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# सरकारी राजपत्र OFFICIAL GAZETTE



सत्यमेव जयते  
भारत सरकार  
Government of India

## संघ प्रदेश दमण एवं दीव प्रशासन

U.T. ADMINISTRATION OF DAMAN & DIU

प्राधिकरण द्वारा प्रकाशित  
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UT Administration of Daman & Diu  
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Dated : 16/04/2014.

The Notification No. S.O. 2989(E). dated 1<sup>st</sup> October, 2013 received from the Joint Secretary to the Govt. of India, Ministry of Social Justice and Empowerment, New Delhi and The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013) dated 18<sup>th</sup> September, 2013 received from the Secretary to the Govt. of India, Ministry of Law and Justice, New Delhi published in the Gazette of India are hereby re-published in the Official Gazette of this U.T. Administration of Daman & Diu for general information.

Sd/-  
( Asha Chaudhary )  
Deputy Director (Social Welfare)  
Daman.

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सामाजिक न्याय और अधिकारिता मंत्रालय  
(सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 1 अक्टूबर, 2013

का.आ. 2989(अ).—केंद्रीय सरकार, हाथ से मैला उठाने वाले कर्मियों के नियोजन का प्रतिषेध और उनका पुनर्वास अधिनियम, 2013 (2013 का 25) की धारा 1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, 6 दिसम्बर, 2013 को उस तारीख के रूप में नियत करती है जिसको उक्त अधिनियम प्रवृत्त होगा।

[फा. सं. 12015/3/2008-एससीडी-IV]

संजीव कुमार, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 1st October, 2013

S.O. 2989(E).—In exercise of the powers conferred by sub-section (3) of Section 1 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013), the Central Government hereby appoints the 6th day of December, 2013 as the date on which the said Act shall come into force.

[F. No. 12015/3/2008-SCD-IV]

SANJEEV KUMAR, Jt. Secy.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 19th September, 2013/Bhadra 28, 1935 (Saka)*

The following Act of Parliament received the assent of the President on the 18th September, 2013, and is hereby published for general information:—

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

No. 25 OF 2013

[18th September, 2013.]

An Act to provide for the prohibition of employment as manual scavengers, rehabilitation of manual scavengers and their families, and for matters connected therewith or incidental thereto.

WHEREAS promoting among the citizens fraternity assuring the dignity of the individual is enshrined as one of the goals in the Preamble to the Constitution;

AND WHEREAS the right to live with dignity is also implicit in the Fundamental Rights guaranteed in Part III of the Constitution;

AND WHEREAS article 46 of the Constitution, *Inter alia*, provides that the State shall protect the weaker sections, and, particularly, the Scheduled Castes and the Scheduled Tribes from social injustice and all forms of exploitation;

AND WHEREAS the dehumanising practice of manual scavenging, arising from the continuing existence of insanitary latrines and a highly iniquitous caste system, still persists in various parts of the country, and the existing laws have not proved adequate in eliminating the twin evils of insanitary latrines and manual scavenging;

AND WHEREAS it is necessary to correct the historical injustice and indignity suffered by the manual scavengers, and to rehabilitate them to a life of dignity.

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

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that the date so notified shall not be earlier than sixty days after the date of publication of the notification in the Official Gazette.

Definitions.

2. (1) In this Act, unless the context otherwise requires,—

(a) "agency" means any agency, other than a local authority, which may undertake sanitation facilities in an area and includes a contractor or a firm or a company which engages in development and maintenance of real estate;

(b) "appropriate government", in relation to Cantonment Boards, railway lands, and lands and buildings owned by the Central Government, a Central Public Sector Undertaking or an autonomous body wholly or substantially funded by the Central Government, means the Central Government and in all other cases, the State Government;

(c) "Chief Executive Officer", in relation to a Municipality or Panchayat, means, its senior-most executive officer, by whatever name called;

(d) "hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;

(e) "insanitary latrine" means a latrine which requires human excreta to be cleaned or otherwise handled manually, either *in situ*, or in an open drain or pit into which the excreta is discharged or flushed out, before the excreta fully decomposes in such manner as may be prescribed:

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.

(f) "local authority" means,—

(i) a Municipality or a Panchayat, as defined in clause (e) and clause (f) of article 243P of the Constitution, which is responsible for sanitation in its area of jurisdiction;

(ii) a Cantonment Board constituted under section 10 of the Cantonments Act, 2006; and

(iii) a railway authority;

(g) "manual scavenger" means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a

railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

*Explanation.*—For the purpose of this clause,—

(a) "engaged or employed" means being engaged or employed on a regular or contract basis;

(b) 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 in this behalf, shall not be deemed to be a 'manual scavenger';

64 of 1993.

(h) "National Commission for Safai Karmacharis" means the National Commission for Safai Karmacharis constituted under section 3 of the National Commission for Safai Karmacharis Act, 1993 and continued by Resolution of the Government of India in the Ministry of Social Justice and Empowerment *vide* No. 17015/18/2003-SCD-VI, dated 24th February, 2004 and as amended from time to time;

(i) "notification" means a notification published in the Official Gazette and the expression "notify" shall be construed accordingly;

(j) "occupier", in relation to the premises where an insanitary latrine exists, or someone is employed as a manual scavenger, means the person who, for the time being, is in occupation of such premises;

(k) "owner", in relation to the premises where an insanitary latrine exists or someone is employed as a manual scavenger, means, the person who, for the time being has legal title to such premises;

(l) "prescribed" means prescribed by the rules made under this Act;

(m) "railway authority" means an authority administering railway land, as may be notified by the Central Government in this behalf;

24 of 1989.

(n) "railway land" shall have the meaning assigned to it in clause (32A) of section 2 of the Railways Act, 1989;

(o) "sanitary latrine" means a latrine which is not an 'insanitary latrine';

(p) "septic tank" means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;

(q) "sewer" means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes;

(r) "State Government", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(s) "survey" means a survey of manual scavengers undertaken in pursuance of section 11 or section 14.

41 of 2006.

(2) Words and expressions used and not defined in this Act, but defined in the Cantonments Act, 2006, shall have the same meanings respectively assigned to them in that Act.

(3) The reference to a Municipality under Chapters IV to VIII of this Act shall include a reference to, as the case may be, the Cantonment Board or the railway authority, in respect of areas included within the jurisdiction of the Cantonment Board and the railway land, respectively.

Act to have overriding effect.

3. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 or in any other law, or in any instrument having effect by virtue of any other law. 46 of 1993.

CHAPTER II

IDENTIFICATION OF INSANITARY LATRINES

Local authorities to survey insanitary latrines and provide sanitary community latrines.

4. (1) Every local authority shall,—

(a) carry out a survey of insanitary latrines existing within its jurisdiction, and publish a list of such insanitary latrines, in such manner as may be prescribed, within a period of two months from the date of commencement of this Act;

(b) give a notice to the occupier, within fifteen days from the date of publication of the list under clause (a), to either demolish the insanitary latrine or convert it into a sanitary latrine, within a period of six months from the date of commencement of this Act:

Provided that the local authority may for sufficient reasons to be recorded in writing extend the said period not exceeding three months;

(c) construct, within a period not exceeding nine months from the date of commencement of this Act, such number of sanitary community latrines as it considers necessary, in the areas where insanitary latrines have been found.

(2) 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 such 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.

(3) It shall be the responsibility of local authorities to construct community sanitary latrines as specified in sub-sections (1) and (2), and also to make arrangements for their hygienic upkeep at all times.

*Explanation.*—For the purposes of this section, "community" in relation to railway authorities means passengers, staff and other authorised users of railways.

CHAPTER III

PROHIBITION OF INSANITARY LATRINES AND EMPLOYMENT AND ENGAGEMENT AS MANUAL SCAVENGER

Prohibition of insanitary latrines and employment and engagement of manual scavenger.

5. (1) Notwithstanding anything inconsistent therewith contained in the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, no person, local authority or any agency shall, after the date of commencement of this Act,— 46 of 1993.

