

## DRAFT BILL

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### Manual Scavengers and **Other Sanitation Workers (Total Liberation, Comprehensive Rehabilitation & Humanisation of Working Conditions)** Act, 2010

(No. \_\_\_\_\_ of 2010).

An Act to provide for the **total liberation** and **comprehensive** rehabilitation of sanitation workers engaged in manual scavenging **and humanisation of working conditions of other sanitation workers** and for matters connected therewith and incidental thereto.

WHEREAS fraternity assuring the dignity of the individual has been enshrined in the Preamble of the Constitution

WHEREAS Article 39 (e) *inter alia* directs the State that the health and strength of workers, men and women, and the tender aged children are not abused and that citizens are not forced by economic necessity to enter unsuited occupations

WHEREAS Article 39(f) directs the State *inter alia* that children are given opportunities and facilities to develop in conditions of freedom and dignity

WHEREAS Article 42 directs the State to make provisions for securing just and humane conditions of work

WHEREAS Article 43 directs the State to secure to all workers *inter alia* congenial conditions of work

WHEREAS Article 46 mandates the State *inter alia* to protect weaker sections from injustice and all forms of exploitation

WHEREAS the inhuman practice of requiring human beings to render **manual scavenging** labour still continues in many parts of the country and is **an extreme form of “untouchability” abolished by Article 17.**

WHEREAS **other inhuman practices of requiring sanitation workers other than manual scavengers to provide labour under inhuman conditions** in all parts of the country

WHEREAS the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 needs further reinforcement to secure the total liberation and comprehensive rehabilitation and humanisation of the working conditions of other sanitation workers

WHEREAS existing laws are not adequate to secure these objectives

WHEREAS **no further time should be lost in securing the total liberation and comprehensive rehabilitation of manual scavenging sanitation worker and humanising the working conditions of other sanitation workers**

AND WHEREAS Parliament has power to make laws for all States and Union Territories with respect to all categories of sanitation workers under **Article 246 (2) read with Entry No. 24 of List III (Concurrent List) in the Seventh Schedule**

Be it enacted by Parliament in the Sixtieth Year of the Republic as follows:—

### **Chapter I Declaration**

1. The State expresses its **deep regrets** for the humiliation and “untouchability” to which the sanitation workers of India have been subjected through centuries and for the failure to eradicate completely manual scavenging after Independence till now and expresses its determination to take all steps to immediately eradicate manual scavenging and humanise other sanitation work and make them free of all hazard and squalor.

### **Chapter II Preliminary**

2. Short title, application and commencement

(1) This Act may be called the **Manual Scavengers and Sanitation Workers (Total Liberation, Comprehensive Rehabilitation & Humanisation of Working Conditions) Act, 2010** (Act. No. \_\_\_\_\_ of 2010).

(2) It shall apply to the whole of India.

(3) It shall come into effect with **immediate effect** subject to dates prescribed in different sections.

### **Chapter III Definitions**

3.

(a) “Article” refers to Article of the Constitution

(f) “Department” shall include the Union and State Ministries and Departments.

(b) “Dry latrine” means a latrine which requires the service of a manual scavenger, either at the latrine or at any other place like drains.

(c) “Government” refers to Union Government, State Governments and Union Territory Administrations

(d) “Latrine” means a place set apart for defecation together with the structure comprising such place, the receptacle therein for collection of human excreta and the fittings and apparatus, if any, connected with it.

(e) “Local bodies” refer to Municipalities, Panchayats, Cantonment Boards, notified areas and all other similar bodies with local jurisdiction.

(f) “*Manual scavenger*” means a person engaged in or employed for manually clearing, carrying, handling, disposing or dealing in any other form or manner with human excreta in any place.

*Explanation:* Manual scavengers and manual scavenging should not be understood or interpreted in a narrow sense. To illustrate, even those who have to clear human excreta along with other filth in drains are also manual scavengers and their work is also manual scavenging.

(g) “Manual scavenging” means manually clearing, carrying, handling, disposing or dealing in any other form or manner with human excreta in any place.

(h) “*Municipalities*” means all institutions of self-government constituted under Article 243Q of the Constitution.

(i) “*Panchayats*” means all institutions (by whatever name called) of self-government constituted under Article 243 B.

