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**STANDING COMMITTEE ON SOCIAL JUSTICE AND
EMPOWERMENT
(2012-13)**

(FIFTEENTH LOK SABHA)

**MINISTRY OF SOCIAL JUSTICE AND
EMPOWERMENT**

**THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS
AND THEIR REHABILITATION BILL 2012**

THIRTY SECOND REPORT



**LOK SABHA SECRETARIAT
NEW DELHI**

March, 2013/Phalguna, 1934(Saka)

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AND THEIR REHABILITATION BILL 2012

Presented to Lok Sabha on 4.3.2013

Laid in Rajya Sabha on 4.3.2013



LOK SABHA SECRETARIAT
NEW DELHI

March, 2013/Phalguna, 1934(Saka)

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**COMPOSITION OF THE STANDING COMMITTEE ON SOCIAL JUSTICE AND
EMPOWERMENT (2012-2013)**

SHRI HEMANAND BISWAL - CHAIRMAN

**MEMBERS
LOK SABHA**

2. Shri M. Anandan
3. Smt. Susmita Bauri
4. Shri Devidhan Besra
5. Shri Tarachand Bhagora
6. Smt. Rama Devi
7. Shri Gorakh Prasad Jaiswal
8. Shri Mohan Jena
9. Shri Dinesh Kashyap
10. Shri Kirodi Lal Meena
11. Kumari Meenakshi Natarajan
12. Shri Wakchaure Bhausahab R.
13. Smt. Sushila Saroj
14. Shri N. Dharam Singh
15. Shri Pradeep Kumar Singh
16. Dr. Naramalli Sivaprasad
17. Shri Lalit Mohan Suklabaidya
18. Shri Kabir Suman
19. Vacant
20. Vacant
21. Vacant

**MEMBERS
RAJYA SABHA**

22. Smt. Jharna Das Baidya
23. Shri Avtar Singh Karimpuri
- *24. Shri Rishang Keishing
25. Shri Mangala Kisan
26. Shri Ahmad Saeed Malihabadi
27. Prof. Mrinal Miri
28. Shri Jesudasu Seelam
29. Shri Mohammad Shafi
30. Shri Shivpratap Singh

31. Shri Shankarbhai N. Vegad

* Resigned from the Committee w.e.f. 22.2.2013

LOK SABHA SECRETARIAT

1. Shri Devender Singh - Joint Secretary
2. Smt. Anita Jain - Director
3. Shri Kusal Sarkar - Additional Director
4. Smt. Neena Juneja - Committee Officer

INTRODUCTION

I, the Chairman of the Standing Committee on Social Justice and Empowerment having been authorized by the Committee to submit the Report on their behalf, do present this Thirty-second Report of the Committee on "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012" pertaining to the Ministry of Social Justice and Empowerment.

2. The Bill was introduced in Lok Sabha on 3.9.2012 and was referred to the Committee by the Hon'ble Speaker, Lok Sabha on 9.9.2012 under Rule 331E (b) of the Rules of Procedure and Conduct of Business in Lok Sabha for examination and report.

3. The Committee obtained written information on various provisions contained in the aforesaid Bill from Ministry of Social Justice and Empowerment, who also briefed them at their sitting held on 1.11.2012.

4. Written suggestions and memoranda were sought from the some of the NGOs working in the field of rehabilitation of manual scavenging namely, Safai Karamchari Andolan, Sulabha International Social Service Organization and Rashtriya Garima Abhiyan. The Sulabha International Social Service Organization gave no suggestions stating that they found the Bill to be in order. Safai Karamchari Andolan forwarded certain suggestions and also deposed before the Committee. Suggestions were also received from Shri P.S. Krishnan, IAS (Retired). Written information was also received obtain from the Ministries of Urban Development, Housing and Urban Poverty Alleviation, Drinking Water and Sanitation and Railways.

5. The Committee, at their sitting held on 6.12.2012 heard the views of an NGO (Safai Karamcharis Andolan) on the Bill.

6. The Committee took oral evidences of the Ministries of Urban Development, Housing and Urban Poverty Alleviation, Drinking Water and Sanitation and Railways on 11.1.2013 and Ministry of Social Justice and Empowerment on 21.1.2013. The representatives of the Ministries of Law and Justice (Legislative Department), Urban Development, Housing and Urban Poverty Alleviation, Drinking Water and Sanitation and Railways were also present at the meeting held on 21.1.2013.

7. The Committee undertook on-the-spot study visit to Bengaluru, Chennai and Hyderabad and interacted with NGOs, Railway Safai Karamcharis, Chief Secretaries of Karnataka, Tamil Nadu and Andhra Pradesh and Railway authorities in connection with implementational aspects of the Bill. The observations of the Committee are based on the appraisal of the suggestions received, views expressed by NGOs, evidences of the Ministries of Social Justice and Empowerment, Urban Development, Housing and Urban Poverty Alleviation, Drinking Water and Sanitation and Railways as also the deliberations of the study visit.

8. The Committee considered and adopted the Draft Report on “The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012” at their sitting held on 27.2.2013.

9. The Committee wish to express their thanks to the officials of the Ministries of Social Justice and Empowerment, Urban Development, Housing and Urban Poverty Alleviation, Drinking Water and Sanitation and Railways, representatives of Ministry of Law and Justice (Legislative Department), State Governments of Karnataka, Tamil Nadu and Andhra Pradesh and NGOs for their cooperation in placing before them their considered views and perceptions on the provisions of the Bill and for furnishing written notes and information that the Committee had desired in connection with the examination of the Bill.

10. For facility of reference and convenience, the observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

New Delhi;
27 February, 2013
8 Phalguna, 1934 (Saka)

HEMANAND BISWAL,
Chairman,
Standing Committee on Social
Justice and Empowerment.

REPORT

BACKGROUND

1.1 The obnoxious practice of manual scavenging or engaging fellow human beings into cleaning the untreated human excreta is a blot on our society. Deeply concerned about liberating the manual scavengers from the inhuman task of carrying night soil, the Parliament enacted The Employment of manual scavengers and construction of Dry Latrine (Prohibition) Act, 1993. The law prohibits construction and or maintenance of dry latrines and employment of manual scavengers. However, as brought out by census 2011, there are still 26 lakh insanitary latrines in the country where nightsoil is either being deposited into open drains or removed manually. This abominable practice of manual scavenging which persists in various parts of the country violates the constitutional right of human dignity.