(a) construct an insanitary latrine; or

(b) engage or employ, either directly or indirectly, a manual scavenger, and every person so engaged or employed shall stand discharged immediately from any obligation, express or implied, to do manual scavenging:

(2) Every insanitary latrine existing on the date of commencement of this Act, shall either be demolished or be converted into a sanitary latrine, by the occupier at his own cost, before the expiry of the period so specified in clause (b) of sub-section (1) of section 4:

Provided that where there are several occupiers in relation to an insanitary latrine, the liability to demolish or convert it shall lie with,—

(a) the owner of the premises, in case one of the occupiers happens to be the owner; and

(b) all the occupiers, jointly and severally, in all other cases:

Provided that the State Government may give assistance for conversion of insanitary latrines into sanitary latrines to occupiers from such categories of persons and on such scale, as it may, by notification, specify:

Provided further that non-receipt of State assistance shall not be a valid ground to maintain or use an insanitary latrine, beyond the said period of nine months.

(3) If any occupier fails to demolish an insanitary latrine or convert it into a sanitary latrine within the period specified in sub-section (2), the local authority having jurisdiction over the area in which such insanitary latrine is situated, shall, after giving notice of not less than twenty one days to the occupier, either convert such latrine into a sanitary latrine, or demolish such insanitary latrine, and shall be entitled to recover the cost of such conversion or, as the case may be, of demolition, from such occupier in such manner as may be prescribed.

6. (1) Any contract, agreement or other instrument entered into or executed before the date of commencement of this Act, engaging or employing a person for the purpose of manual scavenging shall, on the date of commencement of this Act, be terminated and such contract, agreement or other instrument shall be void and inoperative and no compensation shall be payable therefor.

Contract, agreement, etc., to be void.

(2) Notwithstanding anything contained in sub-section (1), no person employed or engaged as a manual scavenger on a full-time basis shall be retrenched by his employer, but shall be retained, subject to his willingness, in employment on at least the same emoluments, and shall be assigned work other than manual scavenging.

7. No person, local authority or any agency shall, from such date as the State Government 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.

Prohibition of persons from engagement or employment for hazardous cleaning of sewers and septic tanks.

8. Whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year or with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Penalty for contravention of section 5 or section 6.

9. Whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both.

Penalty for contravention of section 7.

10. No court shall take cognizance of any offence punishable under this Act except upon a complaint thereof is made by a person in this behalf within three months from the date of the occurrence of the alleged commission of the offence.

Limitation of prosecution.

#### CHAPTER IV

##### IDENTIFICATION OF MANUAL SCAVENGERS IN URBAN AND RURAL AREAS AND THEIR REHABILITATION

11. (1) If any Municipality has reason to believe that some persons are engaged or employed in manual scavenging within its jurisdiction, the Chief Executive Officer of such Municipality shall cause a survey to be undertaken to identify such persons.

Survey of manual scavengers in urban areas by Municipalities.

(2) The content and methodology of the survey referred to in sub-section (1) shall be such as may be prescribed, and it shall be completed within a period of two months from its commencement in the case of Municipal Corporations, and within a period of one month in the case of other Municipalities.

(3) The Chief Executive Officer of the Municipality, in whose jurisdiction the survey is undertaken, shall be responsible for accurate and timely completion of the survey.

(4) After completion of the survey, the Chief Executive Officer shall cause to be drawn up a provisional list of persons found to be working as manual scavengers within the jurisdiction of his Municipality and fulfilling the eligibility conditions as may be prescribed, shall cause such provisional list to be published for general information in such manner, as may be prescribed, and shall invite objections to the list from the general public.

(5) Any person having any objection, either to the inclusion or exclusion of any name in the provisional list published in pursuance of sub-section (4), shall, within a period of fifteen days from such publication, file an objection, in such form as the Municipality may notify, to the Chief Executive Officer.

(6) All objections received in pursuance of sub-section (5), shall be enquired into, and thereafter a final list of persons found to be working as manual scavengers within the local limits of the municipality, shall be published by it in such manner, as may be prescribed.

(7) As soon as the final list of manual scavengers, referred to in sub-section (6) is published, the persons included in the said list shall, subject to the provisions of sub-section (2) of section 6, stand discharged from any obligation to work as manual scavengers.

Application  
by an urban  
manual  
scavenger for  
identification.

12. (1) Any person working as a manual scavenger in an urban area, may, either during the survey undertaken by the Municipality in pursuance of section 11, within whose jurisdiction he works, or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the Municipality, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 11, or, when no such survey is in progress, within fifteen days of receipt of such application, to ascertain whether the applicant is a manual scavenger.

(3) If an application is received under sub-section (1) when a survey under section 11 is not in progress, and is found to be true after enquiry in accordance with sub-section (2), action shall be taken to add the name of such a person to the final list published under sub-section (6) of section 11, and the consequences mentioned in sub-section (7) thereof shall follow.

Rehabilita-  
tion of  
persons  
identified as  
manual  
scavengers  
by a Muni-  
cipality.

13. (1) Any person included in the final list of manual scavengers published in pursuance of sub-section (6) of section 11 or added thereto in pursuance of sub-section (3) of section 12, shall be rehabilitated in the following manner, namely:—

(a) he shall be given, within one month,—

(i) a photo identity card, containing, *inter alia*, details of all members of his family dependent on him, and

(ii) such initial, one time, cash assistance, as may be prescribed;

(b) his children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) he shall be allotted a residential plot and financial assistance for house construction, or a ready-built house, with financial assistance, subject to eligibility and willingness of the manual scavenger, and the provisions of the relevant scheme of the Central Government or the State Government or the concerned local authority;

(d) he, or at least one adult member of his family, shall be given, subject to eligibility and willingness, training in a livelihood skill, and shall be paid a monthly stipend of not less than three thousand rupees, during the period of such training;

(e) he, or at least one adult member of his family, shall be given, subject to



eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on a sustainable basis, in such manner as may be stipulated in the relevant scheme of the Central Government or the State Government or the concerned local authority;

(j) he shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

(2) The District Magistrate of the district concerned shall be responsible for rehabilitation of each manual scavenger in accordance with the provisions of sub-section (j) and the State Government or the District Magistrate concerned may, in addition, assign responsibilities in his behalf to officers subordinate to the District Magistrate and to officers of the concerned Municipality.

14. If any Panchayat has reason to believe that some persons are engaged in manual scavenging within its jurisdiction, the Chief Executive Officer of such Panchayat shall cause a survey of such manual scavengers to be undertaken, *mutatis mutandis*, in accordance with the provisions of section 11 and section 12, to identify such person.

Survey of manual scavengers in rural areas by Panchayats.

15. (1) Any person working as a manual scavenger, in a rural area, may, either during the survey undertaken by the Panchayat within whose jurisdiction he works, in pursuance of section 14 or at any time thereafter, apply, in such manner, as may be prescribed, to the Chief Executive Officer of the concerned Panchayat, or to any other officer authorised by him in this behalf, for being identified as a manual scavenger.

Application by a rural manual scavenger for identification.

(2) On receipt of an application under sub-section (1), the Chief Executive Officer shall cause it to be enquired into, either as part of the survey undertaken under section 14 or when no such survey is in progress, within fifteen days of receipt of such application, so as to ascertain whether the applicant is a manual scavenger.

16. Any person included in the final list of manual scavengers, published in pursuance of section 14 or added thereto in pursuance of sub-section (2) of section 15 shall be rehabilitated, *mutatis mutandis*, in the manner laid down for urban manual scavengers in section 13.

Rehabilitation of persons identified as manual scavengers by a Panchayat.

#### CHAPTER V

##### IMPLEMENTING AUTHORITIES

17. Notwithstanding anything contained in any other law for the time being in force, it shall be the responsibility of every local authority to ensure, through awareness campaign or in such other manner that after the expiry of a period of nine months, from the date of commencement of this Act,—

Responsibility of local authorities to ensure elimination of insanitary latrines.

