

LOW COST SANITATION AND LIBERATION OF SCAVENGRS GUIDELINES

Introduction

The Centrally sponsored scheme of Urban Low Cost Sanitation for liberation of the Scavengers started from 1980-81 initially through the Ministry of Home Affairs and later on through the Ministry of Welfare. From 1989-90, it came to be operated through the Ministry of Urban Development now renamed as Ministry of Urban Affairs & Employment (MOUA& E). The main objective of the scheme is to convert the existing dry latrines into low cost pour flush latrines and providing alternative employment to the liberated scavengers. In so far as component relating to the rehabilitation of liberated scavengers is concerned it is being dealt with by the Ministry of Welfare.

Objective

The objective of the scheme is to totally eliminate manual scavenging involved in the cleaning of dry latrines or open defecation and convert/construct low cost sanitation units through sanitary two pit pour flush latrines with appropriate variations to suit local conditions. This would result in liberation of scavengers from manual scavenging and improve the overall sanitation in the towns. Scavengers so liberated or their dependents would have to be rehabilitated under the scheme by the State Governments simultaneously with the help of funds provided by the Ministry of Welfare or with facilities available under Nehru Rozgar Yojana.

Selection of towns

Towns are selected from the various States and Union Territories on the basis of their urban population and the extent of prevalence of manual scavenging. Priority is given to those towns which have a predominance of dry latrines or where widespread open defecation takes place and a large scavenger population. Towns which are already under consideration for IDSMT, Ganga Project or financing through HUDCO on a 'whole town basis' or for subsidy from the Ministry of Welfare under an earlier scheme are suitably incorporated. Scheme is applicable to small and medium towns having a population not exceeding 5 lakhs as per 1981 Census.

Eligibility

The scheme is on a 'whole town' coverage basis. Proposals can be submitted by the concerned urban local body or organization like Housing Board, Slum Clearance Board, Development Authority, Improvement Trust, Water Supply and Sewerage Board, Cantonment Board, etc. duly authorized by the State Government for undertaking the programme. The concerned urban local body organization has to give an undertaking for amending the by-laws prohibiting manual scavenging in the towns thereafter on the lines of the model by-laws would provide for action by the local bodies to ensure obligatory provision of sanitary latrines for all households by regulatory action and assistance for new construction/conversion.

Selection of Beneficiaries

This scheme covers all the households which have dry latrines and households having no sanitation facilities including households in slums and squatter colonies.

Financing Pattern

Under the present scheme, loan and subsidy is extended simultaneously by HUDCO after the sanction of the scheme for the construction up to the sub-structure. For this purpose, Central subsidy is routed through HUDCO. The loan and subsidy portion is based on the income of the beneficiaries with the objective to provide subsidies to lower income groups only. Financing pattern being followed is as follows:-

EWS- 45% subsidy, 50% loan and 5% beneficiary contribution.

LIG - 25% subsidy, 60% loan and 15% beneficiary contribution.

MIG & HIG - Nil subsidy, 75% loan and 25% beneficiary contribution.

It is clarified that Central subsidy portion would be restricted to the limits as mentioned above. If the State Government so desires, they may subsidize the beneficiary contribution or the loan component in order to reduce the burden of beneficiaries. Under the scheme, the HUDCO loan and the Central grant are routed through HUDCO's regional offices in order to extend subsidies and loans simultaneously in the proportions mentioned above to the implementing agencies in prescribed installments in tune with the actual physical progress and expenditure. HUDCO's loan is extended at 10% interest repayable over 7 years. The borrowing agencies have to ensure the timely

recovery of the loan component from the beneficiaries. The pattern of execution has been suggested in the model by-laws. NGOs can be involved in this scheme and could, therefore, render considerable assistance in the recoveries also. The community extension units of the municipalities selected for Urban Basic Services Programme could also be utilized for motivating the community and for technical help.

Apart from conversion of individual dry latrines or construction of individual sanitary latrines, the loans can be given to local bodies for construction of community latrines on 'Pay and Use' principle in areas occupied by the poorest section of the urban population or areas of public use like bus stands, market places, etc. This could be operated through voluntary agencies. Construction of shared latrines in slums, housing/chawls can also be covered under the scheme taking into account the lack of space for the provision of individual latrines and consequent risk of open defecation. Construction of new latrines to eliminate open defecation are also eligible in such areas with loan and subsidy proportions as mentioned above in order to avoid the need for use of scavengers to remove this type of night soil.