1.2 To eradicate this dehumanizing practice and to gainfully rehabilitate human scavengers, the Government introduced "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012" (Hereinafter, the Bill) in Lok Sabha on 3.9.2012 (**Annexure-I**). The Bill was referred to the Standing Committee on Social Justice and Empowerment on 9.9.2012 for examination and making a report thereon.

1.3 The Statement of Objects and Reasons of the Bill, states that elimination of dry latrines and manual scavenging and the rehabilitation of manual scavengers in alternate occupations has been an area of high priority

for the Government. Despite the concerted efforts made in the past to eliminate the dehumanizing practice of manual scavenging, the practice still persists in various parts of the country. Existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging from the country. These evils are inconsistent with the right to live with dignity which is an essence of the Fundamental Rights guaranteed in Part III of the Constitution. Further, there is a related problem of serious health hazard and safety of the workers employed in the manual cleaning of sewers and septic tanks. It is also felt that the existing laws are not stringent enough to eliminate these evil practices. In view of the above, there is a need to make comprehensive and stringent provisions for the prohibition of insanitary latrines and employment of persons as manual scavengers, rehabilitation of manual scavengers and their families and to discontinue the hazardous manual cleaning of sewers and septic tanks by the use of technology and for matters connected therewith. With a view to eliminate manual scavenging and insanitary latrines and to provide for the rehabilitation of manual scavengers, a multi-pronged strategy has been worked out in the provisions of the Bill, which consists of legislative as well as programmatic interventions. The Bill seeks to achieve the above objectives.

1.4 There have been concerted efforts in the past to eliminate the dehumanizing practice of Manual Scavenging. Even though sanitation is a State subject as per entry 6 of the Constitution, however, taking into

consideration the seriousness of the problem and the resolutions passed by the legislatures of six States (Andhra Pradesh, Karnataka, Maharashtra, Goa, West Bengal & Tripura), the Parliament has enacted **The Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act, 1993**, under Article 252 ("Power of Parliament to legislate for two or more States by consent and adoption of such legislation by any other State") of the Constitution. The Act came into force w.e.f. 26.1.1997 in all the Union Territories and the above six States. Subsequently, 19 other States also adopted it. The remaining three States viz. Himachal Pradesh, Jammu & Kashmir and Rajasthan have their own Acts. A copy of the 1993 Act is enclosed as **Annexure-II**.

- 1.5 The Ministry of Social Justice and Empowerment is implementing the scheme of Rehabilitation of Manual Scavengers (SRMS). Though all the concerned State Governments had confirmed in June, 2010 that all eligible and willing manual scavengers had been rehabilitated in alternative occupations under SRMS, the National Advisory Council (NAC) in a resolution dated 23.10.2010, inter alia, observed that;

"(i) The National Advisory (NAC) is deeply distressed to observe that the shameful practice of manual scavenging persists in India, despite being outlawed. This practice involves entrapping women, men and even children only because of the accident of their birth, into a humiliating vocation of gathering human excreta from individual or community dry toilets with bare hands, brooms or metal scrapers. It is intolerable that this endures, and is the worst surviving symbol of untouchability. The persistence of dry latrines in various parts of the country violates human dignity, the law and articles 14, 17, 21 and 23 of the Constitution. (ii) In 1993, Parliament passed the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act,

1993, which declared the employment of scavengers or the construction of dry (non-flush) latrines to be an offence punishable with imprisonment for up to one year and a fine of two thousand rupees. But central, state and local governments have been very weak in implementing this law, and almost no one has been punished under this law in 17 years. Local bodies themselves routinely run dry toilets and employ people of specific castes to clean these manually. (iii) One basic problem so far is that the effort has been viewed by governments more as an issue of sanitation, than an issue of human dignity as guaranteed to all citizens in the Preamble of the Constitution".

- 1.6 The Ministry of Housing and Urban Poverty Alleviation is the nodal Ministry for implementing The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. However, to focus on human dignity of the manual scavengers, the Cabinet Secretariat, vide its O.M. dated 17.8.11, conveyed its decision that the Ministry of Social Justice and Empowerment would handle the work relating to the new Bill.

House listing and Housing Census 2011

- 1.7 House listing and Housing Census 2011' data released by the Registrar General of India in March, 2012, shows that there are still some 26 lakh insanitary latrines in the country. They have given the following broad, category-wise break-up:-

Table 1.7: Insanitary Latrines as per Census 2011

<u>Category</u>	<u>Approx. No.</u>
a. Latrines from which Nightsoil is disposed into open drain;	13 lakh
b. Service latrines in which nightsoil is: -	
i) removed by humans,	8 lakh

and ii) serviced by animals.	5 lakh
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An abstract of the total households in the country, those with and without latrines, and with different types of latrines, is enclosed at **Annexure-III**. The State/Union Territory wise figures of various types of insanitary latrines are given in **Annexure-IV**.

1.8 Elaborating on the Census Data, the Ministry of Urban Development stated that;

"As per 2011 Census, 81.40% urban households are having latrine facility and the remaining 18.60% households are sharing both public latrines (6.00%) and defecating in open (12.60%). Out of 81.40% households having latrine facility, 38.20% households are having septic tanks, 32.70% households are connected with pipe sewerage system, 8.80% households are having pit latrines (single & double, etc.) and 1.70% of households are having insanitary latrines (connected to open drains, night soil removed by human, dry and bahao etc.)".

1.9 When the issue of the number of insanitary latrines was discussed with the representatives of the Ministry of Social Justice, the Secretary submitted;

"Let me clarify, Sir. The Registrar General has given a report in which he *inter-alia*, talks about only insanitary latrines. He has not canvassed the number of manual scavengers. In the Census data form in which they collect the data, there are various columns. One of the columns pertains to the kind of latrine that is available inside the house. So, based on the replies received throughout the country; the Registrar General of India has arrived at the conclusion that there are three kinds of latrines which can be termed as insanitary latrines".