(i) no insanitary latrine is constructed, maintained or used within its jurisdiction; and

(ii) in case of contravention of clause (i), action is taken against the occupier under sub-section (3) of section 5.

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 the District Magistrate 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.

Authorities who may be specified for implementing provisions of this Act.

19. The District Magistrate and the authority authorised under section 18 or any other subordinate officers specified by them under that section shall ensure that, after the expiry of such period as specified for the purpose of this Act,—

Duty of District Magistrate and authorised officers.

(a) no person is engaged or employed as manual scavenger within their jurisdiction;

(b) no one constructs, maintains, uses or makes available for use, an insanitary latrine;

(c) manual scavengers identified under this Act are rehabilitated in accordance with section 13, or as the case may be, section 16;

(d) persons contravening the provisions of section 5 or section 6 or section 7 are investigated and prosecuted under the provisions of this Act; and

(e) all provisions of this Act applicable within his jurisdiction are duly complied with.

Appointment of inspectors and their powers.

20. (1) The appropriate Government may, by notification, appoint such persons as it thinks fit to be inspectors for the purposes of this Act, and define the local limits within which they shall exercise their powers under this Act.

(2) Subject to any rules made in this behalf, an inspector may, within the local limits of his jurisdiction, enter, at all reasonable times, with such assistance as he considers necessary, any premises or place for the purpose of,—

(a) examining and testing any latrine, open drain or pit or for conducting an inspection of any premises or place, where he has reason to believe that an offence under this Act has been or is being or is about to be committed, and to prevent employment of any person as manual scavenger;

(b) examine any person whom he finds in such premises or place and who, he has reasonable cause to believe, is employed as a manual scavenger therein, or is otherwise in a position to furnish information about compliance or non-compliance with the provisions of this Act and the rules made thereunder;

(c) require any person whom he finds on such premises, to give information which is in his power to give, with respect to the names and addresses of persons employed on such premises as manual scavenger and of the persons or agency or contractor employing or engaging them;

(d) seize or take copies of such registers, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or agency; and

(e) exercise such other powers as may be prescribed.

(3) Any person required to produce any document or thing or to give any information required by an inspector under sub-section (2) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

45 of 1860.

(4) The provisions of the Code of Criminal Procedure, 1973, shall, so far as may be, apply to any such search or seizure under sub-section (2) as they apply to such search or seizure made under the authority of a warrant issued under section 94 of the said Code.

2 of 1974.

CHAPTER VI

PROCEDURE FOR TRIAL

Offences to be tried by Executive Magistrate.

21. (1) The State Government may confer, on an Executive Magistrate, the powers of a Judicial Magistrate of the first class for the trial of offences under this Act; and, on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973, to be a Judicial Magistrate of the first class.

2 of 1974.

(2) An offence under this Act may be tried summarily.

Offence to be cognizable and non-bailable.

22. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under this Act shall be cognizable and non-bailable.

2 of 1974.

23. (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by companies.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) "company" means any body corporate and includes a firm or other association of individuals; and

(b) "director" in relation to a firm, means a partner in the firm.

## CHAPTER VII

### VIGILANCE COMMITTEES

24. (1) Every State Government shall, by notification, constitute a Vigilance Committee for each district and each Sub-Division.

Vigilance Committees.

(2) Each Vigilance Committee constituted for a district shall consist of the following members, namely:—

(a) the District Magistrate—Chairperson, *ex officio*;

(b) all members of the State Legislature belonging to the Scheduled Castes elected from the district—members:

Provided that if a district has no member of the State Legislature belonging to the Scheduled Castes, the State Government may nominate such number of other members of the State Legislature from the district, not exceeding two, as it may deem appropriate.

(c) the district Superintendent of Police—member, *ex officio*;

(d) the Chief Executive Officer of,—

(i) the Panchayat at the district level—member, *ex officio*;

(ii) the Municipality of the district headquarters—member, *ex officio*;

(iii) any other Municipal Corporation constituted in the district—member, *ex officio*;

(iv) Cantonment Board, if any, situated in the district—member, *ex officio*;

(e) one representative be nominated by the railway authority located in the district;

(f) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the district, to be nominated by the District Magistrate, two of whom shall be women;

(g) one person to represent the financial and credit institutions in the district, to be nominated by the District Magistrate;

(h) the district-level officer in-charge of the Scheduled Castes Welfare—Member-Secretary, *ex officio*;

(i) district-level officers of Departments and agencies who, in the opinion of the District Magistrate, subject to general orders, if any, of the State Government, have a significant role to play in the implementation of this Act.

(3) Each Vigilance Committee, constituted for a Sub-Division, shall consist of the following members, namely:—

(a) the Sub-Divisional Magistrate—Chairperson, *ex officio*;

(b) the Chairpersons and the Chief Executive Officers of Panchayats at intermediate level of the Sub-Division, and where Panchayats at intermediate level, do not exist, Chairpersons from two Panchayats at Village level to be nominated by the Sub-Divisional Magistrate—member, *ex officio*;

(c) the Sub-Divisional Officer of Police—member, *ex officio*;

(d) Chief Executive Officer of—

(i) the Municipality of the Sub-Divisional headquarters—member, *ex officio*; and

(ii) Cantonment Board, if any, situated in the Sub-Division—member, *ex officio*;

(e) one representative to be nominated by the railway authority located in the Sub-Division—member, *ex officio*;

(f) two social workers belonging to the organisation working for the prohibition of manual scavenging and rehabilitation of the manual scavengers, or representing the scavenger community resident in the Sub-Division, to be nominated by the District Magistrate, one of whom shall be a woman;

(g) one person to represent the financial and credit institutions in the Sub-Division, to be nominated by the Sub-Divisional Magistrate;

(h) the Sub-Divisional level officer in-charge of Scheduled Castes welfare—Member-Secretary, *ex officio*;

(i) Sub-Divisional level officers of Department and agencies who in the opinion of the Sub-Divisional Magistrate, subject to any general orders of the State Government or the District Magistrate, have a significant role to play in the implementation of this Act—member, *ex officio*.

(4) Each Vigilance Committee constituted at district and Sub-Divisional level shall meet at least once in every three months.

(5) No proceeding of a Vigilance Committees shall be invalid merely by reason of any defect in its constitution.

Functions of  
Vigilance  
Committee.

25. The functions of Vigilance Committee shall be—

(a) to advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;

(b) to oversee the economic and social rehabilitation of manual scavengers;

(c) to co-ordinate the functions of all concerned agencies with a view to channelise adequate credit for the rehabilitation of manual scavengers;

(d) to monitor the registration of offences under this Act and their investigation and prosecution.

26. (1) Every State Government shall, by notification, constitute a State Monitoring Committee, consisting of the following members, namely:---

State Monitoring Committee.

(a) the Chief Minister of State or a Minister nominated by him—Chairperson, *ex officio*;

(b) the Minister-in-charge of the Scheduled Castes Welfare, and such other Department, as the State Government may notify;

(c) Chairperson of the State Commissions for Safai Karamcharis, and Scheduled Castes, if any—member, *ex officio*;

(d) representatives of the National Commission for Scheduled Castes, and Safai Karamcharis—member, *ex officio*;

(e) not less than two members of the State Legislature belonging to the Scheduled Castes, nominated by the State Government:

Provided that if any State Legislature has no member belonging to the Scheduled Castes, the State Government may nominate the members belonging to the Scheduled Tribes;

(f) the Director-General of Police—member, *ex officio*;

(g) Secretaries to the State Government in the Departments of Home, Panchayati Raj, Urban Local Bodies, and such other Departments, as the State Government may notify;

(h) Chief Executive Officer of at least one Municipal Corporation, Panchayat at the district-level, Cantonment Board and railway authority as the State Government may notify;

(i) not more than four social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the State, to be nominated by the State Government, two of whom shall be women;

(j) State-level head of the convener Bank of the State Level Bankers' Committee—member, *ex officio*;

(k) Secretary of the Department of the State Government dealing with development of the Scheduled Castes—Member-Secretary, *ex officio*;

(l) such other representative of Departments of the State Government and such other agencies which, in the opinion of the State Government, are concerned with the implementation of this Act.

