

Bill Summary

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012

- The Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012 was introduced in the Lok Sabha on September 3, 2012 by the Minister of Social Justice and Empowerment, Mukul Wasnik. The Bill was referred to the Standing Committee on Social Justice and Empowerment (Chairperson: Dara Singh Chauhan), which is scheduled to submit its report within three months.
- The Bill prohibits employing a person as a manual scavenger and provides for the rehabilitation of people currently engaged in the profession.
- A “manual scavenger” is defined as a person who is engaged for manually cleaning or disposing of human excreta in an insanitary latrine or in an open drain or on a railway track. “Insanitary latrine” means a latrine which requires human excreta to be cleaned manually (except water flush latrine in a railway passenger coach which is cleaned by an employee using protective gear as notified by the central government).
- The Bill prohibits any person, local authority or agency to construct an insanitary latrine or engage a person for manual scavenging. Every occupier of insanitary latrine shall either demolish or convert such latrine into a sanitary latrine at his own cost.
- Every local authority (municipality, Panchayat, a cantonment board or railway authority) has to carry out a survey of insanitary latrines existing within its jurisdiction. The authorities have to publish a list of such latrines within two months of the law coming into force and give a notice to the occupiers to either demolish them or convert them to sanitary latrines within six months.
- If there is reason to believe there are manual scavengers in a municipality or a Panchayat, the Chief Executive Officer of such municipality or Panchayat shall conduct a survey to determine the number. All persons listed shall not be obliged to work as manual scavengers and shall be rehabilitated in the specified manner. This includes a one time cash assistance, residential plot and training.
- The Bill makes it mandatory for municipalities, cantonment boards and railway authorities to construct adequate number of sanitary community latrines within three years of this Act coming into force.
- Any contract entered into before this Act that engages persons for manual scavenging shall be deemed to be void. However, the employer shall retain such full-time scavengers on the same emolument and assign them to different work.
- The local authority is responsible for ensuring that no insanitary latrine is built or used nine months after this Act is in force. The District Magistrate has to ensure that no person within his jurisdiction is engaged as a manual scavenger, constructs an insanitary latrine, and manual scavengers are rehabilitated.
- If anyone employs a manual scavenger or constructs an insanitary latrine, he shall be penalized with imprisonment up to one year or a fine of up to Rs 50,000 or both. The penalty for subsequent offences is higher.
- Every local authority or agency is prohibited from employing a person for hazardous cleaning (manual cleaning without protective gear and other safety precautions) of a sewer or a septic tank. This provision is applicable within a year of the Act coming into force. The penalty for violation is imprisonment for up to two years or a fine up to Rs 2 lakh or both.
- A complaint has to be made within three months of the occurrence of the alleged offence.
- The appropriate government may appoint Inspectors for certain areas to examine premises for latrines; examine any person if he believes he is employed as a manual scavenger and seize records that he considers relevant.
- The offences under this Act may be tried by an Executive Magistrate on whom the state government may confer powers of a Judicial Magistrate of the first class. An offence may be tried summarily.
- The central government shall constitute a Central Monitoring Committee and every state government a State Monitoring Committee. These Committees shall advise the appropriate government and local authorities on effective implementation of the law.
- Every state government shall constitute a Vigilance Commission for each district. The Commission shall advise the District Magistrate on the implementation of the law, oversee rehabilitation and monitor the registration, investigation and prosecution of offences.
- The National Commission for Safai Karamcharis (a statutory body) shall monitor the implementation of this Act, inquire into complaints of contravention of the Act and advise the central and state government on effective implementation of the Act.



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