

THE ASSAM STATE COMMISSION FOR SAFAI KARAMCHARIS BILL, 2023

**A
BILL**

to constitute the Assam State Commission for Safai Karamcharis and to provide for matters connected therewith or incidental thereto.

Preamble

Whereas it is expedient to provide for the constitution of a State Commission for Safai Karamcharis to safeguard the rights and interest and for redressal of the grievances of the Safai Karamcharis in the State and for matters connected therewith or incidental thereto.

It is hereby enacted in the Seventy-fourth Year of the Republic of India, as follows :-

**CHAPTER - I
PRELIMINARY**

Short title,
extent and
commencement

1. (1) This Act may be called the Assam State Commission for Safai Karamcharis Act, 2023.
- (2) It shall come into force at once.
- (3) It shall extend to the whole of the State of Assam.

Definitions

2. In this Act, unless the context otherwise requires,-
 - (a) "Chairperson" means the Chairperson of the Assam State Commission for Safai Karamcharis;
 - (b) "Commission" means the State Commission for Safai Karamcharis constituted under section 3;
 - (c) "Government" means the Government of Assam;
 - (d) "Member" means a Member of the Commission and includes the Chairperson, the Vice Chairperson and ex-officio Members;
 - (e) "notification" means notification published in the Official Gazette;
 - (f) "prescribed" means prescribed by rules made under this Act;
 - (g) "Safai Karamcharis" means a person engaged in, or employed for manually carrying human excreta or any sanitation work;
 - (h) "Vice Chairperson" means the Vice Chairperson of the Assam State Commission for Safai Karamcharis.

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CHAPTER - II
STATE COMMISSION FOR SAFAI KARAMCHARIS

Constitution of
the Assam State
Commission for
Safai Karamcharis

3. (1) The Government shall, by notification in the Official Gazette, constitute a body to be known as the Assam State Commission for Safai Karamcharis to exercise the powers conferred on, and to perform the functions assigned to it under this Act.
- (2) The Commission shall consist of the following Members nominated by the State Government, namely :-
- (a) A Chairperson to be nominated by the State Government.
 - (b) A Vice Chairperson to be nominated by the State Government.
 - (c) Eight other persons to be nominated by the State Government.
 - (d) The Director, Welfare of Scheduled Castes and Backward Classes and the Managing Director, Assam State Development Corporation for Scheduled Castes shall be ex-officio Members of the Commission.

Term of office
and conditions of
service of the
Chairperson, Vice
Chairperson and
Members

4. (1) The Chairperson, Vice Chairperson and every Member other than the ex-officio Members, shall hold office for a term of three years from the date he assumes office.
- (2) The Chairperson, Vice Chairperson and a Member other than ex-officio Members may, by writing under his hand addressed to the State Government, resign from the office of the Chairperson, Vice Chairperson or of Member, as the case may be, at any time.
- (3) The Government shall, by order, remove the Chairperson, Vice Chairperson or any Member from the office, if the Chairperson, Vice Chairperson or such Member,-
- (a) becomes an undischarged insolvent; or
 - (b) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Government, involves moral turpitude, or
 - (c) becomes of unsound mind and stands so declared by a competent Court, or
 - (d) refuses to act or becomes incapable of acting; or
 - (e) without obtaining leave of absence from the Commission, absents for three consecutive meetings of the Commission; or
 - (f) in the opinion of the Government, has abused

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the position of Chairperson, Vice Chairperson or Member as to render that person's continuance in office detrimental to the interests of Safai Karamcharis or the public interest:

Provided that no person shall be removed under this clause until that person has been given an opportunity of being heard in the matter.

- (4) Any vacancy caused under sub-section (2), or sub-section (3) above, or otherwise shall be filled up by fresh nomination.
- (5) The salaries and allowances payable to and other terms and conditions of service of the Chairperson, Vice Chairperson and Members shall be such as may be prescribed.

Officers and other employees of the Commission

5. (1) The State Government shall provide the Commission with such officers and employees as may be necessary for the performance of the official functions of the Commission.
- (2) The officers and employees of the Commission may either be deputed from the Government of Assam or the Commission may, with approval of the State Government, recruit its own officers and staff as per recruitment policy of the Government from time to time.
- (3) The Government shall, from time to time, post an Assam Civil Service officer or any one of the ex-officio Members of the Commission as Administrative Officer of the Commission who shall discharge official functions with approval and on behalf of the Commission.
- (4) The salaries and allowances payable to and other terms and conditions of service of the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

Salaries and allowances to be paid out of grants

6. The salaries and allowances payable to ten non-official members, Chairperson, Vice Chairperson and Members shall be paid with the approval of Chief Minister Assam and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section (1) of section 11.

Vacancies etc. not to invalidate proceedings of the Commission

7. No act, decision or proceeding of the Commission shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

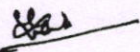
Procedure to be regulated by the Commission

8. (1) The Commission shall meet as and when necessary at such time and place as the Chairperson may think fit.
- (2) The Commission shall have the power to regulate its own procedure.
- (3) All orders and decisions of the Commission shall be authenticated by the Administrative Officer or any other officer of the Commission duly authorised by the Administrative Officer in this behalf.