1.10 Further the Secretary, Ministry of Social Justice informed that State Governments have disputed the data and have filed affidavits in the Supreme Court. He deposed before the Committee;

"They have filed affidavits. I do not think they have carried out any survey. I am presuming that they have not carried out any survey because if they had carried out a survey, then they would have shared the data and the result with everybody. We have not received any reports from the State Governments saying that they have carried out a survey in the State and based on the results of the survey their conclusion is that there is no insanitary latrine in the States and there are no manual scavengers. They have certainly filed affidavits to that effect in the Supreme Court but they have not shared any such report with us".

1.11 Explaining on the need for a stronger legislation in view of the census data 2011, the Ministry stated that;

"It would be seen from the Census, 2011 data that the problem of insanitary latrines and therefore manual scavenging still persists in the country. Therefore, a need was felt for a stronger Central legislation to eliminate these twin evils i.e. insanitary latrines and manual scavenging as well as for the proper rehabilitation of the remaining manual scavengers. Further the 1993 Act's ambit was only dry latrines and manual scavengers engaged therein, whereas, in reality, all the above three categories of insanitary latrines i.e. those from which night soil is disposed into open drain or removed by human and serviced by animals may entail manual scavenging."

A. GENERAL

2.1 The Ministry of Social Justice and Empowerment has enumerated the shortcomings in the 1993 Act which have been addressed in the new Bill as mentioned below:-

Table 2.1: Comparison between the Act of 1993 and the Bill.

SI No.	Provision	1993 Act	The Bill
1.	Prohibition of Dry/Insanitary Latrines	prohibits "dry latrines"	prohibits "insanitary latrines".
2.	Definition of Dry/Insanitary Latrines	"dry latrine" as any latrine, other than a water-seal latrine	" insanitary latrine ", in a more specific manner, as one which requires human excreta to be cleaned or otherwise handled manually, before complete decomposition, either <i>in situ</i> or in an open drain or pit into which the excreta is discharged or flushed.
3.	Definition of Manual Scavenger	a person employed for "manually carrying human excreta"	a person employed 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..."
4.	Prohibition of hazardous manual cleaning of sewer & septic tanks in the 1993 Act.	No Provision	Clause 7 prohibits this.
5.	Penal Provisions	1 st contravention- upto 1 year of imprisonment	<u>For violation of provisions of prohibition of insanitary</u>

SI No.	Provision	1993 Act	The Bill
		and fine upto Rs. 2000/-.	<p><u>latrines and manual scavenging</u> 1st contravention- upto 1 year of imprisonment and fine upto Rs. 50000/-, or both. Double in case of 2nd and subsequent offences.</p> <p><u>For violation of provisions of prohibition of hazardous cleaning of septic tanks and sewers</u> 1st contravention- upto 2 years of imprisonment and fine upto Rs. two lakh. In 2nd and subsequent offences - 5 years and fine upto Rs. Five lakh, or both.</p>
6.	Offences to be Cognizable and Non-bailable	Cognizable	Cognizable and non-bailable.
7.	Jurisdiction of Courts	Metropolitan Magistrate or Judicial Magistrate of the 1 st Class	Executive Magistrate may be conferred powers to the or Judicial Magistrate of the 1 st Class
8.	Identification of Manual Scavengers and their Rehabilitation	No provision for survey and identification	Detailed provisions for identification.
9.	Implementation mechanism	DM or SDM is to be appointed as executive authority for implementation of the Act.	Appropriate Govt. shall confer powers on local authority and District Magistrates to carry out provisions of this Act.
10.	Vigilance Mechanism	Central and State Govts. may constitute committees of various kinds.	Vigilance and Monitoring Committees shall be constituted at the Sub-division, District, State and Central Levels. National Commission for Safai Karamcharis (NCSK) to monitor implementation of the Act.

SI No.	Provision	1993 Act	The Bill
11.	Responsibility of Local Authorities to provide Sanitary Community Latrines	No such obligation.	Mandatory.
12.	Cognizance of offence	Upon a complaint made by a person generally or specially authorized in this behalf by the Executive Authority (Section 17(3))	Upon a complaint is made by a person. (Clause 10)

2.2 Asked whether the new legislation will supersede the existing Employment of Manual Scavengers and Constructions of dry latrines (Prohibition) Act 1993, The Ministry replied that the present Bill has an overriding clause, which reads as follows:-

“Clause 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.”

The Ministry further clarified that by virtue of the above provision in the Bill, the existing Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 would become practically infructuous.

2.3 Further, when it was enquired whether the Ministry wanted two laws instead of one consolidated and comprehensive one, the Ministry submitted;

"The Ministry of Law and Justice was consulted regarding repeal of the 1993 Act. It was advised by them that the repeal of the 1993 Act would have to follow the same procedure, as was followed for its enactment i.e. resolution by two or more State Govts. for its repeal and thereafter adoption of the repeal Act by each State. This would have only delayed the new legislation".

Stake-holders in the implementation of the proposed Legislation

2.4 The Ministries of Urban Development, Housing and Poverty Alleviation and Drinking Water and Sanitation of the Central Government are implementing sanitation related schemes, the details of which are given as under :-

- (i) Ministry of Urban Development is responsible for broad policies and programmes and assists State Governments / UTs in providing technical assistance in sanitation.
- (ii) Ministry of Housing and Urban Poverty Alleviation has been vested with the responsibility to monitor the implementation of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The Ministry is responsible for implementation of the Integrated Low Cost Sanitation Scheme in the urban area.
- (iii) Ministry of Drinking Water & Sanitation is implementing the Nirmal Bharat Abhiyan Scheme for rural areas.
- (iv) The Ministry of Railways is to be involved in the implementational aspect of the Bill to prevent manual scavenging on railway lines and railway lands.