It has been noted that so far to obtain a loan from HUDCO for low cost sanitation, one of the main bottlenecks for the local body has been securing a Government guarantee. While this guarantee system cannot be waived off in order to ensure speedy implementation. It is suggested that the State Government could evolve a system of issuing block guarantees as has been done by certain State Governments (e.g. Maharashtra).

Implementation of Programme

A separate cell has been set up in HUDCO for the implementation of this programme. The regional offices of HUDCO render assistance to the State Governments in the formulation of their proposals. The local bodies or borrowing agencies selected by the State governments send their proposals for inclusion under the programme.

Coordination and Monitoring Committee

A Co-ordination Committee under the Ministry of Urban Development with representation from Ministry of Welfare and HUDCO consists appraising the proposals sent for inclusion under the scheme

by the various State Governments and selecting the towns to be covered thereafter. HUDCO ensure the expeditious sanction of the loan and subsidy to the concerned local body/authorized agency in periodic installments and monitor actual progress of execution. For this purpose, State Governments should send their quarterly progress reports on the implementation of the scheme. As this programme is being given utmost priority by the government, the State Governments should ensure that the implementation of the programme does not involve any cost and time over runs and strict monitoring of the same takes place at the State And local level also.

State Co-ordination Committee

State Co-ordination Committee may be constituted with representatives of the concerned departments including the department dealing with social welfare so that monitoring of the schemes and the rehabilitation of the liberated scavengers is ensured.

In order to cut down delays and problems of co-ordination, the State Governments may authorize a small cell registered as a society or an existing institution for channelising the subsidy and HUDCO loans being extended under the scheme to the implementing agencies. The government of Madhya Pradesh has nominated the Madhya Pradesh Slum Clearance Board as nodal agency for the whole State. Similar such agencies could be authorized/set up by the State Governments for easier implementation.

Rehabilitation

As part of the scheme for liberation of scavengers, it is imperative that the scheme regarding the rehabilitation of the scavengers liberated are also given due importance and implemented simultaneously. The implementation agency should furnish the list of scavengers and their dependents liberated under the scheme to the State Co-ordination Committee alongwith the data regarding their social, educational and economic status. The implementing agency should recommend rehabilitation scheme which would be appropriate to the areas and skills needed. Services of reputed voluntary organizations/institutions could be utilized for this purpose. The State co-ordination committee should take a decision on the rehabilitation schemes forwarded by the implementing agencies and consider taking them up under the various schemes available for the development of Scheduled Castes

and Scheduled Tribes. HUDCO would ensure that the implementing schemes does not ignore the rehabilitation aspect. In case Central assistance is found essential, the same could be recommended to the Monitoring Committee for funds available with the Ministry of Welfare for rehabilitation or funding under NRY of the Ministry of Urban Development.

DRAFT MODEL BY-LAWS FOR REGULATING THE CONSTRUCTION OPERATION MAINTENANCE AND CONTROL OF LATRINES

In exercise of the powers vested under Section.....of.....(State) Municipalities Act.....(year), the Municipal Board of(Town) hereby makes the following by-laws for regulating the constructions, maintenance and control of waterflush latrines within its areas.

BY-LAWS

1. Short Title, Extent and Commencement

- (i)The By-laws may be called.....(Town) Municipal Board latrine by-laws.
- (ii)They shall extend to the whole of Municipality of.....
- (iii)They shall come into force after three months from the date of their publication in the Official Gazette.

2. Definitions

- (i) "Municipal Board" includes Municipal Corporation, Municipal Council, town Area Committee. Notified Area Committee and Nagar Panchayat.
- (ii) "Executive Officer" includes Commissioner, Chief Officer and Secretary.
- (iii) "Latrine" or "Privy" means a place set apart for defecation together with the structure comprising such place, the receptacle therein for human excreta and the fittings and apparatus, if any, connected therewith, and includes a dry latrine and a water-flush water-seal latrine.

(iv) "Dry Latrine" means a latrine in which human excreta are discharged into any type of receptacle e.g. bucket etc. or otherwise and required to be removed by human agency.

(v) "Water-seal latrine" means a latrine with a minimum water-seal of 20 mm in which excreta is pushed in flushed by water and not required to be removed by human agency. The types, designs and specifications various kinds of water seal flush latrines shall be as given in the schedule of these by-laws or as may prescribed by Stated Government from time to time.

