

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

As amended by

**THE EMPLOYMENT OF  
MANUAL SCAVENGERS AND  
CONSTRUCTION OF DRY  
LATRINES (PROHIBITION)  
(AMENDMENT) BILL 20\_\_**

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

(No. 46 of 1993)

(As amended by Act No. xx of 20\_\_)

[5<sup>th</sup> June, 1993]

An Act to provide for the prohibition of employment of manual scavengers as well as construction or continuance of dry latrines and unsanitary latrines, for the regulation of construction and maintenance of water-seal latrines, rehabilitation of manual scavengers and their families including special programmes for education including higher education of all children of manual scavengers, rewarding of informers conveying contravention of the Act and for matters connected therewith or incidental thereto.

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

AND WHEREAS article 47 of the Constitution, inter alia, provides that the State shall regard raising the standard of living of its people and the improvement of public health as among its primary duties;

AND WHEREAS the dehumanizing practice of manual scavenging of human excreta still continues in many parts of the country;

AND WHEREAS the municipal laws by themselves as a measure for conversion of dry latrines and unsanitary latrines into water-seal latrines and prevention of construction of dry latrines and unsanitary latrines are not stringent enough to eliminate this practice;

AND WHEREAS it is necessary to enact a uniform legislation for the whole of India for abolishing manual scavenging by declaring employment of manual scavengers for removal of human excreta an offence and thereby ban the further proliferation of dry latrines and unsanitary latrines in the country;

AND WHEREAS it is desirable for eliminating the dehumanizing practice of employment of manual scavengers and for protecting and improving the human environment to make it obligatory to convert dry latrines and unsanitary latrines into water-seal latrines or to construct water-seal latrines in new constructions;

AND WHEREAS Parliament has no power to make laws for the States with respect to the matters aforesaid, except as provided in article 249 and 250 of the Constitution;

AND WHEREAS in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by all the Houses of the Legislatures of the States of \_\_\_\_\_ and \_\_\_\_\_ that the matters aforesaid should be regulated in those states by Parliament by law;

Be it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:-

## CHAPTER I PRELIMINARY

### 1. Short title, application and commencement

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

### 2. Definitions

In this Act, unless the context otherwise requires,-

- (a) "area", in relation to any provision of this Act, means such area as the State Government may, having regard to the requirements of that provision, specify by notification;
- (b) "building" means a house, out-house, stable, latrine, urinal, sheet house, hut, wall (other than a boundary wall) or any other structure whether made of masonry, bricks, wood, mud, metal or other material;
- (c) "dry latrines" means a latrine such as a bucket or *Uthau* type of latrine involving manual removal of untreated human excreta daily or periodically;
- (d) "omitted"
- (e) "omitted"
- (f) "omitted"
- (g) "Executive Authority" includes all Sub Divisional Magistrate and Municipal Authority not below the rank of a Deputy Chief Executive Officer as specified under sub-section (1) of Section 5;
- (h) "omitted"
- (i) "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 therewith;
- (j) "manual scavenger" means a person engaged in or employed whether by an individual or an urban local body or any other public or private agency, for manually cleaning carrying or disposing or dealing in any manner with human excreta in a latrine, a tank, a

drain or a sewer line or open spaces including railway tracks, and the expression "manual scavenging" shall be construed accordingly;

- (k) "notification" means a notification published in the Official Gazette;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "State Government", in relation to a Union territory, means the Administrator thereof appointed under Article 239 of the Constitution;
- (ma) "Unsanitary Latrines" means latrines other than water sealed latrines and includes *Bahan* type of latrines where the fecal matter is flushed into a drain and is subsequently cleaned by a manual scavenger and single pit latrines which require scavenging before the fecal matter has decomposed sufficiently to be hazardous to health.
- (n) "water-seal latrine" means a pour-flush latrine, water flush latrine or a sanitary latrine with a minimum water-seal of 20 millimeters diameter in which human excreta is pushed in or flushed by water.

## CHAPTER II

### PROHIBITION OF EMPLOYMENT OF MANUAL SCAVENGERS, ETC

#### 3. Prohibition of employment of manual scavengers etc.

With effect from the date of this Act coming into force, no person shall-

- (a) construct or maintain a dry latrine; or
- (b) be engaged or employed for, or permitted to be engaged or employed for manual scavenging; or
- (c) construct or maintain an unsanitary latrine from the date specified by the State Government through an order to that effect.

#### 4. "Omitted"

## CHAPTER III

### IMPLEMENTING AUTHORITIES AND SCHEMES

#### 5. Implementing Authorities

- (1) Every Sub Divisional Magistrate and Municipal Authority not below the rank of a Deputy Chief Executive officer as notified, shall within his jurisdiction with effect from this Act coming into force, suo-moto or on information from the Inspector appointed under sub-section (1) of section 9 of the Act or on complaint received from any individual or group about the violation of clause (a) of section 3 identify and carry out demolition of all dry latrines within a period of one month and take action to rehabilitate all persons who are or were engaged or employed for manually scavenging these latrines, including their children and members of their family so as to make them economically independent in such a manner that ensures they do not re-engage in manual scavenging due to economic and social compulsions.

- (2) The expenses, if any, incurred for the demolition of latrines referred to in sub-section (1) above, together with interest at such rate as the State Government may specify from the date when a demand for the expenses is made until it is paid, may be recovered from the person concerned as arrears of land revenue.