2.5 When asked about the mechanism of coordination of these Ministries, it was informed that a Central Monitoring Committee under the Chairmanship of Cabinet Secretary has been constituted which coordinates with various

Ministries in regard to the issues regarding manual scavenging. The Committee reviews the progress of eradication of manual scavenging and rehabilitation of manual scavengers, periodically. The Members of the Committee are the Secretaries of the Ministries concerned with the subject.

Scheme on Assistance for Mechanical Cleaning of Sewers and Septic Tanks

2.6 The Bill prohibits the engaging or employing of persons for hazardous cleaning of sewers and septic tanks. The Ministry of Urban Development have informed that Hon'ble supreme Court of India has directed the need for proper equipment, adequate protection and safety gears to sewer workers who enter into the manhole for cleaning blocks. The Central Monitoring Committee under the Chairmanship of the Cabinet Secretary at its meeting held on 31.8.2012 while reviewing the implementation of the "Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993", recommended that a "Scheme on Assistance for Mechanical Cleaning of Sewers and Septic Tanks" may be formulated by the Ministry of Urban Development, Government of India. The scheme which is under finalization by this Ministry envisages to switch over from manual cleaning to mechanical cleaning of sewers & septic tanks with the objective to eliminate the need for engaging sanitation workers for the hazardous cleaning of sewers and septic tanks manually.

2.7 Elaborating on the scheme in response to a query during evidence, the Secretary, Ministry of Urban Development stated :-

"the proposed scheme envisages provision of 100 per cent financial support to the municipalities for procurement and mechanical devices for cleaning of sewers and septic tanks for five year period ending 2017 of the 12th Five Year Plan and the Operation and Maintenance cost for one year for cleaning of the sewers and septic tanks with the objective of providing mechanical devices for cleaning of sewers and septic tanks for elimination of manual cleaning of sewers and septic tanks; and switching over to mechanical means and also providing training of the existing sanitation workers."

2.8 In regard to monitoring mechanism, the Secretary deposed :-

"We have also proposed that for prioritising the towns, the State Government would constitute State level sanctioning and monitoring committee and the scheme would be implemented by the Ministry of Urban Development with a separate Mission Directorate with the post of Mission Director at the level of Joint Secretary and supporting staff of Directors etc., and a project management unit. The Mission Director is to be the nodal officer for handling the scheme.

We have also proposed an inter-Ministerial group. The overall progress of eradication of manual scavenging shall be monitored by the inter-Ministerial group headed by the hon. Minister for Urban Development. Other members will include the hon. Ministers from related Ministries such as HUPA Ministry, Finance, Environment and Forests, Social Justice and Empowerment, and the Planning Commission. The IMG shall meet at least once in a year for overall monitoring of the progress and the status of eradication of manual scavenging. That is the proposal in our scheme".

Integrated Low Cost Sanitation Scheme for Urban Areas

2.9 The Ministry of Housing & Poverty Alleviation has been implementing the scheme of ILCS (Revised) in the urban areas of the country since 2008 in order to facilitate the State Government in the task of conversion of all reported Dry Latrines into sanitary twin pit pour flush toilets for the Economically Weaker Section (EWS) households. Through conversion of dry latrines this Scheme envisages eradication of Manual Scavenging. Both

Manual Scavengers and EWS households who are generally vulnerable sections of the society are benefited under the scheme.

2.10 As informed by the Ministry of HUPA the revised ILCS was implemented during the 11th Plan (2008-12) with a target to convert 6 lakh dry latrines estimated by States, with an outlay of Rs. 545.16 crores. These figures were changed by the State Governments after the reported house to house survey conducted by the States in all municipal areas. Funds were eventually sought to eliminate 2,51,963 dry latrines (Rs. 214.572). Sanctions were accorded for conversion of all reported dry latrines and States have reported that they have been successfully completed. There was a provision to approve 25% of this for New Construction of toilets to EWS beneficiaries having no latrines.

2.11 Main features of the revised scheme are:-

- (i) Unit cost of twin pit pour flush latrines increased from Rs. 10,000/- to Rs. 15,000/- (for Hilly areas from Rs. 12,500 to Rs. 18,750/-).
- (ii) In case the States decide to adopt environment friendly and maintenance free technologies like bio-toilets/eco-san toilets or any other such innovative technologies, additional funding of 15%, over and above the normal cost is provided.
- (iii) The above costs are financed by Central subsidy-75%, State subsidy - 15% and the remaining 10% - beneficiary share.

The Scheme also has provision for construction of new sanitary toilets where none exists for which 25% of the budget is utilized. The following are the achievements during the last three years, under the Scheme:-

Table 2.11: Achievements of Integrated Low Cost Sanitation Scheme

Year	No. of units sanctioned	Central Subsidy Released to States (Rs. in crore)	Central Subsidy Utilized by States (Rs. in crore)
2009-10	42,662	62.50	51.40
2010-11	30,418	99.43	56.56
2011-12	69,296	53.23	5.95
Total	142,376	215.16	113.91

2.12 Responding to a query regarding the continuation of the ILCS, the Secretary, Ministry of Housing and Urban Poverty Alleviation submitted as follows :-

"The Cabinet allowed us to continue with the ILCS programme till March, 2014. And we have also revised the support system that we wanted to give. The original support of Rs.10,000 per toilet was revised to Rs.15,000. In difficult cases it became Rs.18,000. And we also kept some provision.

So, effectively, even without getting any information from the State Governments about the existence of the dry latrines and about the existence of the manual scavenging, the Cabinet has already approved for us an extension of the scheme for two more years and then we have also released the guidelines. So, we have got whatever money is required and that is Rs.350 crore odd. That has been sanctioned and this has been informed to the State Governments".

2.13 Elaborating on the fundamental differences of the two legislations and definition of dry latrine and of manual scavenging, the Secretary apprised the Committee as follows :-

"Here the definition of dry latrines has been expanded. So it is not only dry latrine which is cleaned, now it is also converted to an insanitary latrine in which it is said in a more specific manner where excreta is cleaned or otherwise handled manually before complete decomposition either in situ or in an open drain or pit into which the excreta is discharged or flushed.

So, the definition has been widened. Manually carrying of human excreta has also been changed. Now, we say that 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. The fundamentals are these two major differences".

