



दक्षिण रेलवे/SOUTHERN RAILWAY

No.P(R)410/LL & IR

प्रधान कार्यालय/Headquarters Office
कार्मिक शाखा/ Personnel Branch
चेन्नै/ Chennai - 600 003
दि./ Dated: 20-01-2014

पी बी सी सं/ PBC No. 173 / 2013

All PHODs / DRMs / CWMs / CEWE / CAO / CPM / Dy.CPOs / Sr.DPOs /
DPOs/SPOs/ WPOs/ APOs of HQ/ Divisions/ Workshops/ other Units, etc., etc.,
(As per mailing list -'A')

**विषय/Sub: Prohibition of employment as Manual Scavengers and
their Rehabilitation Act, 2013.**

A copy of Railway Board's letter No. 2013/LMB/11/1 dated 19-12-2013
alongwith its enclosure on the above subject is enclosed for information,
guidance and necessary action.

(V. SRINIVASAN)

वरिष्ठ कार्मिक अधिकारी/नियम
Senior Personnel Officer/Rules
कृते मुख्य कार्मिक अधिकारी
For Chief Personnel Officer

संलग्न/Encl: as above

प्रतिनिधि/Copy to : The Genl Secy / SRMU
The Genl Secy / AISCSTREA
The Genl Secy/ AIOBCREA

The Genl Secy/NFIR

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

No.2013/LMB/11/1

Principal Chief Engineers, CMDs,
All Indian Railways/PUs
DG/BDSO & All training Institutes

Southern Rly., Chennai

New Delhi, date: 19.12.2013

महाप्रबंधक का कार्यालय
GENERAL MANAGER'S OFFICE

26 DEC 2013

दक्षिण रेलवे/Southern Railway
चेन्नै/Chennai-600 003

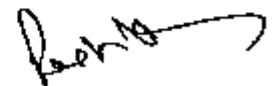
Sub:- Prohibition of employment as Manual Scavengers and their Rehabilitation Act, 2013.

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 has come into effect from 6th December, 2013. A copy of the Act has been sent to all zonal railways by IR Directorate of Railway Board. The same can also be downloaded from website "<http://socialjustice.nic.in/pdf/manualsca-act19913.pdf>". Brief on the points related with Railway has been enclosed. However, Railways are requested to go through this Act fully for proper appreciation and necessary action.

In accordance with Section 4 (1) (a) of the Act, Railways shall survey the insanitary latrines within a period of two months from the commencement of the Act i.e. 6th December, 2013. Railway shall demolish the insanitary latrine, or convert it into sanitary latrine within six months according to Section 4(1) (b). Further as per Section 7 of the Act, "No person, local Authority or any agency shall (from the date not later than one year from the date of commencement of the Act), engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank".

Railways are requested to take action in accordance with the Act. Action taken report be submitted to Railway Board on the above.

Encl:as above



(Ramesh Kumar)
Director/Land & Amenities
Railway Board

THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR
REHABILITATION ACT, 2013

BRIEF

Action to be taken for implementation of the Act

1. Survey of insanitary latrines within a period of two months from the date of commencement of the Act i.e. 6th December 2013 [Section 4(1)(a)].
2. Local authority shall give notice to the occupier to either demolish the insanitary latrine or convert it into sanitary latrine within six months [(Section 4(1)(b)].
3. Every local authority shall construct – within a period not exceeding 9 months from the commencement of the Act such number of sanitary community latrines as it considers necessary, in areas where insanitary latrines have been found [Section 4(1)(c)]. "Community" in relation to Railway Authorities means passengers, staff and other authorized users of Railways.
4. It shall be the responsibility of every local authority to ensure that after expiry of a period of nine months from the date of commencement of the Act, no insanitary latrine is constructed, maintained or used.
5. No person is engaged or employed as manual scavenger.

6. Committees

6.1 Central Monitoring Committee: Headed by Union Minister for Social Justice and Empowerment with CRB as Member, ex-officio [(Section 29(2)(h)].

6.2 State Monitoring Committee: Headed by Chief Minister of State or a Minister Nominated by him with one representative of Railways –[Section 26(1)(h)].

6.3 District Vigilance Committee: Headed by District Magistrate with one representative of Railways –[Section 24(2)(e)].

6.4 Sub-Division Vigilance Committee: Headed by Sub Divisional Magistrate with one representative of Railways –[Section 24(3)(e)].

7. It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of the excreta in the process of their cleaning [Section 33(1)].

8. The appropriate Government may, by notification, appoints such person as it thinks fit to be inspector for the purpose of this Act, and define the local limits within which they shall exercise their powers under this Act [Section 20(1)].

9. No person, local authority or any agency shall, from such date as the State Govt may notify, which shall not be later than one year from the date of commencement of this Act, engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank.(Section 7)

10. Important Sections relevant to Railway:

SN	Chapter/Section/sub-Section	Contents of the Section
1	Sub Section (1) (e) Section 2	Provided that a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.
2	Sub Section (1) (g) (b) of Section 2	A person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify.
3	Sub-Section (2) of Section 4	"Without prejudice to the provisions contained in sub Section (1), Municipalities Cantonment Boards and railway authorities shall also construct adequate number of sanitary community latrines, within a period not exceeding three years from the date of commencement of this Act, as the appropriate government may, by notification specify, so as to eliminate the practice of open defecation in their jurisdiction." "Community" in relation to Railway Authorities means passengers, staff and other authorized users of Railways.
4	Section 18	"The Appropriate Government may confer such powers and impose such duties on local authority and district Magistrate as may be necessary to ensure that the provisions of this Act are properly carried out and a local authority and District Magistrate as may, specify the subordinate officers, who shall exercise all or any of the powers, and perform all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.
5	Sub Section (1) of Section 20	"The Appropriate Government may by notification, appoint such persons as it think fit to be Inspectors of this Act, and define the local limits within which they shall exercise their powers under this Act."
6	Sub Section (1) and (2) of Section 33	(3) It shall be the duty of every local authority and other agency to use appropriate technological appliances for cleaning of sewers, septic tanks and other spaces within their control with a view to eliminating the need for the manual handling of excreta in the process of cleaning.

11. Penal Provisions:

- a. The Act provides, for the first contravention ^{of} of the provision prohibiting insanitary latrines and manual scavenging, imprisonment upto one year or fine upto Rs. Fifty thousand or both and double the period of imprisonment and fine for the second and subsequent offences.
- b. The Act provides for the first contravention of the provision relating to hazardous cleaning of sewers and septic tanks, imprisonment upto two years or fine upto rupees two lakh or both and imprisonment upto five years and fine upto rupees five lakhs for the second and subsequent offences.