(2) The State Monitoring Committee shall meet at least once in every six months and shall observe such rules of procedure in regard to the transaction of business at its meetings as may be prescribed.

27. The functions of the State Monitoring Committee shall be—

Functions of the State Monitoring Committee.

(a) to monitor and advise the State Government and local authorities for effective implementation of this Act;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental thereto or connected therewith for implementation of this Act.

28. Every State or Union territory Government and Union territory administration shall send such periodic reports to the Central Government about progress of implementation of this Act, as the Central Government may require.

Duty of States or Union territories to send periodic reports to the Central Government.

29. (1) The Central Government shall, by notification, constitute a Central Monitoring Committee in accordance with the provisions of this section.

Central Monitoring Committee.

(2) The Central Monitoring Committee shall consist of the following members, namely:—

(a) The Union Minister for Social Justice and Empowerment—Chairperson, *ex officio*;

(b) Chairperson of the National Commission for Scheduled Castes—member, *ex officio*;

(c) Minister of State in the Ministry of Social Justice and Empowerment—member, *ex officio*;

(d) Chairperson, National Commission for Safai Karamcharis—member, *ex officio*;

(e) the Member of the Planning Commission dealing with development of the Scheduled Castes—member, *ex officio*;

(f) three elected members of Parliament belonging to Scheduled Castes, two from the Lok Sabha and one from the Rajya Sabha;

(g) Secretaries of the Ministries of,—

(i) Social Justice and Empowerment, Department of Social Justice and Empowerment;

(ii) Urban Development;

(iii) Housing and Urban Poverty Alleviation;

(iv) Drinking Water and Sanitation;

(v) Panchayati Raj;

(vi) Finance, Department of Financial Services; and

(vii) Defence,

members, *ex officio*;

(h) Chairman, Railway Board—member, *ex officio*;

(i) Director-General, Defence Estates—member, *ex officio*;

(j) representatives of not less than six State Governments and one Union territory, as the Central Government may, notify;

(k) not more than six social workers belonging to organisation working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or, representing the scavenger community, resident in the country, to be nominated by the Chairperson, two of whom shall be women;

(l) Joint Secretary, Department of Social Justice and Empowerment in the Ministry of Social Justice and Empowerment, looking after development of Scheduled Castes—Member-Secretary, *ex officio*;

(m) such other representatives of Central Ministries or Departments and agencies which, in the opinion of the Chairperson, are concerned with the implementation of this Act.

(3) The Central Monitoring Committee shall meet at least once in every six months.

30. The functions of the Central Monitoring Committee shall be,—

(a) to monitor and advise the Central Government and State Government for effective implementation of this Act and related laws and programmes;

(b) to co-ordinate the functions of all concerned agencies;

(c) to look into any other matter incidental to or connected with implementation of this Act.

31. (1) The National Commission for Safai Karamcharis shall perform the following functions, namely:—

Functions of National Commission for Safai Karamcharis.

- (a) to monitor the implementation of this Act;
- (b) to enquire into complaints regarding contravention of the provisions of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and
- (c) to advise the Central and the State Governments for effective implementation of the provisions of this Act.
- (d) to take *suo motu* notice of matter relating to non-implementation of this Act.

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

32. (1) The State Government may, by notification, designate a State Commission for Safai Karamcharis or a State Commission for the Scheduled Castes or such other statutory or other authority, as it deems fit, to perform, within the State, *mutatis mutandis*, the functions specified in sub-section (1) of section 31.

Power of State Government to designate an appropriate authority to monitor the implementation of this Act.

(2) An authority designated under sub-section (1) shall, within the State, have, *mutatis mutandis*, the powers of the National Commission for Safai Karamcharis as specified in sub-section (2) of section 31.

CHAPTER VIII

MISCELLANEOUS

33. (1) 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 their cleaning.

Duty of local authorities and other agencies to use modern technology for cleaning of sewers, etc.

(2) It shall be the duty of the appropriate Government to promote, through financial assistance, incentives and otherwise, the use of modern technology, as mentioned in sub-section (1).

34. No suit, prosecution or other legal proceeding shall lie against an appropriate Government or any officer of the appropriate Government or any member of the Committee for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

35. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything, which is done or intended to be done, by or under this Act.

Jurisdiction of civil courts barred.

36. (1) The appropriate Government shall, by notification, make rules for carrying out the provisions of this Act, within a period not exceeding three months from the date of commencement of this Act.

Power of appropriate Government to make rules.

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

- (a) the obligation of an employer, under clause (d) of sub-section (1) of section 2;
- (b) the manner in which the excreta fully decomposes under clauses (e) and (g) of sub-section (1) of section 2;
- (c) the manner of carrying out survey of insanitary latrine and publishing list thereof under clause (a) of sub-section (1) of section 4;
- (d) procedure of giving notice and recovering cost of demolition of an insanitary latrine under sub-section (3) of section 5;
- (e) content and methodology of the survey under sub-section (2) of section 11;

(f) the eligibility conditions for identification of manual scavengers and publication of provisional list of persons found to be working as manual scavengers under sub-section (4) of section 11;

(g) publication of final list of persons found to be working as manual scavengers under sub-section (6) of section 11;

(h) manner of application to be made to the Chief Executive Officer of the municipality, or to an officer authorised by him in this behalf, under sub-section (1) of section 12 or, as the case may be, sub-section (1) of section 15;

(i) provision of initial, one time, cash assistance under sub-clause (ii) of clause (a) of sub-section (1) of section 13;

(j) such other powers of Inspectors under clause (e) of sub-section (2) of section 20; and

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

(3) Every rule made under this Act by the Central Government 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.

(4) Every rule made under this Act by the State Government shall, as soon as may be after it is made, be laid before each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

Power of  
Central  
Government  
to make model  
rules.

37. (1) Notwithstanding anything contained in section 36 of this Act:—

(a) the Central Government shall, by notification, publish model rules for the guidance and use of State Governments; and

(b) in case the State Government fails to notify the rules under section 36 of this Act within the period of three months specified therein, then the model rules as notified by the Central Government shall be deemed to have come into effect, *mutatis mutandis*, in such State, till such time as the State Government notifies its rules.

(2) The model rules made by the Central Government under this Act shall be laid, as soon as may be after they are 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 make any modification in the rule, the rule shall thereafter have effect only in such modified form; so, however, that any such modification shall be without prejudice to the validity of anything previously done under that rule.

Power to  
remove  
difficulties.

38. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty:

Provided that no such order shall be made in relation to a State after the expiration of three years from the commencement of this Act in that State.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.



SERIES - I No. : 04
DATED : 17 <sup>TH</sup> APRIL, 2014.

39. (1) The appropriate Government may, by a general or special order published in the Official Gazette, for reasons to be recorded, and subject to such conditions as it may impose, exempt any area, category of buildings or class of persons from any provisions of this Act or from any specified requirement contained in this Act or any rule, order, notification, bye-laws or scheme made thereunder or dispense with the observance of any such requirement in a class or classes of cases, for a period not exceeding six months at a time. Power to exempt.

(2) Every general or special order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament or each House of State Legislature, where there are two Houses and where there is one House of State Legislature, before that House.

P.K. MALHOTRA,  
*Secy. to the Govt. of India.*

**Administration of Daman & Diu,  
Directorate of Medical & Health Services,  
Community Health Centre,  
Moti Daman - 396 220.**

**No. DMHS/Clinical Est./2010-11/F.222/192**

**Dated : 17/04/2014.**

**NOTIFICATION**

A draft of "Daman & Diu Clinical Establishments (Registration and Regulation) Rules, 2014" is hereby published by the Administration of Daman & Diu for the information of the public.