3. Preparation of a Register Regarding Latrines

The Executive Officer shall prepare and maintain a register of House-holds containing information about the existing position of latrine facilities, their types and numbers of users, etc. where such facilities exist, in such form as may be prescribed. For collecting necessary information in this regard, the Executive Officer may, by requisition, require the owner or occupier to furnish the same within the period specified therein who shall be bound to furnish such information.

4. Construction of New Latrines

After coming into force of these by-laws:

(i) Any latrine that may be constructed by any person shall be of water-seal type, conforming to the types, design and specifications prescribed in the by-laws;

(ii) every person, who builds or rebuilds a residential building, shall provide at least one water-seal latrine in it;

(iii) every household shall have at least one water-seal latrine and incase the number of users within a household exceeds 10, it shall have at least two latrines; and

(iv) no building plan of any type of construction or alterations or additions to a building shall be sanctioned and no building shall be deemed to have been completed and fit for human occupation unless provision is made for water-seal latrine and the dry latrine, if any, is dismantled, but if the numbers of users in the household exceeds 10,j at least two water-seal latrines shall be provided.

5. Location of the Units

(i) No leaching pit for disposal of excreta shall be located with a radius of 8 m from the existing hand pump or well unless

special precautions to the satisfaction of the Executive Officer are taken. However, in soils with grain sizes less than 1 mm and where maximum ground water level throughout the year is more than 2 m below the pits, the leaching pits can be located at 3 m distance from drinking water sources;

- (ii) Leaching pits shall be located within the premises of the building where the latrine is proposed to be constructed new or converted; where it is not possible, the pits can be located under the foot-path, road or street. The final authority to determine this feasibility shall be of the Municipal Board its decision shall be final and binding. Permission to build the leaching pits under the road, street or foot-path shall be given only by the Executive Officer or by the person authorized by him when he is fully satisfied that it is not feasible to construct these pits within the premises of the building; and
- (iii) In case the leach pits are located under the road, street, or foot-path, the invert level of the pipe connecting the latrine pan with the pit shall be at least 1.1m belowground level or below the bottom of the water main existing within a distance of 3 m from the pits whichever is more.

6. Phased Latrine Programme

The Municipal Board shall make out a reasonable time-bound phased programme requiring the owners or occupiers of households to convert the existing dry/bucket latrines to water-seal units and to provide water-seal latrines in all the premises in different wards.

7. Notice for Construction/Conversion of Latrines

The Executive Officer shall issue a notice in writing to the owner or occupier to provide a water-seal latrine or latrines in the premises with no latrines or an additional unit or units in households with inadequate number of latrines and/or to convert the existing dry latrine into a water-seal one as per prescribed specifications within 3 months from the date of service of notice. The period of 3 months may be extended by the Executive Officer at the request of the owner or the occupier, if sufficient reasons justifying the grant of such request are shown, provided that the total period shall not exceed six months in aggregate from the date of service of such notice.

In case due to space constraint it is not feasible to convert or build a new latrine as specified in the schedule of these by-laws, the

owner or occupier shall inform the Municipal Board about it but to determine the aforesaid feasibility, the final authority shall be the Municipal Board and the decision of the Board shall be final and binding on the owner or the occupier of the building.

8. Licensed Contractors for Construction of Water-seal Latrines.

The Municipal Board shall issue licenses to technicians, contractors and plumbers in sufficient number (who are trained and in opinion of the Municipal Board, competent to undertake the work of construction of water-seal latrines conforming to the prescribed specifications, types and designs, etc.) on payment of a license fee of Rs.25 and the Municipal Board shall maintain a register thereof for the convenience of the persons constructing water-seal latrines.

No other person except the licensed contractors shall be allowed to construct water-seal latrines. An agreement shall be executed between the Municipal Board and licensed contractor laying down the relevant terms and conditions and necessary security money shall have to be deposited with the Municipal Board.

