

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) (Gujarat State) Rules, 2002

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Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) (Gujarat State) Rules, 2002

In exercise of the powers conferred by sub-sees. (1) and (2) of Sec. 23 of the Employment of Manual Scavengers and Constructions of Dry Latrines (Prohibition) Act, 1993 (46 of 1993), the Government of Gujarat hereby makes the following rules, viz.

1. Short title :-

(1) These rules may be called the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) (Gujarat State) Rules, 2002.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions :-

In these rules, unless the context otherwise requires,

(a) "the Act" means the Employment of Manual Scavengers and Constructions of Dry Latrines (Prohibition) Act, 1993 : (46 of 1993);

(b) "Committee" means a committee constituted under sub-sec. (4) of Section 13 ;

(c) "member" means a member of the committee and includes its

Chairperson and the Member Secretary.

(d) "section" means a section of the Act.

3. Composition of the State Co-ordination Committee :-

The State Co-ordination Committee shall consist of the following persons, viz.:

4. Functions of the Committee :-

(1) It shall be the function of the State Co-ordination Committee to monitor and review the progress of implementation of the Act and more particularly, the Schemes for

(i) conversion of dry latrines into pour flush water seal latrines;

(ii) construction and maintenance of water seal latrines; and

(iii) the rehabilitation of persons employed for manual scavenging in other gainful occupations.

(2) Subject to the generality of sub-rule (1), it shall be the duty of the Committee to

(i) obtain from each district level committee constituted by the Government under clause (b) of the sub-sec. (4) of Section 13 , a report of the progress in such form as may be specified by the State Co-ordination Committee on the implementation of the Act at such periodic intervals as the State Co-ordination Committee may decide;

(ii) review the schemes drawn up for the rehabilitation of those persons engaged as manual scavengers, who have been rendered jobless on the implementation of the Act in the areas as specified under sub-sec. (1) of Section 3 of the Gujarat Panchayats Act, 1993 (Gujarat Act No. 18 of 1993) notified by the State Government vide State Government Notification No. KP/18/2001/BKM/1093/859/V, dt. the 9th February, 2001.

(iii) give such directions as may be deemed necessary, but subject to the guidelines framed by the State Government, for the effective implementation of the Act in the areas as specified under sub-sec. (1) of Section 3 of the Gujarat Panchayats Act, 1993 (Gujarat Act No. 18 of 1993) notified by the State Government vide State Government Notification No. KP/18/2001/BKM/1093/859/V, dt. the 9th February, 2001.

(iv) assess the financial assistance required for the implementation of the Act, including the financial assistance required for the rehabilitation of the liberated manual scavengers for each village and make recommendations to the State Government on the matters in which resources are to be raised and the phasing of expenditure;

(v) monitor and ensure that the rehabilitation assistance reaches the needy and the deserving and make recommendations as to the best manner in which the liberated manual scavengers may be provided gainful employment, keeping in view the employment opportunities locally available.

(vi) submit to the State Government through its Member Secretary, half yearly report of its activities and recommendations within two months of the close of the half-year period i.e. April to September and October to March each year.

5. Powers of the Committee :-

In the discharge of its functions, the committee shall

(i) call for such information, report, statistical data as it may require from the District Level Committees, Gram Panchayats, Taluka Panchayats or District Panchayats, the Executive Authorities or any implementing agency and it shall be the duty of the District Level Committees, Executive Authorities or as the case may be, the implementing Agency under the Panchayats, Rural Housing and Rural Development Department, Gram Panchayats, Taluka Panchayats or District Panchayats to furnish such information, report and statistical data promptly :

(ii) be free to visit any notified area in which the Act is being implemented for the purpose of evaluation or monitoring of its implementation:

(iii) Exercise its powers through its Member Secretary.

6. Terms and Conditions of appointment of members :-

(i) The Chairperson and Official Members of a committee shall hold office as such so long as they hold the respective office by virtue of which they have been appointed or nominated to the Committee.

(2) The term of appointment of ex-officio members of the Committee shall be of three years.

(3) The traveling allowance and daily allowance of members for attending meetings of the Committee and for tours in connection with the work of the Committee shall be as admissible to Ministers in the case of Ministers appointed as Members and, as admissible to Members of the Legislative Assembly in the case of Members of Legislative Assembly, appointed as Members.

(4) The travelling allowance and daily allowance of the Member Secretary shall be regulated by rules applicable to such Member Secretary as a State Government Officer. The non-official members shall be treated as State Government Officers vide Government Circular, Finance Department No. MSB/1082/2481/J, dt. 18th February, 1982 for purposes of travelling allowance and daily allowance.

7. Meeting of the Committee :-

(1) The meeting of the Committee shall be held as often as found necessary by the Committee to perform its functions :

Provided that a period of not more than two months shall elapse between two successive meetings of the Committee.

(2) The meetings of the Committee shall, ordinarily be, held in the State Capital;

Provided that the Chairperson may with the permission of the State Government call for a meeting of the Committee at the headquarters of a district for reviewing or monitoring of the schemes implemented in that district.

(3) The representatives of the Districts whose schemes are to be reviewed by the Committee shall be invited to attend and participate in the meeting.

(4) The Chairperson of the Committee shall preside over all meetings. In the absence of the Chairperson, the members present shall elect one amongst them to preside over the meeting.

8. Notice of Meeting and list of business :-

(1) The Member-Secretary of the Committee shall draw up and circulate to the members of the Committee, the agenda items and brief notes on agenda items at least seven days before the scheduled date of the meeting.

(2) The notice shall state the place, date and time of the meeting

and specify the business proposed to be transacted thereat.

(3) No business which is not on the agenda shall be considered at the meeting without the permission of the Chairperson or in his absence the other presiding member as specified in sub-rule (4) of Rule 7 of these rules.

9. Quorum :-

(1) At every meeting of the Committee, one third of its members shall form a quorum.

(2) If at any meeting a quorum is not formed the Chairperson or the presiding member as specified in sub-rule (4) of Rule 7 of these rules as the case may be, shall after waiting for thirty minutes, adjourn the meeting for such hour on the same day or the following day or some other day as he may think fit and the notice of such adjournment shall be given to the members present as well as affixed on the Notice Board of the Committee and the business which was to have been brought before the original meeting, had there been a quorum, shall be brought before the meeting of the Committee held thereafter and may be disposed of irrespective of the quorum.

10. Minutes of the meetings :-

(1) Immediately after each meeting of the Committee, the Member-Secretary shall draw up the minutes of the meeting and submit the same to the Chairperson or the other presiding member as the case may be, for his approval for taking further necessary action. The minutes so approved shall be circulated to the members of the Committee for inviting comments, if any.

(2) The minutes circulated under sub-rule (1) shall be placed before the Committee for confirmation and shall be subject to such modification, if any, as the Committee may deem fit to make therein, and the minutes so approved shall be signed by the Chairperson or in his absence, the presiding member as the case may be and entered in a book to be kept for that purpose.