Any person interested in making any suggestion or objections regarding the proposed draft may do so in writing for consideration of the UT Administration of Daman & Diu within 60 days from the date of publication of the draft rules in the Official Gazette of U.T Administration of Daman & Diu through post to Director, Medical & Health Services, CHC, Moti Daman or at e-mail address [ddmssu.idsp@nic.in](mailto:ddmssu.idsp@nic.in)

The U.T Administration of Daman & Diu will take into consideration the objections or suggestion received within the specified period.

**(1) Short Title & Commencement :**

- (i) These rules may be called the Daman & Diu Clinical Establishments (Registration and Regulation) Rules, 2014.
- (ii) These rules extend to the whole of the UT of Daman & Diu and are applicable to all the Clinical Establishments in the UT of Daman & Diu.
- (iii) These Rules shall come into force on the date of their publication in the Daman & Diu Official Gazette.
- (iv) The Rules shall be applicable to various categories of Clinical Establishments in a phased manner, as may be notified from time to time.

**(2) Definition :**

In this Act, unless the context otherwise requires :-

- (a) '**Act**' means the Clinical Establishments (Registration and Regulation) Act 2010.
- (b) '**Rules**' means the Clinical Establishments (Registration and Regulation) Rules, 2014.
- (c) '**Authority**' means the district registering authority set up under section 10;
- (d) '**Certificate**' means certificate of registration issued under section 30;

(e) "*Clinical Establishment*" means-

- (i) a hospital, maternity home, nursing home, dispensary, clinic, sanatorium or an institution by whatever name called that offers services, facilities requiring diagnosis, treatment or care for illness, injury deformity, abnormality or pregnancy in an recognized system of medicine established.
- (ii) a place established as an independent entity of part of an establishment referred to in sub- clause (i) in connection with the diagnosis or treatment of diseases where pathological, bacteriological genetic radiological chemical biological investigations or other diagnostic or investigative services with the aid of laboratory or other medical equipment are usually carried on, established and administered or maintained by any person or body of persons, whether incorporated or not,

And shall include a clinical establishment owned, controlled or managed by-

- (1) the Government or a department of the Government;
- (2) a trust, whether public or private;
- (3) a corporation (including a society) registered under a Central, Provincial or UT Act, whether or not owned by the Government;
- (4) a local authority; and
- (5) a single doctor,

But does not include the clinical establishment owned controlled or managed by the Armed Forces constituted under the Army Act, 1950, the Air Force Act 1950 and the Navy Act 1957.

- (f) "**Emergency Medical Condition**" means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain ) of such a nature that the absence of immediate medical attention could reasonably be expected to result in-
- (i) Placing the health of the individual or with respect to a pregnant women the health of the woman or her unborn child, in serious jeopardy; or
  - (ii) Serious impairment to bodily functions ;
  - (iii) Serious dysfunction of any organ or part of a body.
- (g) "*National Council*" means the National Council for clinical establishments established under section 3;
- (h) "*Notification*" means a notification published in the Official Gazette;

- (i) "*Prescribed*" means prescribed by rules made under this Act by the Central Government or as the case may be, the UT Administration;
- (j) "*Recognized*" system of medicine "means Allopathy, Yoga, Naturopathy, Ayurveda, Homoeopathy, Siddha and Unani System of medicines or any other system of medicine as may be recognized by the Central Government;
- (k) "*Register*" means the register maintained by the authority, UT Administration and the Central Government under sections 37, 38 and 39 respectively of this Act containing the number of clinical establishment registered;
- (l) "*Registration*" means to register under section 11 and the expression registration or registered shall be construed accordingly;
- (m) "*Schedule*" means the Schedule appended to this Act;
- (n) "*Standards*" means the conditions that the Central Government may prescribe under section 12 for the registration of clinical establishment;
- (o) "*UT Administration*", in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution and
- (p) "*To stabilize (with its grammatical variations and cognate expressions)*" means with respect to an emergency medical condition specified in clause (d) to provide such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from a clinical establishment.

**(3) Establishment of U.T Council for Clinical Establishments**

The U.T Administration shall by notification constitute a Union Territory Council for clinical establishments.

**(4) Functions of the Union Territory Council:**

The Union Territory Council shall perform the following functions, namely:—

- a. compiling and updating the Union Territory Registers of clinical establishment;
- b. sending quarterly returns for updating the National Register (including in the digital format);
- c. representing the Union Territory in the National Council;
- d. hearing of appeals against the orders of the authority;
- e. publication on annual basis a report on the state of implementation of standards in the Union Territory.
- f. monitor the implementation of the provisions of the Act and rules in the U.T.
- g. recommend to the Government, any modifications required in the rules in accordance with changes in technology or social conditions;
- h. perform any other function as may be outlined by the National council of Clinical Establishments;
- i. Any other function as may be prescribed by the Central Government.

(5) **Disqualified as appointment as member:**

A person shall be disqualified for being appointed as a member of the UT Council if he –

- a) Has been convicted and sentenced to imprisonment for an offence which, in the opinion of the UT Administration, involves moral turpitude or
- b) Is an undischarged insolvent; or
- c) Is of unsound mind and stands so declared by a competent court or
- d) Has been removed or dismissed from the service of the Government or corporation owned or controlled by the Government or
- e) Has in the opinion of the UT Administration such financial or other interest in the Council as is likely to affect prejudicially the discharge by him of his functions as a member.

(6) **Conduct of Business:**

Every meeting of the Union Territory Council shall be presided over by the Chairperson.

(7) **Time & Place for Meetings of the Union Territory Council:**

The meetings of the Union Territory Council shall ordinarily be held at Union Territory Capital on such dates as may be fixed by the Council. The Union Territory Council shall meet every six months.

(8) **Notice of Meeting:**

Notice of every meeting other than a special meeting shall be dispatched by the Member Secretary of District Registering Authority to each member of the Council not less than 15 days before the date of the meeting.

(9) **Quorum, Call for Meeting, Minutes of Meetings:**

- i. One - third of the total number of members of the Union Territory Council shall form a quorum and all actions of the Council shall be decided by a majority of the members present and voting.
- ii. The notice and agenda of every such meeting of the Union Territory Council shall ordinarily be given 15 days before the meeting by the Member Secretary of the Council.
- iii. The proceedings of the meetings of the UT Council shall be preserved in the form of minutes which shall be authenticated after confirmation by the signature of the Chairperson. The decisions taken therein shall be given effect to.
- iv. A copy of the minutes of each meeting of the Union Territory Council shall be submitted to the Chairperson within 5 - 7 days of the meeting and after having been approved by him/her shall be sent to each member of the Council within 15 days of the

meeting. If no objection to their correctness is received within 10 days of their dispatch, any decisions therein shall be given effect to, provided that the Chairperson may, where in his opinion it is necessary or expedient so to do, direct that action be taken on the decision of the meeting.

**(10) Registration and Filling of Casual Vacancies:**

- i. A member desiring to resign his seat on the Union Territory Council shall send his resignation in writing to the Chairperson and every such resignation shall take effect from the date mentioned by him in this behalf or in case no such date is mentioned, from the date of the receipt of his letter by the Chairperson after confirmation from the member concerned about his resignation.
- ii. When a casual vacancy occurs by reason of death, resignation or otherwise of a member, a report shall be made forthwith by the Chairperson to the UT Administration which shall take steps to have the vacancies filled by nomination or election, as the case may be.

**(11) Finance and Accounts:**

The Accounts of the Council shall be audited annually by a Chartered Accountant, who is to be appointed with the prior approval of the Controller and Auditor General of India. Any expenditure incurred in connection with such audit shall be payable by the Council.

**(12) The District Registering Authority- Establishment of District Registering Authority:**

The U.T Administration shall, by notification under Section 10 of the Act and in accordance with the rules framed by Central Government in this behalf set up an authority to be called the District Registering Authority for each district for registration of clinical establishments.