The Secretary further desired that there was a need to further strengthen the administrative machinery in the municipalities of the towns and panchayats in implementation of the Bill, he deposed before the Committee;

"I cannot delink manual scavenging with toilets, community toilets, sewerage systems, drainage systems, etc. It is sanitation work. But these two bills make it mandatory for municipalities to provide all protection gears and provide mechanisation of things. So, we have been separately writing to the Ministry of Urban Development to please come up with a new scheme. It is because once it is passed, the Ministry of Urban Development, the State Governments and the municipalities will have to come up with new schemes. So, to answer to your question whether we come up with new scheme or not, may be we would not be required to come up but the Ministry of Urban Development and the State Governments will have to come up with new schemes to implement this Act".

Nirmal Bharat Abhiyan for Rural Areas

2.14 The Ministry of Drinking Water and Sanitation is implementing the Nirmal Bharat Abhiyan scheme to accelerate the progress of sanitation in rural areas. The objective of NBA is to achieve sustainable behavior change with provision of sanitary facilities in entire communities in a phased, saturation mode with 'Nirmal Grams' as outcomes. The new strategy is to transform rural India into 'Nirmal Bharat' by adopting community saturation

approach. NBA goal is to achieve 100% access to sanitation for all rural households by 2022.

2.15 The scheme of Nirmal Bharat Abhiyan has the following components :-

- Provision of incentive amount to Below Poverty Line (BPL) and identified Above Poverty Line (APL) for construction of Individual household latrines, **including for conversion of bucket latrine**, include the following:-

Unit cost of Individual Household Latrine – upto Rs. 10,000 (upto Rs. 10,500 for hilly and difficult areas), with the following break-up:-

- Central incentive -Rs. 3200 (Rs. 3700 in Hilly and difficult areas)
- State share -Rs. 1400
- Upto Rs. 4500 from convergence from MGMNREGA (20 mandays unskilled labour + 6 mandays skilled labour)
- Beneficiary share- Rs. 900
- Provision of Toilets in Schools and Anganwadis.
- Construction of Community Sanitary Complexes.
- Assistance to Production Centers of sanitary materials and Rural Sanitary Marts
- Solid and Liquid Waste Management

The achievements made by the Ministry of Drinking Water & Sanitation during the last three years, under the Scheme are as under:-

Table 2.15:- Achievements made by Ministry of Drinking Water & Sanitation in NBA.

Year	Total Central Assistance Released to States (Rs. in	Central Assistance Utilized by States for construction of Individual Household	No. of Individual Household Latrines constructed (In
------	---	--	---

	crore)	Latrines (Rs. in crore)	lakh)
2009-10	1038.85	906.50	124.08
2010-11	1175.07	814.91	122.43
2011-12	1440.59	847.31	87.99
Total	3654.51	2568.72	334.50

2.16 When asked about the workability of the NREGA in the amount allocated, the Secretary, Ministry of Drinking Water and Sanitation submitted before the Committee during evidence :-

"The States have reported that convergence with NREGA is not in practice workable easily because of the coordination problems on the ground. Therefore, the Ministers of the State Governments who were present on the 21st of December 2012 suggested that we should delink our programme from NREGA and add that money in our scheme so that it is coordinated at one place".

2.17 When asked about the fund requirement of the scheme, the Secretary, Ministry of Drinking Water and Sanitation informed the Committee that the requirement was about Rs. 5200 crore for the next year from the Planning Commission.

2.18 Further, the Ministry has informed that since 1999, over 8.97 crore toilets have been provided for rural households under the TSC/NBA. A significant achievement has also been made in the construction of 12.58 lakh school toilet units and 4.24 lakh Anganwadi toilets. The cumulative achievements against project objectives as reported by the States through the

on-line Monitoring system maintained by the Ministry as of November, 2012 under NBA/TSC are as under :-

Table 2.18:- Achievements of Project Objectives in Construction of Latrines

Component	Sanctioned	Achievement	%
Individual household latrines	12,57,26,727	8,97,42,398	71.38
School Toilet Units	13,75,234	12,58,181	91.49
Anganwadi Toilets	5,34,931	4,24,434	79.34
Community Complexes	33,684	25,174	74.74

2.19 Regarding provision of toilets in schools etc., the Secretary informed that there was a Supreme Court order on this and they were pressing for it by writing to State Governments to achieve this target because the Supreme Court will ask for States' affidavits.

2.20 The Ministry further informed the Committee that the State wise number of villages having night soil removed by humans as per information received from Registrar General of India (RGI) have been forwarded to all States for making detailed, time bound Action Plans and set up robust monitoring mechanisms for conversion of all dry latrines into sanitary latrines.

Manual Scavenging on railway coaches, tracks and railway land

2.21 The Ministry of Railways have informed that they have about 7114 Mail/Express/Ordinary trains (as per Year Book 2010-11) (including Meter Gauge (MG) and Narrow Gauge (NG)) being run daily on IR's network. These are having direct discharge or Controlled Discharge Toilet System type of toilets where human excreta is directly discharged on the track.

2.22 When asked further, they have informed that:-

"For dealing with general cleanliness at stations, more and more mechanical cleaning gadgets are being introduced and better types of cleaning agents are being used to achieve improved standard of cleanliness at railway stations. Contracts are given for supply of machines like scrubbers, high pressure jet cleaners, mops, etc. Railways are also providing washable aprons (Ballast less track) on platform lines at railway stations with jet cleaning arrangements. Zonal Railways have been directed to provide long stick brooms and jet pipes to the workers involved in cleaning at stations and also provide them with protective gear and aprons. It is planned to proliferate IR-DRDO bio-toilets in passenger coaches on large scale and provision of vacuum toilets in coaches of certain selected trains. A project for trial of aircraft type vacuum toilets in Shatabdi Express is also under process".

2.23 On the issue of Bio-toilets, the Ministry have informed that it is planning to induct IR-DRDO (Indian Railways-Defence Research & Development Organization) bio-toilets progressively in Indian Railways' passenger coaches. If there is no technical/safety/operational set back during the development and induction process with such a design of bio-toilets, IR is targeting to eliminate production of new coaches fitted with direct discharge system by 2016-17 and elimination of direct discharge system from all coaches by 2021-22.