(j) “**Rehabilitation**” shall not include transfer or reemployment of manual scavengers as sweepers or any other work connected with sanitary services and shall include only their transfer to or re-employment in any other dignified work or occupation not connected with sanitation in any form.

(k) “Sanitation workers” means workers engaged in any form of sanitation work, namely, manual scavenging, sewerage work including septic tank cleaning, sweeping and similar sanitation work.

(l) “Sewage workers” are sanitation workers engaged in clearing and clearing of drains, sewers, etc. and shall include sanitation labourers engaged in cleaning septic tanks.

(m) “Sweepers” means sanitation workers engaged in sweeping and similar sanitation work other than manual scavenging and sewage and drain cleaning and clearing.

(n) “Sanitary latrine” means a latrine which does not require the services of a manual scavenger at any place.

#### **Chapter IV Sanitation Workers Engaged in Manual Scavenging**

##### **A. Total Liberation**

4. (1) (a) There shall be no manual scavenging anywhere in India from the Independence Day (15 August), 2012.

(b) All manual scavengers in the country are declared to have been liberated from manual scavenging with effect from the Independence Day (15 August), 2012.

(2) (a) There shall be no latrines requiring manual scavenging anywhere in India from the Independence Day (15 August), 2012.

(b) (i) All such latrines which the symbols and instruments of perpetuation of manual scavenging are shall be demolished or converted into water-seal latrines not requiring the services of manual scavengers in any form, before the Independence Day (15 August), 2012.

(ii) All **Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies and authorities shall complete demolition or conversion of such latrines into water-seal latrines in their respective areas of jurisdiction** before the Independence Day (15 August), 2012.

(iii) All **other Government Departments, all Public-Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions and all private sector establishments** shall, before the Independence Day (15 August), 2012, demolish all dry latrines or convert them into water-seal latrines in places in their respective control or use, whether by ownership or lease or license or otherwise.

(iv) All **Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies and authorities shall**, before the Independence Day (15 August),

2012, **eliminate the need for open defecation in drains, roadsides, etc. requiring the services of manual scavengers** by means such as enforcing and facilitating construction of water-seal latrines in every possible house and, wherever this is not possible, by construction of **common water-seal latrines with sufficient number of seats** to conveniently service the population to be catered to and with adequate and continuous water supply for cleaning and with their locations suiting the convenience of residents in different localities and also in places of gathering of floating population like bus-stands and other places of public resort; and create all other conditions necessary for eliminating the need or scope for manual scavenging.

(v) **The Ministry of Railways shall, before the Independence Day (15 August), 2012, take steps to eliminate conditions requiring manual scavenging in all railway station areas by adopting appropriate forms of construction and/or mechanisation like construction of cemented aprons and conversion of latrines in railway coaches into eco-friendly and labour-friendly latrines, and provision at railway stations of water-seal public latrines not requiring the services of manual scavengers with adequate number of seats to conveniently cover the floating population to be catered to and with adequate and continuous water supply for cleaning; and create all other conditions necessary for eliminating the need or scope for manual scavenging.**

(vi) All other Government Departments including Civil Aviation and Transport, all Public Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions and all private sector establishments shall, before the Independence Day(15 August), 2012, in places under their control or use, whether by ownership or lease or license or otherwise, take steps to eliminate conditions requiring manual scavenging and create conditions in which there is no need or scope for manual scavenging.

## B. Comprehensive Rehabilitation

5. (1) In recognition of the long years of service rendered to society under the most adverse conditions and in order to release them from this burden for the rest of their life, all manual scavengers who have attained the age of 55 and are employees of Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies and authorities, Railways, all other Government Departments, all Public Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions and all private sector establishments shall, with effect from the Independence Day, 2012, be retired from service **paying them pension equal to the last salary and remuneration drawn in full, and their employers shall pay them such pension regularly every month from the first day of September, 2012 and all manual scavengers who hereafter attain the age of 55** and are employees of the same establishments as above shall, as and when they attain the age of 55, be similarly released with the same benefits as mentioned above from the first day of the month after they attain the age of 55.

(2) **Such retired manual scavengers** who are still capable of work and do not want to be idle at an age when they are capable of doing work **shall be assisted with training for any alternative profession**, employment or self-employment of their choice by and at the cost of their pre-retirement employers.