**(13) Functions of the District Registering Authority:**

- a. to grant, renew, suspend or cancel registration of any clinical establishments;
- b. to enforce compliance of the provisions and rules of the Clinical Establishments (Registration and Regulation) Act 2010;
- c. to investigate complaints of breach of the provisions of this Act or the rules made there under and take immediate action;
- d. to prepare and submit on quarterly basis report containing details of related to number and nature of provisional and permanent registration certificates issued; included those cancelled, suspended or rejected to the Union Territory Councils;
- e. to report to the Union Territory Council on a quarterly basis on action taken against non registered clinical establishments running operation in violation of the Act;

- f. perform any other function as may be prescribed by the central government and or the U.T Administration from time to time.

**(14) Powers of the District Authority:**

The District Authority shall, for the purposes of discharging its function under this Act, have the same powers as are vested in a Civil Court under the Code of Civil Procedure, 1908, in respect of the following matters namely:

- a) Summoning and enforcing the attendance of any person and examining him on oath.
- b) Requiring the discovery and production of any document or other electronic records or other material objective producible as evidence.
- c) Receiving evidence on affidavits
- d) Requisitioning of any public record
- e) Issuing commission for the examination of witnesses or documents.
- f) Reviewing its decisions, directions and others
- g) Dismissing an application for default or deciding it exparte.
- h) Any other matter which may be prescribed.

**(15) Time and Place of and Preparation of Business for Meetings of the District Registering Authority:**

The meetings of the District Registering Authority shall be held at least once in a month at a stipulated date and time

**(16) Conduct of Business:**

Every meeting of the District Registering Authority shall be presided over by the Chairperson.

**(17) Notice of Meeting:**

Notice of every meeting other than a special meeting shall be dispatched by the Convener to each member not less than 15 days before the date of the meeting.

**(18) Quorum, Minutes:**

- i. One - third of the total number of members of the District Registering Authority shall form a quorum and all actions of the Authority shall be decided by a majority of the members present and voting.
- ii. The proceedings of the meetings of the District Registering Authority shall be preserved in the form of minutes which shall be authenticated after confirmation by the signature of the Chairperson. The decision taken therein shall be given effect to subject to their being consistent with the provisions of the Act.
- iii. The proceeding of annual meeting of District Registering Authority be submitted to the UT Council

**(19) Resignation and filling of casual vacancies:**

If a casual-vacancy occurs in the office of any other members, whether by reason of death, resignation or inability to discharge, functions owing to illness or any other incapacity, such vacancy shall be filled by the District Collector by making a fresh appointment and the member so appointed shall hold office for the remaining term of office of the person in whose place she / he is so appointed.

**(20) Registration of Clinical Establishments - Application for Registration:**

- i. The applicant shall apply to the District Registration Authority for provisional registration, either in person, or by post or through web based online facility with the necessary information as per Annexure - 1 Form under Section 14 (1) and 14 (3) of the Act.
- ii. Once the process for permanent registration is started by U.T, the clinical establishment shall apply to the District Registration Authority for permanent registration, in person, or by post or through web based online facility with the necessary information filled and with evidence of having met the requirements of minimum standards and personnel for different categories of Clinical Establishments in a form and format that may be prescribed by the National Council /UT Administration under Section 24 and 25 of the Act.
- iii. If an establishment is offering services in more than one category as specified under the Clinical Establishments (Registration and Regulation) Rules (Central Government), 2010, the establishment will need to apply for a separate provisional or permanent registration for each category of establishment under Section 14 (I) and Section 30 of the Act. However, if a laboratory or diagnostic center is a part of an establishment providing outpatient/ inpatient care, no separate registration will be required.



**(21) Acknowledgement of Application:**

The Registration Authority, or any person in his office authorized in this behalf, shall, acknowledge receipt of the application for permanent registration, in the acknowledgment slip provided as per Annexure - 2 immediately, if delivered at the office of the authority, or not later than the next working day if received by post and by online acknowledgement to be generated automatically by the system.

**(22) Grant of Registration:**

The authority shall not undertake any enquiry prior to the grant of provisional registration and shall within a period of ten days from the date of receipt of such application, grant to the applicant a certificate of provisional registration containing particulars and information as per Annexure - 3 either by post or electronically under Section 15, read with Section 17 of the Act.

**(23) Certificate of registration:**

- i. The District Registering Authority shall grant the applicant a certificate of permanent registration as per Annexure - 4 either by post or electronically after satisfying itself that the applicant has complied with all the requirements and criteria, including provision of minimum standards and personnel required to run the clinical establishment under Sections 28 and 30 of the Act.
- ii. In case of permanent registration, under Section 29 of the Act, the authority shall pass an order within 1/2 month –
  - (a) allowing the application for permanent registration; or
  - (b) disallowing the application:  
Provided that the authority shall record its justifications and reasons, if it disallows an application, for permanent registration.

**(24) Fees to be charged**

- i. The various fees charged for provisional and permanent registration, renewal, late application, duplicate certificate, change of ownership, management or name of establishment is prescribed in Annexure - 5 under Section 14 (I) read with Section 19, Section 20 (2), Section 22; Section 24, Section 35 of the Act.
- ii. Clinical establishments owned, controlled and managed by the government (Central, UT or local authority) or department of government, shall be exempt from payment of fees for registration.
- iii. The fees prescribed for various categories of clinical establishments may be revised by the UT Council through a notification issued by the UT Administration.

- iv. The fee shall be paid by a demand draft drawn / online transaction in favour of the Registration Authority concerned as specified under Section 14 (I) and Section 30 of the Act.

*The fees collected by the District Registration Authority concerned for registration of the Clinical Establishments shall be deposited by the Authority concerned in a Nationalized bank account opened in the name of the official designation of the Registration Authority concerned and shall be utilized by the council and Authority for the activities connected with the implementation of the provisions of the Act and these rules as approved by the council.*

- The Accounts shall be maintained as per the Financial Code rules and shall be audited by engaging a qualified Chartered Accountant. The annual Audit reports shall be submitted to the concerned State Council.
- In the event of any change of ownership or management, the establishment shall intimate to the District Registration in writing within one month of such change along with the fee prescribed in **Annexure - 5** for issue of a revised certificate of Provisional or Permanent registration, as the case maybe, incorporating the changes and on surrendering the old certificate under Section 20 (2) and Section 30 of the Act.
- In the event of certificate of registration (Provisional or Permanent) being lost or destroyed, the owner shall apply to the District Registration Authority to issue a duplicate certificate upon payment of the fee prescribed under rule (b) Annexure 5 and the provisional certificate shall be marked "Duplicate" as per **Annexure - 9** under Section 19 and Section 30 of the Act.

**(25) Renewal of Registration:**

- i. The clinical establishment shall apply for renewal of provisional registration thirty days before the expiry of the validity of the certificate of provisional registration. In case the application for renewal is not submitted within the stipulated period, the authority shall allow for renewal of registration on payment of double of the registration fee (Provisional/Permanent) as prescribed in **Annexure - 5**.
- ii. The fee for renewal of registration shall be charged as per the rate notified by the UT Administration from time to time and the period after which a license is to be renewed shall also be prescribed by the UT Administration through an official notification.
- iii. The period after which the Clinical Establishments shall have to apply for renewal will be prescribed by the UT Administration through a notification.
- iv. For renewal of permanent registration, the clinical establishment shall apply three (3) months before expiry of the registration period of two (2) years. The renewal will be granted by the Authority within 3 months of receipt of the application failing which it

will be deemed to have been renewed. If the clinical establishment does not apply within one month of expiry of registration period, the registration will be deemed to have been suspended.

- v. Under Section 30 (4) of the Act the clinical establishment shall apply for renewal of permanent registration six months before the expiry of the validity of the certificate of permanent registration. In case the application for renewal is not submitted within the stipulated period, the authority will allow for renewal of registration on payment of double of the registration fee (Provisional/Permanent) as prescribed in Annexure - 5.

