

The National Commission for Safai Karamcharis Act, 1993

(ACT NO. 64 OF 1993)

[*As on the* 15*th May,* 2026]

LIST OF AMENDING ACTS

1. The National Commission for Safai Karamcharis (Amendment Act, 1997 (18 of 1997).
2. The National Commission for Safai Karamcharis (Amendment) Act, 2001 (55 of 2001).
3. The Jammu and Kashmir Reorganisation Act, 2019 (34 of 2019).

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LIST OF ABBREVIATIONS USED

Cl., cls.	. . . . .	*for*	Clause, clauses.
Ins.	. . . . .	,,	Inserted.
Notifn.	. . . . .	,,	Notification.
S., ss.	. . . . .	,,	Section, sections.
Sch.	. . . . .	,,	Schedule.
Subs.	. . . . .	,,	Substituted.
w.e.f.	. . . . .	,,	with effect from.

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THE NATIONAL COMMISSION FOR SAFAI KARAMCHARIS ACT, 1993

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THE NATIONAL COMMISSION FOR SAFAI KARAMCHARIS ACT, 1993

ACT NO. 64 OF 1993

[4*th September*, 1993.]

An Act to constitute a National Commission for Safai Karamcharis and to provide for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-fourth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent, application, commencement, duration and savings.—(*1*) This Act may be called the National Commission for Safai Karamcharis Act, 1993.

(*2*) It extends to the whole of India [1]***.

(*3*) It shall come into force on such date[2] as the Central Government may, by notification in the Official Gazette, appoint.

(*4*) It shall cease to have effect after the [3][29th day of February, 2004], except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897(10 of 1897), shall apply as if this Act had then been repealed by a Central Act.

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2. Definitions.—In this Act, unless the context otherwise requires,—

(*a*) "Chairperson" means the Chairperson of the Commission;

(*b*) "Commission" means the National Commission for Safai Karamcharis constituted under section 3;

(*c*) "Member" means a Member of the Commission;

(*d*) "prescribed" means prescribed by rules made under this Act;

(*e*) "Safai Karamchari" means a person engaged in, or employed for, manually carrying human excreta or any sanitation work;

(*f*) "Vice-Chairperson" means the Vice-Chairperson of the Commission.

CHAPTER II

THE NATIONAL COMMISSION FOR SAFAI KARAMCHARIS

3. Constitution of the National Commission for Safai Karamcharis.—(*1*) The Central Government shall, by notification in the Official Gazette, constitute a body to be known as the National Commission for Safai Karamcharis to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

(*2*) The Commission shall consist of—

(*a*) a Chairperson;

(*b*) a Vice-Chairperson;

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1. The words "except the State of Jammu and Kashmir" omitted by Act 34 of 2019, s. 95 and Sch. V (w.e.f. 31-10- 2019).

2. 12th August, 1994, *vide* Notifn No. S.O. 591(E), dated 12th August, 1994, *see* Gazette of India, Extraordinary, Part II, sec. 3(*ii*).

3. Subs. by Act 55 of 2001, s. 2, for "31st day of March, 2002" (w.e.f. 13-12-2001).

(*c*) five Members,

to be nominated, from amongst the persons of eminence connected with the socio-economic development and welfare of Safai Karamcharis, by the Central Government:

Provided that at least one of the Members shall be a woman.

4. Term of office and conditions of service of Chairperson, Vice-Chairperson and Members.—(*1*) The Chairperson, Vice-Chairperson and every Member shall hold office for such period not exceeding three years as may be specified by the Central Government in this behalf or up to the 31st day of March, 1997, whichever is earlier.

[1][Provided that the Chairperson, Vice-Chairperson and every Member holding office as such immediately before the commencement of the National Commission for Safai Karamcharis (Amendment) Act, 1997 (18 of 1997) shall vacate their respective offices on the 31st day of March, 1997:

Provided further that the Chairperson, Vice-Chairperson and every Member appointed after the commencement of the National Commission for Safai Karamcharis (Amendment) Act, 1997 (18 of 1997) shall hold office for such period not exceeding three years as may be specified by the Central Government in this behalf or up to the 31st day of March, 2002, whichever is earlier.]

[2][(*1A*) Notwithstanding anything contained in sub-section (*1*), the Chairperson, Vice-Chairperson and every Member appointed on or after the 16th day of February, 2001, shall hold office for a period not exceeding three years from the date of assumption of his office or up to the 29th day of February, 2004, whichever is earlier.]

(*2*) The Chairperson, Vice-Chairperson or a Member may, by notice in writing addressed to the Central Government, resign from the office of Chairperson, Vice-Chairperson, or as the case may be, of the Member at any time.

(*3*) The Central Government shall remove a person from the office of Chairperson, Vice-Chairperson or a Member if that person—

(*a*) becomes an undischarged insolvent;

(*b*) is convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude;

(*c*) becomes of unsound mind and stands so declared by a competent court;

(*d*) refuses to act or becomes incapable of acting;

(*e*) is, without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; or

(*f*) in the opinion of the Central Government has so abused the position of Chairperson, Vice-Chairperson or Member as to render that person's continuance in office detrimental to the public interest:

Provided that no person shall be removed under this clause until that person has been given a reasonable opportunity of being heard in the matter.

(*4*) A vacancy caused under sub-section (*2*) or sub-section (*3*) or otherwise shall be filled by fresh nomination and a person so nominated shall hold office for the unexpired period of the term for which his predecessor in office would have held office if such vacancy had not arisen.

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1. Ins. by Act 18 of 1997, s. 3 (w.e.f. 25-3-1997).
2. Ins. by Act 55 of 2001, s. 3 (w.e.f. 13-12-2001).