6. (1) All manual scavengers who are employees of Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies and authorities, Railways, other Government Departments, all Public Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions and all private sector establishments, and who are not retired under Section 5, shall, after their total liberation from manual scavenging, continue to be on their rolls as employees on the **salaries not less than and terms of employment not less advantageous than before without any break of service.**

(2) (i) Such employees shall, after their liberation from manual scavenging, be provided alternative employment in the respective Municipalities, Panchayats, Cantonment Boards, notified areas, other local bodies and Railways and such alternative employment shall, in order to enhance their human dignity, be unconnected with sweeping and other sanitation work; such **alternative employment shall include plumbing and electrical repair services, driving, including driving of modern mechanised tractor-sized street sweepers, cooking and serving of food in mid-day meal schemes in schools, services required in *anganwadis*, maintenance of public gardens and parks, security for children on their way to and from school, assistance to senior citizens and disabled persons on railway platforms and bus-stands and other places of public resort, and numerous other services required by citizens which are not now available or are available in inadequate measure, and after provision of such alternative employment pay them salaries appropriate to their new employment subject to the minimum prescribed under Sub-Section (1).**

(ii) **All other Government departments** including Civil Aviation and Transport, all Public Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions and all private sector establishments shall, after the liberation of manual scavengers in their employment, **provide alternative employment in the respective establishments unconnected with sweeping and other sanitation work**, and on provision of such alternative employment pay them salaries appropriate to their new employment subject to the minimum prescribed under Sub-Section (1).

(3) All Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies, Railways, other Government Departments including Civil Aviation and Transport, all Public Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions, all private sector establishments, shall make **detailed plans of number of manual scavengers to be shifted to other services, identify their training needs and provide training for the present manual scavengers and equip them for each such alternative employment** before the Independence Day (15 August), 2012.

(4) All **privately engaged manual scavengers** within the areas of Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies and authorities **shall be provided training for alternative employment or self-employment by the respective bodies similar to those mentioned in Sub-Section (2) above** in advance of the Independence Day (15 August), 2012, and equip them to be self-employed in the provision of similar services to residents.

(5) **The Ministry of Railways shall set apart a certain proportion of catering service contracts and catering service employment to liberated and trained sanitation workers / members of their families / members of communities from which scavenging workers were traditionally engaged.**

7. (1) The working and living conditions of persons engaged in manual scavenging shall be humanised by immediate measures like the following:

- (a) Their salaries shall hereafter be the **first charge on the salary budget of the Municipalities, Panchayats, Cantonment Boards, Railways, notified areas and other local bodies**, and all Government Departments including Civil Aviation and Transport, all Public-Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions and all private sector establishments;
- (b) They shall be provided **proper housing with adequate drinking water, drainage, sanitation, electrification, paved internal and link roads, community halls and study centres for their children and other such facilities**;
- (c) **High quality residential schools up to Class XII** shall be provided for all their children meeting all costs by Central and respective State Governments.

Chapter V Sanitation Workers Engaged in Sewerage Work including Septic Tank Cleaning Workers

8. (1) Sewerage services shall be humanised and made free from all forms of hazard and squalor by Municipalities, Panchayats, Cantonment Boards, Railways, notified areas and other local bodies, and also by all other employers of sanitation workers including owners and managers of private apartment complexes, industrial and commercial complexes, like malls, contractors providing sanitation services to such residential, industrial and commercial complexes, by undertaking measures which shall include

- (a) **rectifying the gradient of drains** so that drainage flow is smooth and unimpeded;
- (b) **conversion of open drains into covered drains**
- (c) **mechanisation required to preclude the need for any person to go down into sewers**, drains and manholes like use of equipments for suction and removal of silt and blocks in sewers and drains, maintenance of sewer lines using advanced technology, use of screeners to prevent entry of solid non-degradable matter into sewers and drains;

(2) **Until the total mechanisation of the sewerage system to preclude the need for any person to go down into sewers and manholes, the following safety, welfare and development measures shall be taken for the sanitation labourers employed in sewerage work** by all Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies and authorities, Railways and by all other employers of sanitation workers including owners and managers of private apartment complexes, industrial and commercial complexes, like malls, contractors providing sanitation services to such residential, industrial and commercial complexes:-

- (i) Sanitation labourers in sewerage and drainage work shall be provided **adequate equipment** for clearing silts and blocks in the sewers and drains;
- (ii) Sanitation labourers in septic tank cleaning work **shall be provided with suction and gulfer machines for emptying and clearing septic tanks**.

