

The first chapter of “**The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**” deals with the definitions and when the act will come into force. The relevant constitutional provisions with regard to the enforcement of this act is Article 252 of the Indian Constitution.

Under Section 2, sub-section (c) of the act, “dry latrines” has been defined as any latrine other than a water- seal latrine. The biggest advantage that I see in this form of the definition is that as it relatively restricts the scope of what kind of latrine can be constructed. Since the water-seal latrine is a latrine that will naturally have the flush system in place, then there is little scope for the employment of manual scavengers. However, the drawback of this definition is that they have not specified the technical details of what a “dry latrine” is.

It is with the beginning of Chapter II and section 3, that the act talks about the prohibition of employment of human scavengers etc. Sub-section 1 under that act, is given below and it is the text of this that places the ban on manual scavenging.

3. Prohibition of employment of manual scavengers etc.-

(1) Subject to sub-Section (2) and the other provisions of this Act, with effect from such date and in such area as the State Government may, by notification, specify in this behalf, no person shall-

(a) engage in or employ for or permit to be engaged in or employed for any other person for manually carrying human excreta; or

(b) construct or maintain a dry latrine.

Chapter III of the act, deals with the setting up of authorities and the implementation of schemes. Section 5 under chapter III of the act, deals with the appointment of executive authorities and the powers and functions that are given to them.

Section 6 of the same act empowers the state government to make laws on the same subjects. This is to encourage the government to perform legislative functions that increase the overall health and sanitation in the given area. It encourages the long term conversion of all dry latrines into water-seal latrines. It gives technical and financial assistance to local water bodies that are concerned with sanitation. The most important sub-clause of this act in my opinion is sub-section (f) that lays down specification and standards of water seal latrines.

Section 7 of the same act gives the state government the power to issue directions to any person, authority or officer and such person shall be bound to comply with the directions issued.

However, Section 8 grants the status of executive officers and other to be public servants.

Section 10 is the first Section of the act that deals with the Power of the executive authority to prevent environmental pollution in certain cases. Section 11 of the act deals with the role that HUDCO plays in extending financial assistance to implement such schemes for the construction of water schemes. Section 12 is also related to finance but in a more limited sense. This section deals with the levying of fees, in order to raise funds.

Section 13 goes back to an administrative function which is the constitution of committees. The main powers for constituting committees under this section, is given to the central government. The state government also has powers to form committees under the same act.

Chapter IV of the act deals with punitive provisions such as penalties. The main penalty is with respect to contravention of the act. The punishment may extend up to imprisonment for year or fines of Rs. 2000. Section 15 deals with offences by companies.

Chapter V of the act deals with the miscellaneous functions, such as protection of action taken in good faith. Section 23 of the act enables the Central government to make laws/ rules carrying out the provisions of the act. The final Section of the act Section 24, enables the government to remove difficulties that they may come across in the implementation of this act.