CHAPTER III FUNCTIONS AND POWERS OF THE COMMISSION

Functions of the Commission

9. (1) The Commission shall perform all or any of the following functions, namely:-
- (a) to recommend to the Government specific programmes of action towards elimination of inequalities in status, facilities and opportunities for Safai Karamcharis under a time-bound action plan;
- (b) to study and evaluate the implementation of the programmes and schemes relating to the social and economic upliftment and rehabilitation of Safai Karamcharis and make recommendations to the State Government for better co-ordination and implementation of such programmes and schemes;
- (c) to investigate specific grievances and take suo moto notice of matters relating to non-implementation of:-
- (i) programmes or schemes in respect of any group of Safai Karamcharis.
- (ii) decisions, guidelines or instruction, aimed at mitigating the hardship of Safai Karamcharis;
- (iii) measures for the social and economic upliftment and welfare of Safai Karamcharis;
- (iv) the provisions of any law in its application to Safai Karamcharis; and take up such matters with the concerned authorities or with the Central or State Governments;
- (d) to make periodical reports to the State Government on any matter concerning Safai Karamcharis, taking into account any difficulties or disabilities being encountered by Safai Karamcharis.


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(e) any other matter which may be referred to it by the State Government.

Powers of the Commission

10. (1) In discharge of its functions under sub-section (1) of section 9, the Commission shall have power to call for information with respect to any matter specified in that section from any Government or local or other authority.
- (2) The Commission shall, while performing its functions under sub-section (1) of section 9, have all the powers of civil court trying a suit under the Code of Civil Procedure 1908, and in particular in respect of the following matters, namely:-
- (i) summoning and enforcing the attendance of any person from any part of Assam and examining him on oath.
 - (ii) discovery and production of any document and witness.
 - (iii) receiving any evidence on affidavit.
 - (iv) Requisitioning for any public record or copy thereof from any court or office.
 - (v) Any other matter which may be prescribed.

Central Act
No. 5 of 1908

CHAPTER IV FINANCE, ACCOUNTS AND AUDIT

Grants by the State Government

11. (1) The Government shall, after due appropriation made by Legislative Assembly by law in this behalf, pay to the Commission by way of such grants such sums of money as the Government may think fit for being utilized for the purpose of this Act.
- (2) The Commission may spend such sums out of the budget provisions, as it deems fit for performing its functions under this Act.

Accounts and Audit

12. (1) The Commission shall maintain proper accounts and other relevant records and prepare annual statements of accounts in such form as may be prescribed by the Government in consultation with the Account General of Assam.
- (2) The Accounts of the Commission shall be audited by the Accountant General at such intervals as may be specified by him and any expenditure incurred in connection with such audit shall be payable by the Commission to the Accountant General.
- (3) The Accountant General and any person appointed by him in connection with audit of the accounts of the Commission under this Act shall have the

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same rights, privileges and authority as the Accountant General generally has in connection with the audit of Government accounts, and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and paper and to inspect any of the offices of the Commission.

- Annual Report 13. The Commission shall prepare, in such form and at such time for each financial year as may be prescribed, its annual report, giving a full account of its activities during the previous financial year and forward a copy thereof to the Government.
- Annual report and audit report to be laid before the Assam Legislative Assembly 14. (1) The Government shall cause the annual report to be laid under the State Legislative Assembly along with a memorandum of action taken or proposed to be taken on the recommendations of the Commission and the reasons for the non-acceptance of the recommendations, if any.
(2) After receipt of the audit report of the Commission, the Government shall take necessary steps to lay the audit report before the Assam Legislative Assembly.

CHAPTER V MISCELLANEOUS

- Chairperson, Vice Chairperson, Members and employees of the Commission to be public servant 15. The Chairperson, Vice Chairperson, Members and employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian penal Code, 1860.
- Power to make rules 16. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.
(2) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters namely:-
(a) salaries, and allowances payable to and the other terms and conditions of service of the Chairperson, Vice Chairperson and Members under sub-section (5) of the section 4 and of officers and other employees under sub-section (4) of section 5;

Central Act
45 of 1860

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- (b) The form in which the annual statement of accounts shall be maintained under subsection (1) of section 12;
- (c) The form and the time at which the annual report shall be prepared under section 13;
- (d) Manner of keeping account of income and expenditure of the Commission; and
- (e) Any other matter which is required to be or may be prescribed.

(3) Every rule made under this Act, shall be laid, as soon as may be after it is made, before the Assam Legislative Assembly, 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 in which it is so laid or the session immediately following, the Assam Legislative Assembly agrees in making any modification in the rule or the Assam Legislative Assembly agrees 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.

Powers to remove difficulties

17. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by notification published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient, for removing the difficulty.
- (2) Every notification made under this section shall, as soon as may be after it is made, be laid before the Assam Legislative Assembly.

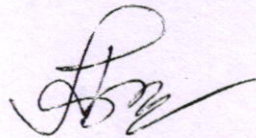
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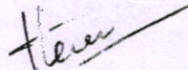
STATEMENT OF OBJECTS AND REASONS

Assam State Commission for Safai Karamcharis Bill, 2023 is proposed to create as separate State Commission for Safai Karamcharis.

The Bill is proposed with a view to protect the dehumanizing practice of manual scavengers, to monitor the implementation of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, to take suo moto notice of matter relating to non-implementation of this Act and to advice the State Government for effective implementation of the provisions of this Act.



Sjt. Pijush Hazarika,
Department of Social Justice & Empowerment,
Assam.



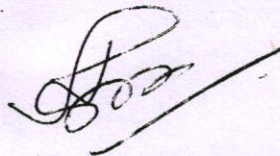
Principal Secretary,
Assam Legislative Assembly

FINANCIAL MEMORANDUM

The proposed Bill will involve additional financial burden on the State Exchequer amounting to approximately Rs. 44.40 Lakhs per annum in Honorarium, establishment expenditures and office expenditures.

MEMORANDUM OF DELEGATED LEGISLATION

The proposed Bill proposed for framing rules by Executives. The delegation is however of normal nature.



Sjt. Pijush Hazarika,
Department of Social Justice & Empowerment,
Assam.