- (iii) Sanitation labourers in sewerage, drainage and septic tank cleaning work shall be provided sufficient **personal protection equipments like hand-gloves, gumboots, safety goggles, gas monitors, breathing apparatuses;**
- (iv) they shall be given all **training related to their work like training for confined space entry**, use of equipments for work and personal protection, etc.
- (v) their safety and health audit shall be conducted periodically
- (vi) their workplace exposure assessment for toxic contaminants shall be conducted periodically.
- (vii) they shall be provided **adequate accident compensation** and **appropriate accident investigation procedures** shall be devised.
- (viii) **In case of death of any sewerage worker or septic tank worker** during work or under circumstances connected with their work, an amount as notified from time to time but **not less than Rs. 5 Lakhs shall be paid as compensation** to the surviving family and the State Government shall take over the education of all children of the family of the deceased by admitting them in residential schools and arranging for their higher education at the cost of the State including not only the direct cost of education but also food and other living expenses.
- (ix) they shall be covered by **compulsory medical insurance** and life insurance at the cost of the employer.
- (x) Workmen's compensation Act shall be applicable to such labourers including contract labourers.
- (xi) The Government of India shall **establish an autonomous National Sanitation Workers Research Organisation to quickly identify the best human practices in the world for getting all forms of sanitation labour work free from hazards and squalor** and to accordingly develop appropriate modern technologies for fully mechanising the sewerage, drainage and septic tank cleaning systems which shall incorporate the following aspects:-
  - (a) Use of preventive maintenance of sewer lines using advanced technology.
  - (b) Use of chemical detectors for workplace assessment
  - (c) Use of screeners to prevent entry of solid non degradable matter
  - (d) Use of mechanical supports to replace bamboo khapchi
- (xii) Government of India shall set up **National Sanitation Technology Mission to identify and devise these modern practices and technologies** and communicate them to Union Government, State Governments, government and local bodies and authorities, public sector undertakings and establishments, private industrial and commercial establishments and to civil society of sanitation labourers and civil society in general for adoption.

## Chapter VI Sanitation Labourers Engaged in Sweeping and Similar Sanitation Work

9. (1) **Private contract system for sanitation labour in sweeping and similar sanitation work** by Government, Municipalities, Panchayats and other local bodies, public sector undertakings and establishments, public sector banks, other similar institutions, and private sector industrial and commercial corporate organisations, **is prohibited and its continuance**, subject to Sub-Section (2), shall be liable to punishment.

(2) On expiry of existing contracts, such contracts shall not be renewed or extended and fresh contracts shall not be executed in favour of any private party or organisation and all sanitation labourers in sweeping and similar sanitation work engaged by private contractors shall be **deemed to be the direct employees of the Government**, Municipalities, Panchayats and other local bodies, public sector undertakings and establishments, public sector banks, other similar institutions, and private sector industrial and commercial corporate organisations, on salaries and other terms which are provided by them for similar labourers in their direct employment.

(3) All sanitation labour of sweeping and other similar sanitation work in Government, Municipalities, Panchayats and other local bodies, public sector undertakings and establishments, public sector banks, other similar institutions, and private sector industrial and commercial corporate organisations **shall be got executed only by direct workers**.

(4) The **best available technology for sweeping and similar sanitation work shall be adopted** and utilised **such as use of mechanical tractor-sized street sweepers**.

(5) The autonomous National Sanitation Workers Research Organisation and the National Sanitation Technology Mission set up under Section 8 of this Act may be entrusted with **work of research in and identification and communication of the best available technology for sweeping and other sanitation work other than mechanical tractor-sized street sweepers**.



## Chapter VII General

10. (1) Salaries of sanitation labourers shall hereafter be the first charge on the salary budget of the Government, Municipalities, Panchayats and other local bodies, public sector undertakings and establishments, public sector banks, other similar institutions, and private sector industrial and commercial corporate organisations.