The Ministry have furnished the following data regarding the funds spent on environment friendly toilets during last five years:-

Table 2.23 : Expenditure by Railways on Environment friendly toilets

2007-08	Rs. 2,96,26,400/-
2008-09	NIL
2009-10	NIL
2010-11	Rs. 49,32,321/-
2011-12	Rs. 2,53,13,480/-

2.24 Regarding the bio-toilets, the Ministry have informed that it is IR's endeavor to provide environment friendly bio-toilets in all coaches at the earliest. Indian Railways is a pioneer in the adoption of this indigenous bio-technology jointly developed with DRDO (Defence Research & Development Organization) which is being used for the first time in the railway coaches. There is no precedence of use of this indigenously developed technology in any other railway system in the world. So far these toilets have been fitted in new coaches because securing arrangement of bio-tank needs to be carried out in a conducive environment. Highly skilled workmanship and special welding technique is required for the welding of brackets and mounting of bio-tanks as these tanks are to be fitted below the coach and any fitment failure during run can adversely affect safety of the train.

2.25 The Ministry have also specified certain problems being faced in the Indian Railways in implementation of bio-toilets in coaches such as:-

- (1) Clogging of the toilets: The bio-toilets are found clogged due to passengers throwing polythenes /plastics/napkins/bottles etc, into the toilet.
- (2) Fitment problem of mounting brackets: Some cases of welding failures in the mounting brackets have been observed in few of the coaches fitted with bio-toilets that are running in service.
- (3) In new coaches the mounting arrangement is done when the under frame of the coach is in upside down position. This cannot be done in

case of an existing coach, as coach cannot be over turned. Thus, retrofitment of the bio-toilets in the existing in-service coaches can only be done when the headstock of the coach is being changed, as there are welding/fitment constraints in the old coaches, etc. apart from other technical problems.

2.26 When the representatives of the Ministry of Railways was asked about the steps taken to ensure that railway employees do not get down on the tracks to clean the human excreta, he stated before the Committee :-

"Our efforts is to avoid manual handling of excreta falling on platform. For this, surface should be such as the excreta may pass into the drain. As you have told that the employees have to get down the platform, this situation must be avoided. There are 390 such platforms where trains mostly stop in morning rather than in evening time and surface being not as stated above, the safai karamcharis have to work hard and have to get down the platform to clean the excreta. For this a plan has been formulated to construct the platforms with concrete. An amount of one to one and half of crores is likely to be incurred on this. For this sanctioning power has been delegated to the Manager and if sanction is required from the Board that, also, has been done. There are some problems in implementation of this since the trains also run in the same period and stoppages are required to be given to them".

Study Tour of the Standing Committee on Social Justice on implementational aspects of the Bill.

2.27 As the implementation of the proposed legislation at the ground level has to be done by State Governments and local authorities, the Committee during the study tour to Bengaluru, Chennai and Hyderabad (5th to 9th February, 2013) interacted with Principal Secretaries of the Social Welfare Departments and Other State Government officials on how the new Bill would

be enforced to eradicate manual scavenging and rehabilitate the manual scavengers. The representatives of the State Governments were wholeheartedly in favour of the Bill though they put emphasis on strengthening of local bodies for undertaking the task. The Committee, further interacted with some NGOs and Railways Safai Karamcharis. They submitted that most of the safai karamcharis were hired on contract basis. Moreover, there was inadequacy in the health & safety measures of the Safai Karamcharis.

2.28 It was also brought to the notice of the Committee that as per the definition of the manual scavenger, the practice of handling human excreta was not considered an offence if the excreta was fully decomposed. However, the representatives of the safai karamcharis expressed serious apprehension that the sanitary staff may be asked to handle or remove the human excreta not really decomposed and therefore pleaded for providing safeguards in this behalf.

2.29 In oral submission before the Committee during the Study tour, the representatives of one of the NGO pointed out that while Government are no more engaging the manual scavengers/sanitation worker directly, they are outsourcing these jobs by awarding Contract to private firms. They brought to the notice of the Committee that a prominent private firm, which have a Pan India presence, was getting the sanitation contract regularly and employing the very same persons who have been retrenched/rehabilitated by the Government, at a much lower salary, thereby depriving them of the statutory

salary and other benefits. The representatives of the NGO urged the Committee to look into the matter and make suitable recommendations so that these contracts are awarded to the local NGOs, working in this field, which in turn could negotiate better remuneration and benefits for the sanitation workers.

General Observations/Recommendations

- 3.1 The Committee note that in order to eradicate the dehumanizing practice of manual scavenging, the Government enacted "The Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act, 1993" under Article 252 of the Constitution of India. The Act declares the employment of manual scavengers and construction of dry latrines to be a punishable offence. Although some State Governments are reported to have filed affidavits in the Supreme Court claiming there were no insanitary latrines or manual scavengers in their State, the Census 2011 has reported 26 lakhs insanitary latrines in the country. Concerned over the persisting obnoxious practice of manual scavenging and the inefficacy of the 1993 Act to eradicate manual scavenging lock, stock and barrel, the Government introduced the Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 in Lok Sabha on 3.9.2012. The Bill seeks to eliminate manual scavenging and insanitary latrines and to provide for**

the rehabilitation of manual scavengers through a multi-pronged strategy consisting of legislative and programmatic interventions. The Committee welcome the laudable objects of the new Bill. The Committee are optimistic that the new Act and the rules to be framed there-under would be implemented with utmost sincerity and with a sense of purpose so that the new legislation attains its intended objectives within the given time frame.