**(26) Registers to be maintained, furnishing of returns and display of information, Registers to be maintained:**

- i. Every District Registration Authority shall within a period of two years from its establishment, compile, publish and maintain in digital format a register of Clinical Establishments registered by it and it shall enter the particulars of the certificate so issued in a register containing particulars as prescribed under Section 37 (1) (2) and Section 38 (1) (2) of the Act.
- ii. Every District Registration Authority including any other authority set up for the registration of clinical establishments under the law for the time being in force shall supply in digital format to the U.T Council of Clinical Establishments a copy of every entry made in the District register of clinical establishments for a particular month by the 15th day of the following month in keeping with Section 37 (2) of the Act.

**(27) Display of Information:**

- i. The District Registering Authority shall, within a period of forty-five days from the grant of provisional registration, mandatorily cause to be published in the public domain through two local dailies and on the website, which the District Registering Authority will launch, the name of the Clinical establishment, Address, Ownership, Name of Person in Charge, System of Medicine offered, Type and Nature of Services offered and details of the Medical Staff (Doctors, Nurses, etc.) as under Section 16 (2) of the Act Annexure - 7.
- ii. The UT council could make changes in the nature of information to be provided in the Public Domain through a notification, except in the case of the mandatory information to be provided under Section 16 (2) of the Act.
- iii. The District Registering Authority shall, cause to be published in the public domain through two local dailies and on the website, which the District Registering Authority will launch, the name of the Clinical establishment which have been granted permanent registration, Address, Ownership, Name of Person in Charge, System of Medicine offered, Type and Nature of Services offered, details of the Medical Staff (Doctors,

Nurses, etc) and the details and information related to having complied with the minimum standards and personnel prescribed for the particular category of clinical establishment as under Section 26 of the Act.

- iv. The District Registration Authority shall cause to be displayed the above information in public domain for a period of 30 days for filing objections before granting permanent registration.
- v. If any person has any objection to the information published regarding the clinical establishment they shall give in writing the reasons and evidence of objection or non-compliance to the District Registration Authority. The District Registering Authority shall, within a period of 15 days cause to be published in the public domain the name of the Clinical Establishment whose (Provisional or Permanent) registration has expired as under Section 21 and Section 30 of the Act.

**(28) Information to be provided by Clinical Establishments:**

- i. The Clinical Establishments shall maintain medical records of patients treated by it and health information and statistics in respect of national programmes and furnish the same to the district authorities in form of three monthly reports. The minimum medical records to be maintained and nature of information to be provided by the Clinical Establishments are prescribed as per Section 12(1) (iii) of the Act.
- ii. Copies of all records and statistics shall be kept with the clinical establishment concerned for at least 3 years or in accordance with any other relevant act in force at the time under Section 12 (1) (iii) of the Act. All clinical establishments shall be responsible for submission of information and statistics in the time of emergency or disaster or epidemic situation.
- iii. The government may notify from time to time, the nature of information that needs to be furnished by the Clinical Establishments including other disease notified for this purpose along with the prescribed interval.
- iv. In addition to the specific provisions of the Clinical Establishments (Registration & Regulation) Act 2010, all establishments shall comply and maintain information and statistics in keeping with other applicable Acts and Rules which are in force in the country.

**(29) Power to Enter:**

- i. Entry and search of the clinical establishment can be done by the District Registering Authority or an officer or team duly authorized by it or subject to such general or special orders as may be made by the authority, subject to a unanimous decision by all members of the District Registration Authority for conduct of such entry and search.

- ii. Such entry and search of clinical establishments can be conducted if anyone is carrying on a clinical establishment without registration or does not adhere to the prescribed minimum standards or has reasonable cause to believe the Clinical Establishments is being used for purposes other than it is registered or contravenes any of the provisions of this Act & Rules, shall at all reasonable times enter and inspect any record, register, document, equipment and articles as deemed necessary under the provisions of Section 34 of the Act.
- iii. The inspection team shall normally intimate the establishment in writing about the date of visit. The team shall examine all portions of the premises used or proposed to be used for the clinical establishment and inspect the equipments, furniture and other accessories and enquire into the professional qualifications of the technical staff employed or to be employed and shall make any such other enquires as they consider necessary to verify the statements made in the application for registration and grant of license. All persons connected with the running of the establishment shall be bound to supply full and correct information to the inspection team. Provided further that surprise inspections may also be conducted by the inspection teams from the UT.
- iv. The Officer and / or inspection team so constituted by the Registering Authority shall submit a report as per Annexure - 6 within a week of the inspection to the District Registration Authority with a copy to the State Council.

## Penalties & Appeals

### (30) Penalties:

- i. In keeping with the provisions of Section 41 (1) (2) (3) and Section 42 (1) (2) (3) of the Act, whoever carries on a clinical establishment without registration or whoever willfully disobeys any direction, or obstructs any person or authority or withholds any such information or provides false information shall be liable for a monetary penalty.
- ii. Whoever carried on a clinical establishment without registration, shall, on first contravention be liable to a monetary penalty upto fifty thousand rupees, for second contribution to a monetary penalty which may extend to two lakh rupees and for any subsequent contravention to penalty which may extend to five lakh rupees.
- iii. Whoever knowingly serves in a clinical establishment which is not duly registered under this Act, shall be liable to a monetary penalty which may extend to twenty five thousand rupees.

The penalty fees collected by the District Registration Authority concerned shall be, deposited by the Authority concerned in a Nationalized bank account opened in the name of official designation of Registration Authority concerned and shall be utilized by the Council and authority for the activities connected with the implementation of the provisions of the Act and these rules as approved by the Council.

(31) Appeals:

- i. In keeping with Section 36, 41 (4) (5) (6) (7) and Section 42 (4) (5) (6) (7), any person or clinical establishment, if aggrieved by the decision of the Authority under Sections 29 and 34 of the Act, may file an appeal Annexure - 8 to the UT Council within thirty (30) days from the date of receipt of such order along with prescribed fees as indicated in Annexure - 5.
- ii. After receipt of the appeal, the UT Council shall fix the time and date for hearing and inform the same to the appellant and others concerned by a registered letter giving at least 15 days time for hearing of the case.
- iii. The appellant may represent by himself or authorized person or a Legal practitioner and submit the relevant documentary material if any in support of the appeal.
- iv. The UT Council shall hear all the concerned, receive the relevant oral/documentary evidence submitted by them, consider the appeal and communicate its decision preferably within 90 days from the date of filing the Appeal.
- v. If the UT Council considers that an interim order is necessary in the matter, it may pass such order, pending final disposal of the appeal. The decision of UT Council shall be final and binding.
- vi. If no appeal is filed against the decision of the Registering Authority in the prescribed period (i.e.) within 30 days from the date of receipt of the order, the orders of the Authority shall be final.
- vii. The appeal fees collected by the authorities shall be deposited by the Authority concerned in a Nationalized bank account opened in the name of the official designation of the Registration Authority concerned and shall be utilized by the Council and authority for the activities connected with the implementation of the provisions of the Act and these rules as approved by the Council.