(2) Government, Municipalities, Panchayats and other local bodies and authorities, all Public Sector Undertakings and Establishments, all Public Sector Banks and other similar institutions and all private sector establishments shall, in the event of death of a sanitation labourer in their rolls as employee, give **compassionate appointment to a member of the family of the deceased and such compassionate employment shall be in a post or position commensurate with the educational level of the person to be given compassionate appointment.**

(3) **All children belonging to families engaged in or which have been engaged in any of the three forms of sanitation work shall be admitted to residential schools of high quality up to Class XII.** The Department of education shall establish and run residential schools, for girls and boys, of high quality with adequate infrastructure and trained post-graduate teachers; the number of such schools shall be such as to be adequate to accommodate all such children and infrastructure and facilities in them shall be comparable to the best privately-run public schools.

(4) **In view of the vulnerability of certain communities** on account of which they could traditionally be recruited for sanitation labour, particularly manual scavenging, and **as one of the measures to preclude new entrants from such communities in future getting into this or any other demeaning occupation, all children of all families of such communities,** irrespective of whether any member of any family is at present engaged in scavenging labour or not, **shall be admitted to residential schools** mentioned in Sub-Section (3) above and the Government shall establish adequate number of residential schools to cover such children also.

(5) The cost of such residential schools shall be provided in full by the Union Government.

(6) In addition to the provisions in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993, the Municipalities, Panchayats, Cantonment Boards, notified areas and other local bodies shall have the power to convert the dry latrines in houses into sanitary latrines wherever the house-owners fail to do so, after giving 30 days notice to the owner, and recover the cost of such conversion from the house-owner or from any organisation like HUDCO which provides assistance for such conversion.

(7) **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 which was enacted under List 6 of the State Schedule be deemed to have been enacted under Entry 24 and Residuary Entry of the Concurrent List** and shall therefore be deemed to have come into force in all States and UTs without need for adoption by any State legislature.

(8) All schemes which have been undertaken or which will be undertaken for manual scavenging labourers shall be provided also to any member of families which has got even

one scavenging labourer and to members of families of which all members have been liberated from manual scavenging and no person shall be made ineligible for such schemes on the ground that such person or members of such person's family have been liberated from manual scavenging or have ceased to perform manual scavenging.

(9) The Government and local bodies **shall collect Sanitation Cess** as may be prescribed and such Sanitation Cess **shall be entirely used for the welfare of sanitation labourers.**

(10) **Members of families of sanitation labourers shall be eligible for the catering service contracts and catering service employment under Sub-Section 5 of Section 6 subject to priority for liberated and trained sanitation workers** / members of their families / members of communities from which sanitation labourers were traditionally engaged.

(11) The Government shall institute **special preventive and curative arrangements for diseases to which manual scavengers and sanitation labourers are prone** on account of the nature of their work.

(12) The Government shall set up **anganwadis in every residential locality or workplace of manual scavengers** and other sanitation labourers.

(13) All manual scavengers and other sanitation labourers shall be provided housing of the type mentioned in Section 7 and the employers of sanitation labourers shall provide schemes whereby all manual scavengers and other sanitation labourers shall become owners of a house each before retirement.

(14) **Contracts for the operation of pay and use toilets, called by any name, shall be given only to sanitation workers and members of their families or their associations of which membership shall be restricted only to sanitation workers and members of their families.**

### **Chapter VIII Rights of Sanitation Workers**

11. All sanitation labourers shall have the right to secure the full implementation of this Act and of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 and for its enforcement or for the enforcement of any of the provisions of either of these Act, they shall have the right to approach tribunals and courts for which the cost, including fees of lawyers of their choice at the market rate, shall be paid by the employer at the initial stage of institution of proceedings by any of them in any tribunal or court.

## Chapter IX

### Structure and Mechanism of Executive, Implementation and Monitoring

12. (1) With a view to effectively monitor the implementation of various provisions of this Act, the Union Government and respective State Governments and local bodies shall set up Monitoring Committees in which all concerned Ministries / Departments re represented.

(2) All Committees shall provide due representation for representatives of sanitation workers and castes / communities from which sanitation workers have been traditionally drawn.

## Chapter X Penal Provisions

13. (1) Whoever contravenes or fails to comply with any of the provisions in Section 4(2)(b)(ii), (iii), (iv), (v) & (vi), Section 9(3) and Section 10(14) shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to Rs. 25000/-; and in case the contravention or failure continues, with an additional fine which may extend to Rs. 1000/- for every day during which such failure or contravention continues after the conviction for such contravention or failure.

