

# The Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Bill, 2021

March 9, 2021

**In News:** The Karnataka high court on Tuesday, February 2, chastised the state government for failing to implement provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act (Manual Scavengers Act) in spite of the court's directions.

## Objective

- Provides for complete mechanisation of sewer cleaning and better protection in work and compensation in case of accidents.

## Prohibition of Employment as Manual Scavengers and their Rehabilitation Act

### What is this law about?

This law makes it an offence to:

- Employ people as manual scavengers to clean insanitary latrines.
- Employ people to clean sewers and septic tanks without protective gear.
- Construct insanitary latrines.
- Not demolish or convert insanitary latrines within a certain period of this Act coming into force.

### Does this law provide for rehabilitation of manual scavengers?

- Yes, it lays down the rules and procedure for the

rehabilitation of manual scavengers through training in alternate employment, financial help and help with purchasing property.

### **Who is responsible for identifying manual scavengers?**

- Every local authority (municipality or panchayat), cantonment board or railway authority is responsible for surveying its area to identify manual scavengers.

### **Who is a 'manual scavenger'?**

- Any person who has been employed to handle undecomposed human waste from an insanitary latrine, open drain or pit or railway track is a manual scavenger under this law.
- The person could have been employed by any one – say, someone from their village or by an agency or contractor.
- It does not matter if she was given regular employment or engaged on contract basis, she is covered under this law.
- Exception – Any person who has been employed to clean human waste and does so with the help of the appropriate protective gear and equipment will not be considered a manual scavenger under this law.
- Another group of people called 'safai karamcharis' are also sometimes considered as manual scavengers – however, they usually refer to people working as sweepers or cleaning workers in the municipalities, government or private organisations.

### **How does this law prevent manual scavenging?**

- Under this law, the first step to preventing manual scavenging is demolishing 'insanitary latrines'. This Act came into force in December 2013.
- It imposed certain time bound commitments by the local authorities (municipal bodies, cantonment boards and

railway authorities).

Step 1	Within 2 months of the Act, the local authority had to: <ul style="list-style-type: none"><li>• Carry out a survey of insanitary latrines in its area, and</li><li>• Publish a list of all such latrines which were identified during the survey.</li></ul>
Step 2	Within 15 days of publishing this list, the authority had to send a notice to the person who had constructed or used the insanitary latrine asking her to either convert it into a sanitary latrine or pull it down. The person has 6 months to do this. If she is not able to do this within 6 months, the local authority can grant an extension for up to 3 months if there are good reasons.
Step 3	Another additional duty the local authority had to finish within 9 months was to build as many sanitary latrines as it considers necessary in the areas the insanitary latrines have been found.
Step 4	The local authorities need to build an adequate number of sanitary latrines for the community in their respective areas within 3 years.

The local authorities are responsible for the building and maintenance of these community sanitary latrines and must make sure that they are functional and hygienic.

### **What are the main offences under this Act?**

It is unlawful and an offence under this Act for any person, municipality, panchayat or agency to:

- Build an insanitary latrine, or
- Employ a manual scavenger.

A person who had an insanitary latrine at the time the Act came into force had to pull it down or convert it within 6 months. She could be given an extension of 3 months if they

were good reasons for her not being able to complete it within 6 months.