(*5*) The salaries and allowances payable to, and other terms and conditions of service of, the Chairperson, Vice-Chairperson and Members shall be such as may be prescribed.

5. Officers and other employees of the Commission.—(*1*) The Central Government shall provide the Commission with such officers and employees as may be necessary for the efficient performance of the functions of the Commission under this Act.

(*2*) The salaries and allowances payable to, and other terms and conditions of service of, the officers and other employees appointed for the purpose of the Commission shall be such as may be prescribed.

6. Vacancy, etc., not to invalidate the proceedings of the Commission.—No act or proceeding of the Commission shall be questioned or shall be invalid on the ground merely of the existence of any vacancy or defect in the constitution of the Commission.

7. Procedure to be regulated by the Commission.—(*1*) The Commission shall meet as and when necessary and shall meet at such time and place as the Chairperson may think fit.

(*2*) The Commission shall regulate its own procedure.

(*3*) All orders and decisions of the Commission shall be authenticated by the Chairperson or any other officer of the Commission duly authorised by the Chairperson in this behalf.

CHAPTER III

FUNCTIONS AND POWERS OF THE COMMISSION

8. Functions and powers of the Commission.—(*1*) The Commission shall perform all or any of the following functions namely:—

(*a*) recommend to the Central Government specific programmes of action towards elimination of inequalities in status, facilities and opportunities for Safai Karamcharis under a time-bound action plan;

(*b*) study and evaluate the implementation of the programmes and schemes relating to the social and economic rehabilitation of Safai Karamcharis and make recommendations to the Central Government and State Governments for better co-ordination and implementation of such programmes and schemes;

(*c*) investigate specific grievances and take *suo moto* notice of matters relating to non-implementation of—

(*i*) programmes or schemes in respect of any group of Safai Karamcharis;

(*ii*) decisions, guidelines or instructions, aimed at mitigating the hardship of Safai Karamcharis;

(*iii*) measures for the social and economic upliftment of Safai Karamcharis;

(*iv*) the provisions of any law in its application to Safai Karamcharis,

and take up such matters with the concerned authorities or with the Central or State Governments;

(*d*) make periodical reports to the Central and State Governments on any matter concerning Safai Karamcharis, taking into account any difficulties or disabilities being encountered by Safai Karamcharis;

(*e*) any other matter which may be referred to it by the Central Government.

(*2*) In the discharge of its functions under sub-section (*1*), the Commission shall have power to call for information with respect to any matter specified in that sub-section from any Government or local or other authority.

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CHAPTER IV

MISCELLANEOUS

9. Chairperson, Vice-Chairperson and Members and staff of the Commission to be public servants.—The Chairperson, Vice-Chairperson, Members, officers and other employees of the Commission shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (45 of 1860).

10. Central Government to consult Commission.—The Central Government shall consult the Commission on all major policy matters affecting Safai Karamcharis.

11. Annual report.—The Commission shall prepare in such form and at such time for each financial year as may be prescribed its annual report giving a full account of its activities during the previous financial year and forward a copy thereof to the Central Government.

12. Annual report to be laid before Parliament or the Legislative Assembly.—(*1*) The Central Government shall cause the annual report to be laid before each House of Parliament along with the memorandum explaining the action taken or proposed to be taken on the recommendations contained therein in so far as they relate to the Central Government and the reasons for non-acceptance, if any, of any such recommendation.

(*2*) Where the said report or any part thereof relates to any matter with which a State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any such recommendation or part.

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13. Delegation of powers.—The Commission may, by general or special order, delegate to the Chairperson, Vice-Chairperson or any Member or to any officer of the Commission subject to such conditions and limitations, if any, as may be specified therein, such of its powers and duties under this Act as it may deem fit.

14. Protection of action taken in good faith.—No suit, prosecution or other legal proceeding shall lie against the Central Government, Commission, Chairperson, Vice-Chairperson, Members or any officer or other employee of the Commission for anything which is in good faith done or intended to be done under this Act.

15. Power to make rules.—(*1*) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

(*2*) In particular, and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(*a*) salaries and allowances payable to, and the other terms and conditions of service of, the Chairperson, Vice-Chairperson and Members under sub-section (*5*) of section 4 and of officers and other employees of the Commission under sub-section (*2*) of section5;

(*b*) the form in, and the time at, which the annual report shall be prepared under section 11;

(*c*) any other matter which is required to be, or may be, prescribed.

(*3*) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The Government of India have taken a number of steps for the social, economic and educational upliftment of Safai Karamcharis, Special schemes for the liberation and rehabilitation of Safai Karamcharis have also been formulated by the Government. In spite of these efforts, the obnoxious practice of manual scavenging still continues in many parts of the country. Since this practice is a continuing stigma on our social fabric, Government is determined to eradicate the practice within a fixed time frame *i.e.* by the end of the Eighth Five Year Plan. A total plan outlay of Rs. 464 crores has been allocated in the Eighth Five Year Plan for liberation of scavengers. The total cost of the scheme including Bank loans and States contribution is estimated to be Rs. 905 crores. The scheme is at present being implemented by. the Scheduled Castes Development Corporations set up by the State Governments. There is no agency at the Central level to study, evaluate and monitor the scheme of liberation and rehabilitation of Safai Karamcharis. Since the scope of the National Commission for Scheduled Castes and Scheduled Tribes is restricted to Scheduled Castes and Scheduled Tribes and since persons other than those belonging to the Scheduled Castes and the Scheduled Tribes also constitute a sizeable proportion of Safai Karamcharis, it was felt that a separate statutory National Commission needs to be established for monitoring the schemes for the liberation and rehabilitation of Safai Karamcharis.

2. The Bill seeks to achieve the aforesaid objects.

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SITARAM KESRI.

NEW DELHI;

The 22*nd April*, 1993.