(2) Whoever contravenes or fails to comply with any of the other provisions of the Act shall be punishable with a fine which may extend to Rs. 10000/- and in case the contravention or failure continues, with additional fine which may extend to Rs. 5000/- for every day during which such failure or contravention continues after the conviction for such contravention or failure.

(3) In Sub-Sections (1) and (2) above,

- (a) **if any person who contravenes or fails to comply with any of the provisions is a municipality, Panchayat, cantonment board or any other local body, the elected head and the Chief Executive thereof, by whatever designation known, of that body, shall be liable for the above punishments;**
- (b) **where the person who contravenes or fails to comply with any of these provisions is a Ministry/Department, the Minister and the head of that Ministry/Department shall be liable for the above punishments;**
- (c) **where the person who contravenes or fails to comply with any of these provisions is a public sector undertaking or establishment or public sector bank or any other similar institution or a private sector establishment, the Chief Executive thereof, by whatever designation known, shall be liable for the above punishments.**

## Chapter XI

### National Monitoring and Enforcement Authority and State Monitoring and Enforcement Authorities

14. National Monitoring and Enforcement Authority -

(1) Central Government shall constitute a body to be known as the National Monitoring and Enforcement Authority (hereinafter referred to as the National Authority), in order to ensure coordination of action by Governments and other agencies as prescribed by this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 and to ensure the enforcement of the provisions of this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993.

(2) **Members:** The National Authority shall consist of a **Chairperson and two other Members.**

(3) **Qualifications:** - (i) The Chairperson and other Members of the Authority shall be appointed from among eminent social workers of integrity, ability and standing who have a record of many years of selfless service to the cause of justice for the sanitation labourers and who inspire confidence amongst the sanitation labourers by their very personality and record of selfless service, who shall be prepared to function as chairperson or other member without any remuneration, as a matter of National and social service.

(ii) At least two of the three Members shall be from among such Scheduled Castes from which sanitation workers have been traditionally drawn and the other may be from any community, subject to the qualification and qualities mentioned in sub-section (i) above.

(iii) The Chairperson and other Members shall not be a person who holds any office of profit under the state both Central level as well as State level or who has any conflict of interest with the interests of the sanitation workers.

(iv) The Chairperson and other Members of the National Authority shall be selected from a panel of names, prepared by the Central Government, of persons possessing the qualifications and qualities prescribed under sub-section (i) above. The panel and changes made from time to time shall be placed in the public domain through the Central Government's website and other media and any factual information that may be furnished by any member of the public that goes against the suitability of a person in the panel for appointment shall be duly considered on merit by the Central Government.

(4) **Appointment of Chairperson and other Members:** - (i) **The Chairperson and other Members shall be appointed by the President of India** by warrant under his / her hand and seal. Provided that every appointment under this sub-section **shall be made after obtaining the recommendations of a Committee** consisting of-

- a. The Prime Minister —Chairperson
- b. Speaker of the House of the People — Member
- c. Ministers in-charge of Labour and Scheduled Castes— Members
- d. Leader of the Opposition in the House of the People — Member
- e. Leader of the Opposition in the Council of States — Member
- f. Deputy Chairman of the Council of States — Member
- g. An eminent person from a scheduled caste from which sanitation workers have been traditionally drawn — Member

(ii) No appointment of a Chairperson or other Member of the National Authority shall be invalid merely by reason of any vacancy in the Committee.

(5) **Term of Office and conditions of service-** (i). Each Member of the National Authority shall hold office for a term of three years, from the date on which he/she assumes such office,

provided that where they join on different dates the term of three years for all the three members shall be computed from the date on which the Chairperson assumes office,

provided that in the event of a vacancy of any of the three Members arising from any reason before the expiry of three years, the term of the Chairperson or Member appointed in that vacancy shall be limited to the unexpired part of the three-years period.

(ii). The chairperson and other Members of the National Authority shall have the **status** of a Union Cabinet Minister and Union Minister of State respectively and they shall not be paid any salary or remuneration.