## **6. Power of State Government to make schemes**

- (1) The State Government shall as soon possible after the coming into effect of this Act, make one or more schemes for conversion of unsanitary latrines into water-seal latrines, for biotechnological or mechanical cleaning of tanks and sewers and for rehabilitation of all persons who are or were engaged in or employed as manual scavengers therefor including their children and dependants, and such schemes shall be administered and executed in a time bound manner with terms for execution specified, which may be different for different schemes.
- (2) The State Government shall by order appoint the Executive Authorities responsible for execution of these schemes in each district/town/rural area and may notify different Executive Authorities for different tasks under the scheme.
- (3) In particular, and without prejudice to the generality of the foregoing power, such schemes may provide for all or any of the following matters, namely:-
- (a) survey and registration of manual scavengers;
  - (b) training and skills up-gradation of manual scavengers and provision of means for alternative respectable remunerative livelihoods;
  - (c) provision of health, education and social security for the children and dependants of manual scavengers and re-employment;
  - (d) time-bound phased programme for the conversion of unsanitary latrines into water-seal latrines;
  - (e) rewards to informers for identifying instances of violation of section 3 of the Act;
  - (f) construction and maintenance of shared latrines in slum areas or for the benefit of socially and economically backward classes of citizens;
  - (g) specification and standards of water-seal latrines;
  - (h) measures to eliminate open defecation.

## **6A. Responsibility of Central Government**

The Central Government may take similar action as under section 6, and shall do so in regard to latrines on railway coaches, railway premises and in cantonment areas.

## **7. Power of State Government to issue directions**

Notwithstanding anything contained in any other law in force the State Government may, in the exercise of its powers and performance of its functions under this Act, issue directions in

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writing to any person, officer or local or other authority and such person, officer or a local or other authority shall be bound to comply with such directions.

**8. “Omitted”**

**9. Appointment of inspectors and their powers of entry and inspection**

- (1) The Executive Authority may, in consultation with the Urban Local Body or the Rural Local Body as the case may be, by notification, appoint such persons as it may think fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.
- (2) Every inspector within the local limits of jurisdiction of an Executive Authority shall be subordinate to such authority.
- (3) Subject to any rules made in this behalf by the State Government, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any place for the purpose of-
  - (a) performing any of the functions entrusted to him by the Executive Authority;
  - (b) determining whether and if so in what manner, any such functions are to be performed or whether any provisions of this Act or the rules, orders or schemes made thereunder or any notice, order, direction or authorization served, made, given or granted under this Act are being or have been complied with;
  - (c) examining and testing any latrine or for conducting an inspection of any building in which he has reason to believe that an offence under this Act or the rules, orders or schemes made thereunder has been or is being or is about to be committed;
  - (d) identifying persons who were or are engaged in or employed as manual scavengers for registration of the names of such persons, their families and children with details for the purpose of their rehabilitation.

**10. “Omitted”**

**11. “Omitted”**

**12. “Omitted”**

**13. Constitution of Committees**

- (1) The State Government shall, by notification constitute one or more Monitoring Committees for appraising the implementation of the Act and the schemes prepared thereunder;
- (2) The composition of the committees so constituted by the State Government, the powers and functions thereof, the terms and conditions of appointment of the members of such committees and other matters connected therewith shall be such as the State Government may prescribe.

**Provided** that the composition of such committees shall have representatives from the target groups and its communities.

- (3) The members of the committees under sub-section (1) shall be paid such fees and allowances for attending the meetings as may be prescribed.

#### **CHAPTER IV**

#### **PENALTIES AND PROCEDURE**

#### **14. Penalty for contravention of the provisions of the Act and rules, orders, directions and schemes**

Whoever fails to comply with or contravenes the provisions of this Act, or the rules or schemes made or orders or directions issued there under, shall, in respect of each such failure or contravention where it is established that the offence has been committed with his consent or connivance, be punishable with imprisonment for a term which may extend to two years or with fine, which may extend to fifty thousand rupees, or with both; and in case the failure or contravention continues, with additional fine which may extend to five hundred rupees for every day during which such failure or contravention continues after the conviction for the first such failure or contravention.

#### **15. Offences by companies**

- (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.
- (2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or such other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation:** For the purposes of this Section-

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

#### **16. Offences to be cognizable**

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

#### **17. Provision in relation to jurisdiction**

No Court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence under this Act.

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**18. “Omitted”**

**CHAPTER V**  
**MISCELLANEOUS**

**19. Information, reports or returns**

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

**20. “Omitted”**

**21. Effect of other laws and agreements inconsistent with the Act**

- (1) Subject to the provisions of sub-section (2), the provisions of this Act, the rules, schemes or orders made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, custom, tradition, contract, agreement or other instrument.
- (2) If any act or omission constitutes an offence punishable under this Act and also under any other Act, then, the offender found guilty of such offence shall be liable to be punished under the other Act and not under this Act.

**22. Power of Central Government to make rules**

- (1) The Central Government may, by notification, make rules to carry out the provisions of this Act.
- (2) Every rule and every scheme made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each house of the Parliament.

**23. Power of State Government to make rules**

- (1) The State Government may, by notification, make rules, not being a matter for which the rules are or required to be made by the Central Government, for carrying out the provisions of this Act.
- (2) Every rule and every scheme made by the State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.

**24. Power to remove difficulties**

- (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not

inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

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