3.2 During their Study Tour to Karnataka, Tamil Nadu and Andhra Pradesh in February (5th to 9th) 2013, the Committee noted with satisfaction that representatives of State Governments and municipalities whole heartedly welcomed the proposed legislation. The representatives of the Government of Andhra Pradesh however, did indicate that the stipulated time of 9 months for demolition of the existing insanitary latrines and converting them into sanitary ones, was rather short, given the enormity of the task and the time involved in denovo identification of manual scavengers and the insanitary latrines. Mindful of the federal structure, the Committee note that the successful implementation of the new Act would largely depend on how the Corporations, Municipalities and Other Local Bodies like the Gram Panchayats are motivated and geared up for meeting the challenges to be thrown up by the new Act. Undoubtedly, the entire Governmental apparatus need to be revamped by strengthening the executing agencies by providing them with adequate human resources, latest

equipment and gadgets and above all adequate funds well on time. Besides the statutory provisions of the new Act, the implementing agencies and officers would require utmost understanding of the socio-economic conditions of the hapless manual scavengers. They consider it incumbent upon the Government to liberate and rehabilitate the manual scavengers in terms of section 13 of the Bill without outsourcing these jobs to the private NGOs / firms with a view to ensuring that they do not relapse in the same pernicious practice. The Committee would also like to caution the Government to ensure that the proposed law does not become a double edged sword for penalizing the unsuspecting poor people. The Committee recommend that, subject to their willingness, and the relevant provisions of the Constitution of India, efforts should be made to suitably employ the manual scavengers in the municipalities, corporations and other local bodies.

3.3 The Committee note that Clause 29 of the Bill provides for setting up of a Central Monitoring Committee, comprising the Secretaries of various stakeholder Ministries to look into the implementational aspects of the Bill. As a corollary to this, Committee feel that there should also be coordination at Ministerial Level for making the entire exercise more effective and fruitful. The Committee therefore, recommend that an Inter Ministerial Group (IMG) also be formed to oversee the implementation of the new Act and the rules to be framed thereunder. This would remove the bottlenecks, overlapping of functional jurisdiction of various

Ministries and provide greater vigor and unified direction in addressing the need for effective inter-ministerial coordination.

3.4 The Committee note with concern that under the new legislation, a great responsibility devolves on the Ministry of Railways so far as Manual Scavenging is concerned. There are reportedly about 7114 mail/express/ordinary trains which have direct discharge or controlled discharge system type of toilets. The Committee have been informed that the Railways have started constructing concrete washable aprons under the railway tracks at important stations so that the safai karamcharis can clean the track with high pressure water jet cleaning system, instead of doing it manually. The Committee recommend the construction of more such concrete aprons on all railway stations in a time bound manner.

3.5 The Committee also find that allocation of funds for environment friendly toilets during the last five years was either nil or very low with an allocation of only Rs. 2,53,13,480 in 2011-12. The Committee recommend that the Ministry of Railways should seek more allocation of funds for conversion of all toilets into bio-toilets in the Twelfth Five Year Plan itself for completely eliminating all direct discharge toilets to escape penalty under the Act.

3.6 As part of the multi-pronged strategy of the Government, the Ministry of Urban Development have been entrusted with the responsibility for formulating a scheme on 'Assistance for Mechanical

Cleaning of Sewers and Septic Tanks'. The proposed scheme envisages a provision of 100 percent financial support to the municipalities for procurement of mechanical devices for cleaning of sewers and septic tanks for five years period ending 2017. The Ministry have also proposed that the State Governments should constitute State Level Sanctioning and Monitoring Committee. Keeping in view the Supreme Court's direction for providing equipments, adequate protection and safety gears to those who enter the manhole for cleaning blocks, the Committee recommend that the scheme on 'Assistance for Mechanical Cleaning of Sewers and Septic Tanks' should be finalized and executed within the timeframe as stipulated in the new Bill. The Committee also desire that funds sought under the scheme should be allocated by the Planning Commission in the financial year 2013-14 itself so as to aid the municipalities in the implementation of the Act. The State Governments should also be sensitized about this since manual cleaning of septic tanks and sewers is banned in the Bill.

3.7 The Committee note that the Government are running schemes like Nirmal Bharat Abhiyan in Rural Areas and the Integrated Low Cost Sanitation Scheme for occupiers of insanitary latrines in Urban Areas for people belonging to BPL and other categories of EWS. The Committee would like these schemes to be extended to all 'occupiers' irrespective of their economic status. The Committee feel that this would go a long way in implementing the provisions of the proposed

legislation. Since the existence of insanitary latrines would give rise to manual scavenging, the Committee are of the considered view that there has to be a proactive participation of both the Government and the Owners / Occupiers of such latrines for bringing in a swift end to this scourge. Taking note of the piecemeal approach adopted by the Act of 1993 and its failure to address the problem, the Committee strongly feel that it is incumbent upon the Central Government to finance and fund the entire project of demolition of insanitary latrines and constructions of sanitary latrines in close cooperation with the State Governments. Money should not be a constraint for eradicating such a pernicious practice which is a blot on human dignity and a matter of shame for the entire nation.

B. CLAUSE-WISE AND ISSUE-WISE ANALYSIS OF THE BILL

Preamble of the Bill

4.1 *"AND WHEREAS the dehumanizing 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";*

4.2 **After hearing the submissions of the NGOs, the Committee feel that the wordings of the Preamble of the Bill are not strong enough to decry the centuries old practice of manual scavenging, which is an**

anathema to any civilized society. The Committee would therefore like the Government to consider the desirability or otherwise of incorporating, the words 'which is a National shame' after the words 'highly iniquitous caste system' in the Preamble of the Bill.

Chapter I Preliminary

- 4.3 The definition of Manual Scavengers in the Bill States:-
"Manual Scavengers" 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, 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 railways track or in such other spaces or premises, as the Central or a State Government may notify, before the excreta fully decomposes, and the expression "manual scavenging" shall be construed accordingly.
- 4.4 **The Committee find merit in the apprehension of safai karamcharis that they may be asked to handle human excreta which is not decomposed in the absence of any stipulated time period provided for decomposing or certification of decomposition by independent authority or expert. The Committee, therefore, desire that this aspect should be appropriately dealt with while framing the rules in this regard.**

CHAPTER-III Prohibition of Insanitary Latrines and Employment and Engagement as Manual Scavenger

- 4.5 Clause 5(2) (b) Proviso of the Bill states :-
- (i) *Provided further 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 :*
 - (ii) *Provided also 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.*

4.6 Keeping in view the recommendation in Para 3.7 of the Report, the second Proviso may be deleted.

4.7 Clause 6 of the Bill states :-

(1) Any contract, agreement or other instrument entered into or executed before the 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.