(iii). The National Authority shall be **provided office space**, staff and all other functional facilities for the effective discharge of the work of the National Authority and the Central Government shall comply with the requirements in this regard as intimated by the National Authority.

(iv). The Authority shall be eligible for **transport or cost of transport as and when required** for work connected with the Authority.

(v). The Central Government shall make all **arrangements for travels and tours of the Chairperson and other Members of the National Authority** to any place in the country at the direct cost of the Central Government, obviating the need for TA and TA Bills.

(vi). During tours of the Chairperson or any other Member of the National Authority, the State Government / UT Administration shall provide them accommodation in appropriate State Guest Houses, hospitality and other functional facilities in accordance with their status, free of cost or, where the State Government / UT Administration feels charges should be levied, bill the Central Government directly for payment and they shall not stay in any hotel or accept private hospitality.

(6) **Resignations and Removal-** (i) The Chairperson and each other Member of the National Authority may, by notice in writing under his / her hand addressed to the President of India, resign his post.

(ii).(a) The Chairperson or other Members of the National Authority shall only be removed from his office by order of the President of India on the ground of misbehaviour or inadequacy in performance of his functions under this Act.

(b).The President of India may suspend from office the Chairperson or any other Member of the National Authority, in respect of whom a reference has been made to the Supreme Court under this sub-rule until the President of India, has passed orders on receipt of the report of the Supreme Court on such reference.

(c).Notwithstanding anything in clause (a) the President of India may by an order remove from office the Chairperson or any other Member of the National Authority, if the Chairperson or any other Member.

(1) Is adjudged an insolvent; or

- (2) Engaged during his term of office in any paid employment outside the duties of his office; or
- (3) Gets convicted and sentenced to imprisonment for an offence which in the opinion of the President of India involves moral turpitude; or
- (4) Is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body or has so abused the position of Chairman as to render that person's continuance in office detrimental to the interests of the Sanitation Labourers, or is ineffective or negligent in the discharge of his functions under this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993.

Provided that the Chairperson or any other Member shall not be removed under this clause until he has been given a reasonable opportunity of being heard in the matter.

If the Chairperson or any other Member of the National Authority becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof or in any benefit or emolument arising therefrom, he shall, for the purposes of clause (a) be deemed guilty of misbehavior.

(7) Functions and Powers of the National Authority -It shall be the duty of the National Authority-

(i). (a) to monitor the total liberation of manual scavengers, their comprehensive rehabilitation and all matters connected therewith and incidental thereto including interim measures for the welfare as laid down in this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993;

(b) to monitor humanisation and full mechanisation of sewage and drainage systems to prevent the requirement of any sanitation labour going into sewers, manholes and deep drains and provision of safety, welfare and development measures for sanitation labourers in sewerage, drainage and septic tank cleaning work as laid down in this Act and to render sewage labour including septic tank labour free from any form of hazard and squalor;

(c) to monitor humanisation and mechanisation of sweeping and similar sanitation labour and elimination of contract labour system for sanitation labourers engaged in sweeping and similar sanitation work and their employment in accordance with the Act.

(ii). it shall be the duty of the National Authority, to receive and inquire into a complaint from any victim or social worker voluntarily helping such that any of the persons or bodies who is required to perform different acts under this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 has failed or is failing to discharge his/her/their responsibilities under either of these Acts or that any of them is not implementing properly any of the measures for which responsibility is placed on such person or body or there has been dereliction of duties on the part of any of them,

