rules.

- (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
  - (i) the composition of the Project Committees, Monitoring Committees and other committees constituted by the Central Government under sub-section (1) of section 13, the powers and functions thereof, the number of members and their terms and conditions of appointment and other matters connected therewith:
  - (ii) the fees and allowances to be paid to the members of the committees constituted under sub-section (1) of section 13.
- (3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the

case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

23. (1) The State Government may, by notification, make rules, not being a matter for which the rules are or required to be made by the Central Government, for carrying out the provisions of this Act. Power of State Government to make rules.

- (2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-
  - the composition of the State Co-ordination Committees and other committees constituted by the State Government under sub-section (4) of section 13, the powers and functions thereof, the number of members and their terms and conditions of appointment and other matters connected therewith;
  - the fees and allowances to be paid to the members of the committees constituted under sub-section (4) of section 13;
  - (iii) any other matter which is required to be, or may be prescribed.
- (3) Every rule and every scheme made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

Power to remove difficulties.

- 24. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:
  - Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.
  - Every order made under this Section shall, as soon as may be after it is made, be laid before each House of Parliament.