9. Application and Other Procedures

- (i) The person desirous to convert or construct latrine shall submit an application on the prescribed form to the Municipal Board for sanction giving all necessary detail about the type, design and specifications of the latrine proposed to be constructed and also give the location of latrine, leach pits etc. The licensed contractor will assist him in submitting the application and getting it sanctioned. In case the application and proposal are found in order, the sanction will be accorded by the Municipal Board and a copy of the list of materials to be used and specifications of the work will be given to the applicant provided the applicant is constructing a pour-flush water-seal latrine with twin leach pits;
- (ii) If a person who wants to convert existing dry, earth, bucket or borehole latrine or build a new water-seal pour-flush latrine with on site excreta disposal is desirous to take the financial assistance for it, he will execute an agreement with the Municipal Board as per the scheme of financial assistance to the householders notified by the Municipal Board. The financial assistance will be in the shape of loan or a mix of loan and grant. The criteria for determination of grant

element and the terms and conditions for giving the financial assistance and loan recovery with interest shall be as notified by the Municipal Board or the State Government from time to time.

- (iii) The licensed contractor shall construct the sanctioned latrine as per the prescribed design, drawing and specifications to the satisfaction of the Municipal Board and the owner or the occupier of the house.
- (iv) After the contractor submits the completion certificate of building the latrine and the Municipal Board and the owner or the occupier of the building being satisfied with the construction, payment will be released to the contractor by the Municipal Board. The owner or the occupier of the building will be given detailed instructions and guidance apart from a pamphlet giving instructions and guidelines regarding its use, operation and maintenance.
- (v) The latrine constructed shall be provided with a superstructure with proper ventilation. If there is a scheme for giving financial assistance for constructing a superstructure, the person who constructs the latrine will be given financial assistance on execution of an agreement on terms and conditions as specified by the Municipal Board, provided funds are available with the Municipal Board.
- (vi) a person who builds or rebuilds a house shall not be given any financial assistance by the Municipal Board for constructing a latrine; and
- (vii) the person who has obtained a loan for constructing a latrine or super-structure shall repay the loan with interest in instalments determined by the Municipal Board under the financial assistance scheme regularly. In case of default, the following measure will be taken for recovery;
 - a) Rate of interest from the date the last loan installment paid to the date of payment of outstanding due loan amount shall be enhanced by at least 5% above the current bank loan interest.
 - b) Recovery of loan dues with penal interest in case of default will be effected by means of dis-training of the goods of the defaulter as is laid down for the recovery of tax in Section.....of the Municipal Act..... or through the District Magistrate as arrears of land revenue.
 - c) The water pipe connection, if the defaulter has in the house, may be disconnected.

d) Recovery will be effected from the tenant who will recover it from the rent paid to the owner of the household.

e) In case the owner of the building, in which respect the defaced has recurred, is not living in the building, the water connection of the building where he is residing, if it lies within the municipal limits of the town, will be disconnected.

10. Dismantling of Dry Latrines

After the construction of water-seal latrines, the dry latrine if existing in the household (where the water-seal latrines has been constructed) shall be dismantled.

11. Execution of Work by Municipal Board on Payment

If owner or the occupier against whom a notice under bye-law No.7 above has been issued, fails to comply with the notice within the specified time; then without prejudice to any other action that may be taken against him under any other provision of the law, the Executive Officer shall get the latrine constructed or converted, as the case may be, in terms of notice, departmental or through any licensed contractor and recover the expenses incurred in this behalf from the defaulter under Section.....of the.....(State) Municipal Act.....(Year).

12. Maintenance of Latrine

The water-seal latrine shall be properly maintained and kept in sanitary condition by the owner or the occupier. The contents of the septic tanks, soak pits, leach pits, etc. shall be periodically emptied by the owner or occupier at his own cost either through private agency or the Municipal Board. The Municipal Board shall maintain a special squad for this purpose and provide its services for emptying the contents and/or removal thereof. The leach pits will be cleaned only after 2 years of their remaining out of service after they are full. If the Municipal Board cleans the leach pits free of cost at the request of the owner or the occupier of the building, the humus shall be the property of the Municipal Board and the owner of the occupier of the house shall not have any claim on it.

13. Penalty for Breach

Any person committing breach of any of these by-laws shall be liable to a fine not exceeding Rs.1000/-.

Name of the State

Progress report relating to the Month ending.....

PROFORMA-I

Scheme sent to Govt. of India & date	Number and Names of towns mentioned by Govt. of India	Names of towns where applications sent for sanction to HUDCO	Number of schemes sanctioned by HUDCO
1	2	3	4

PROFORMA-II

Number of towns for which loans and grants sanctioned by HUDCO	Amount sanctioned town-wise	Number of dry latrines to be converted	Physical Progress			Scavengers liberated
			(a) 50% completed	(b) Work commenced	(c) Yet to start	
1	2	3	4	5	6	7