- (iii). Where the National Authority, is satisfied that there are reasonable grounds to inquire any such complaint, it may initiate an inquiry in respect thereof;
- (iv). The National Authority shall, while inquiring into any matter under this section, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—
  - a. summoning and enforcing the attendance of witnesses and examine them on oath;
  - b. discovery and production of any document;
  - c. receiving evidence on affidavits;
  - d. requisitioning any public record or copy thereof from any court or office;
  - e. issuing commissions for the examination of witnesses or documents;
  - f. any other matter which may be prescribed.
- (v). Notwithstanding anything inconsistent contained in any other Act of Parliament or State Legislature, as the case may be, the National Authority may, during the inquiry of any complaint under this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993, examine any record to which either of these Acts applies which is under the control of the public authority, and no such record may be withheld from it on any grounds.
- (vi). The National Authority, while inquiring into the complaints may call for information or report from the Central Government or any State Government or any local body or authority or organisation subordinate thereto within such time as may be specified by it; Provided that, if the information or report is not received within the time stipulated by the Authority, it may proceed to inquire into the complaint on its own on the basis of evidence and material available to it; if, on receipt of information or report, the Authority is satisfied either that no further inquiry is required or that the required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;
- (vii). On completion of its enquiry into any complaint, the National Authority,
  - a. where the matter pertains to anything specified by this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 to be done, shall make, record and communicate its decision
    - i. requiring the Central Government or the State Government, as the case may be, or any local body or authority or public servant or any other person to whom any duty under this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 is entrusted to forthwith rectify the deficiency on its/his part or on the part of any subordinate, including change of investigating officer or special public prosecutor or any public servant where the National Authority finds that such change is necessary.
    - ii. requiring the Central Government or the State Government, as the case may be, or any public authority or public servant which/who is not discharging any duty at all or regularly, to perform such duties regularly including meetings prescribed

under this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993.

- iii. requiring the Central Government or the State Government, as the case may be, or any local body or authority to initiate prosecution of any public servant under Section \_\_\_\_\_ where the National Authority concludes that such prosecution is justified.
  - b. Where the matter though not specifically described in this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 is in the opinion of the National Authority necessary for or conducive to the fulfillment of the purpose of either of these Acts, the Authority may make its advice to the Central Government or the State Government, as the case may be, or any other public authority.
  - c. The decisions and advices of the National Authority shall be communicated by it to the Central Government or the State Government, as the case may be, where the action referred to has to be taken by such Government, or to any other public authority concerned, with intimation to the Central Government and/or the State Government.
  - d. The decision of the National Authority shall be ordinarily binding on the Central Government or the State Government, as the case may be, or any other public authority or public servant; wherever the Government differs from a decision of the National Authority reasons thereof shall be recorded and placed in the public domain.
  - e. On receipt of a decision of the National Authority, the Central Government or the State Government, as the case may be, shall implement the action required of it in the decision or if it pertains to any subordinate authority, body or public servant, ensure that such authority, body or public servant implements it promptly and scrupulously. The action and proposed to be taken shall be promptly reported to the Authority.
  - f. On receipt of an Advice from the Authority, the Central Government or the State Government or any local body or authority, as the case may be, shall promptly consider its implementation, discuss with the National Authority if there is any difference or doubt and promptly implement the Government's decision on the Advice and inform the National Authority of the action taken and proposed to be taken.
- (viii).Where the National Authority finds any undue delay in trial or in procedural matter which may affect the speedy conduct of trial under this Act or the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993, it may bring such matter to the notice of the High Court for its consideration and such action as the High Court deems fit.
- (ix). The National Authority may move any petition in the Supreme Court or High Court regarding any matter in which it considers the direction of the High Court is necessary for the fulfilment of the purpose of this Act and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993, or it may get



itself impleaded in any matter before any court where it considers it necessary for itself to get impleaded.

(x). (a) Every year the National Authority shall submit to the President of India a compendium of its decisions and Advices and action taken by the Central Government or the State Government or other public authorities along with its remarks. The National Authority may also submit as part of this compendium any general remarks or observations or notes regarding specific factors standing in the way of the proper implementation of the Act and effective prevention and penalization of atrocities and satisfactory rehabilitation, measures and specific measures that need to be taken by the Central Government or the State Government or any other authority.

(b) The Central Government or the State Government, as the case may be, shall place each such annual report on the Table of both Houses of the Parliament / Legislature as the case may be in the very first session after its receipt, without holding it up for action taken report, and subsequently, as early as possible therefore, the action taken report on the Table of both Houses of Parliament / Legislature.

15. Each State Government shall set up State Monitoring and Enforcement Authorities with the same provisions as in Section 14 of this Act.

### **Complementary Amendments in Other Laws**

(1) In the Representation of the People Act, 1951, Sub-Section (1) of Section 8 titled “Disqualification on conviction for certain offenses”, add the following new Sub-Clauses:

(o) the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 (33 of 1989)

(p) Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993 (46 of 1993)

(r) Sanitation Labourers (Liberation, Rehabilitation & Humanisation) Act, 2010 (Act. No. \_\_\_\_\_ of 2010).