(2) Notwithstanding anything contained in sub-section (1), 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.

4.8 The Committee desire that their recommendation in Para 3.2 should be taken into consideration while implementing this Clause.

4.9 Clause 8 of the Bill states :-

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.

4.10 Asked to show justification for stringent penalty as specified in clause 8 and 9 of the Bill, the Ministry submitted in a written reply :-

"Appropriate penalty have been proposed to act as an effective deterrent for the violation of the provisions of the Act, and to ensure that the abominable practice of manual scavenging is eliminated forthwith".

4.11 **The Committee feel that although deterrent punishment for implementation of the Act is a necessity, this should be done after giving due consideration to the financial status of the occupier / owner of the insanitary latrine. The Committee are of the considered opinion that acceptance and implementation of the recommendation in Para 3.7 of the Report would take care of this aspect. The Committee further recommend that full and proper publicity be given to the provisions of the Act both in print and electronic media especially with regard to provisions dealing with financial and other assistance to be given to the affected families and the penal provisions against the occupiers of insanitary latrines.**

4.12 Clause 10 of the Bill states :-

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.

4.13 During the Study Visit of the Committee it was pointed out by some representative of the State Government that the time period of three months from the date of the occurrence of the offence is too long and it should be reduced to 30 days. The Committee would like the Government to give a thoughtful consideration to this suggestion.

CHAPTER-IV

Identification of Manual Scavengers in Urban and Rural, Areas and their Rehabilitation

4.14 Clause 11 of the Bill states :-

- (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.*
- (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.*

4.15 **Pilot Survey:** Explaining about the pilot survey, the Ministry have stated that the objective of the pilot phase of the survey was to start the survey in limited area so that the bugs in the survey methodology, forms etc. or problems of the main survey, if any, could be identified and corrected, before taking up full fledged survey in all the 3546 statutory towns of the country. The States/UT concerned have not reported any problem in conducting the pilot survey, except for a few suggestion with respect to the survey form. Further, in the light of pilot survey it was felt appropriate to review the methodology and efficacy of the existing survey guidelines recommended earlier by the Committee, for its finalization, with or without modifications. Accordingly, a meeting of the Committee was held on 23.1.2013 where it was inter alia decided to revise the survey guidelines and the form being used in the survey. The work of revision of the guidelines have been started.

4.16 **The Committee feel that since survey is a very important part of the whole process of implementation of the new legislation, it should be properly planned and conducted. The format should specifically mention the number of years the manual scavenger has been working in the profession with a cutoff date specified for eligibility in the guidelines of the survey so as to give benefit to the genuine persons. It has come to the notice of the Committee that some NGOs have been trying to register bogus manual scavengers. The Government should look at the**

preventive measures in this regard and make the procedure for identification and rehabilitation of manual scavengers as transparent as possible. The Committee feel that there should be some penal provision in the Bill for furnishing of false information to prevent bogus claims.

4.17 Clause 13 (l) of the Bill gives various provisions for rehabilitation of the manual scavengers.

4.18 In response to a query on the linking of 'Aadhar Card' to the scheme of rehabilitation, the Ministry have responded that 'Aadhar Card' will be considered for extending benefits of rehabilitation schemes to manual scavengers.

4.19 **The Committee note that a photo identity card containing inter-alia details of all members of the family dependent on him would be issued to the manual scavenger. The Committee desire that 'Aadhar Card' should be linked to the rehabilitation schemes. A suitable provision in this behalf needs to be made under the Rules to be framed under the Act.**

CHAPTER-V

Implementing Authorities

4.20 Clause 11 of the Bill states :-

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

- (a) *No person is engaged or employed as manual scavenger with 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; and*
- (d) *persons contravening the provisions of section 5, section 6 or section 7 are investigated and prosecuted under the provisions of this Act;*
- (e) *all provisions of this Act applicable within his jurisdiction are duly complied with.*

4.21 To a query that in case the DM or the authority concerned fails to discharge the duty within the given time, how the accountability of the DM or the designated authority would be ensured, the Ministry have stated that clauses 24 to 32 of the Bill will ensure accountability of concerned authorities. Further, negligence on the part of the officials in discharging their duties under the Bill, would make them liable for disciplinary action under the existing conduct rules.

4.22 **The Committee recommend that duties and responsibilities of the officials, concerned should be fixed and some penalty be imposed on them for delay in implementing the Act especially with regard to delay in granting various benefits under Clause 13 of the Act on the lines of**

the RTI Act, 2005, besides taking suitable administrative measures against them.

CHAPTER-VII Vigilance Committees, Clause 24 to 32

4.23 Clause 24, 25, 26, 27, 28 and 29 gives the details of the constitution of various Vigilance Committee, the State Monitoring Committees, the Central Monitoring Committees.

4.24 When it was enquired whether the constitution of so many monitoring agencies at different levels would not impinge upon one another's domain of functioning thereby causing delay in implementation of the various provisions of the Bill, the Ministry have stated;

"While the Committee at the Sub-division and District level would be mainly concerned with actual implementation of the Act, the Committees at the State and National Level would be monitoring the implementation of the Act on a regular and periodic basis. The State and National Commissions supervision is more of a nature of watchdog. Thus the multiplicity of the committees appears to be necessary".

4.25 **The Committee note that Vigilance and Monitoring Committees have been constituted at the sub-division, District, State and National level to oversee the implementation of the Act. The Committee recommend that there should be suitable representation of women in these Committees to the extent feasible. The Committee desire that the**

Government should consider more frequent meetings of these Committees and submit six monthly progress report to Parliament until the obnoxious practice is completely eradicated from across the country.

Subject to the foregoing observation and recommendations, the Committee recommend that necessary further action be taken by the Government in the matter to enact the Bill.

**NEW DELHI:
27 February, 2013
8 Phalgun, 1934 (Saka)**

**HEMANAND BISWAL
Chairman,
Standing Committee on
Social Justice and Empowerment**