*Bawp*  
17/4/14  
Dy. Secretary (Health)  
Daman & Diu

**Annexure - 1**  
**[See Rules 20 (i)]**

**Application Form for Provisional Registration of Clinical Establishments**

1. Name of the Establishment:/Doctor \_\_\_\_\_

(in case of Single Practitioner) \_\_\_\_\_

2. Address:

Village/Town:	Taluka:		
District:	State:	Pin code	
Tel No (with STD code):	Mobile:	Fax ;	
Email ID :	Website (if any):		

3. Year of starting: \_\_\_\_\_

4. Location:  Rural  Urban  Metropolitan

5. Ownership

Public Sector

- Central government  State government  Local government- please specify:  
 Public Sector Undertaking  Railways  Employee State Insurance Corporation (ESIC)  
 Autonomous organization  Any other (please specify):/

Private Sector

- Individual Proprietorship  Registered Partnership  Registered Company  Co-operative Society  
 Trust/Charitable registered under a Central, Provincial or State Act (please specify): \_\_\_\_\_  
 Any other (please specify): \_\_\_\_\_

6. Name of the owner of Clinical Establishment: \_\_\_\_\_

Educational Qualification: \_\_\_\_\_

Address: \_\_\_\_\_

Village/Town.; \_\_\_\_\_ Taluka: \_\_\_\_\_

District: \_\_\_\_\_ State: \_\_\_\_\_ Pin code \_\_\_\_\_

Tel No (with STD code): \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax : \_\_\_\_\_

Email ID \_\_\_\_\_

7. Name of person in-charge of the Clinical Establishment: \_\_\_\_\_

Designation: \_\_\_\_\_ Educational Qualification: \_\_\_\_\_

Address: \_\_\_\_\_

Village/Town: \_\_\_\_\_ Taluka: \_\_\_\_\_

District: \_\_\_\_\_ State: \_\_\_\_\_ Pin code \_\_\_\_\_

Tel No (with STD code): \_\_\_\_\_ Mobile: \_\_\_\_\_ Fax : \_\_\_\_\_

Email ID :

8. Systems of Medicine offered: (please tick whichever is applicable)

- Allopathy  Ayurveda  Unani  Siddha  Homeopathy  Yoga & Naturopathy

9. Services provided : (please tick whichever is applicable)

Inpatient  Outpatient  Laboratory/Imaging Centre

Any other, please specify: \_\_\_\_\_

a) Category of clinical Services:

General  Single Specialty  Multi Specialty  Super Specialty

10. Type of Establishment : (Please tick whichever is applicable):

a) Inpatient :

Hospital  Nursing Home  Maternity Home  Primary Health Centre

Community Health Centre  Sanatorium  Day care Centre

b) No. of Beds: \_\_\_\_\_

c) Outpatient :

Single Practitioner  Polyclinic  Sub Centre  Physiotherapy Clinic

Dialysis Centre  Any other, please specify: \_\_\_\_\_

d) Laboratory :

Pathology  Haematology  Biochemistry  Microbiology

Genetics  Collection  Any other, please specify: \_\_\_\_\_

11. Whether clearance from Pollution Control Board/Authority obtained?

Yes  No  Applied For

HUMAN RESOURCES

12. Total number of Staff (as on date of application):

No. of permanent staff: \_\_\_\_\_ No. of temporary staff: \_\_\_\_\_

Please furnish the following details:-

Category of staff	Name	Qualification	Registration Number (where applicable)	Nature of service Temporary/ Permanent
Doctors				



SERIES - I No. : 04
DATED : 17 <sup>TH</sup> APRIL, 2014.

Nursing staff				
Para-medical staff				
Pharmacists				
Support staff				
Others, please specify				

I,..... on behalf of myself and the company/society/association/body hereby declare that the statements above are correct and true to the best my knowledge and I shall abide by all the rules and declarations under the Clinical Establishment (Registration and Regulation) Act 2010.

I undertake that I shall intimate to the appropriate registering authority any change in the particulars given above.

Place:  
Signatory  
Date:

Signature of the Authorized  
Office Seal

SERIES - I No. : 04
DATED : 17 <sup>TH</sup> APRIL, 2014.

Annexure - 2  
[See Rules 21]

**ACKNOWLEDGEMENT**

**REGISTRATION OF CLINICAL ESTABLISHMENT**

The application in Form \_\_\_\_ for Grant / Renewal of Provisional / Permanent registration of the Clinical Establishment submitted by \_\_\_\_\_  
(Name and address of Owner) has been received by the District Registration Authority on \_\_\_\_\_ (date) and found to be

Complete

Or

Incomplete

This acknowledgement does not confer any rights on the applicant for grant or renewal of registration.

Signature and Designation of Registration Authority or authorized person in the Office of the Appropriate Authority.

SEAL

Designation of the Issuing Authority (Computer  
Generated)  
Place & Date: (Computer Generated)

SERIES - I No. : 04
DATED : 17 <sup>TH</sup> APRIL, 2014.

**Annexure - 3**  
**[See Rules 22]**

**PROVISIONAL CERTIFICATE FOR REGISTRATION OF CLINICAL ESTABLISHMENT**

*Provisional registration No:* (Computer Generated)  
*Date of issue:* (Computer Generated)  
*Valid up to:* (Computer Generated)

1. Name of the Clinical Establishment: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Owner of the Clinical Establishment: \_\_\_\_\_
4. Name of Person in Charge: \_\_\_\_\_
5. System of Medicine : \_\_\_\_\_
6. Type of Establishment: \_\_\_\_\_

Is hereby provisionally registered under the provisions of Clinical Establishments (Registration and Regulation) Act 2010 and the Rules made there under.

This authorization is subject to the conditions as specified in the rules in force under the Clinical Establishments (Registration and Regulation) Act 2010 and the Rules made there under.

Designation of the Issuing Authority (Computer Generated)

Place & Date: (Computer Generated)

**District Registration Authority**  
**Address:**

**Phone number in case of Grievances**

SERIES - I No. : 04

DATED : 17<sup>TH</sup> APRIL, 2014.

**Annexure - 4**  
**[See Rules 23 (i)]**

**PERMANENT CERTIFICATE FOR REGISTRATION OF CLINICAL ESTABLISHMENT**

**Permanent registration No: (Computer Generated)**

**Date of issue: (Computer Generated)**

**Valid up to: (Computer Generated)**

1. Name of the Clinical Establishment: \_\_\_\_\_
2. Address: \_\_\_\_\_
3. Owner of the Clinical Establishment: \_\_\_\_\_
4. Name of Person in Charge: \_\_\_\_\_
5. System of Medicine : \_\_\_\_\_
6. Type of Establishment: \_\_\_\_\_

is hereby permanently registered under the provisions of 'Clinical Establishments (Registration and Regulation) Act 2010 and the Rules made there under.

This authorization is subject to the conditions as specified in the rules in force under the Clinical Establishments (Registration and Regulation) Act 2010 and the Rules made there under.

Designation of the Issuing Authority (ComputerGenerated)

Place & Date: (Computer Generated)

**District Registration Authority**

**Address:**

**Phone number in case of Grievances**

**Annexure - 5**  
**[See Rules 24 (iii) & 25 (i)]**

**FEES TO BE CHARGED**

Description	Urban		Rural	
	Provisional	Permanent	Provisional	Permanent
Out Patient Care	500	1000	250	500
In Patient Care	1500	3000	750	1500
Testing & Diagnostic	2500	5000	1250	2500

Other fees:

- \* For Renewal fee will be same as registration fee (Provisional/Permanent).
- \* For Late Application the amount would be double of the registration fee (Provisional/Permanent)
- \* For Duplicate Certificate the amount would be ₹. 1000/-.
- \* For change of ownership, management or name of establishment would be ₹.2000/-
- \* For any appeal the amount would be ₹.1000/-

If a laboratory or diagnostic centre is a part of a establishment providing Outpatient/Inpatient care no separate registration is required. However, fee as applicable above would have to be paid.

**Annexure - 6**  
**[See Rules 29 (iv)]**

**SUGGESTED FORMAT FOR SUBMISSION OF INSPECTION REPORT**

Number of visits made with date : \_\_\_\_\_

Names and details of members of : \_\_\_\_\_  
the inspection team

Address and contact details of : \_\_\_\_\_  
Clinical establishment visited

Process followed for inspection : \_\_\_\_\_  
(eg. Kindly outline who was met  
With, what records were examined etc.)

Salient Observations/findings : \_\_\_\_\_  
Conclusions

Specific Recommendations : \_\_\_\_\_

1) To the Clinical Establishment \_\_\_\_\_

2) To the District Registering Authority \_\_\_\_\_

\* In case of lack of consensus amongst members of the inspection team, the same may be kindly indicated.

Signature (of all members of the inspection team)

Date:

Place:

SERIES - I No. : 04
DATED : 17 <sup>TH</sup> APRIL, 2014.

**Annexure - 7**  
**[See Rules 27 (i)]**

**DISPLAY OF REGISTRATION STATUS FOR FILING OBJECTIONS**

I, \_\_\_\_\_, being the authority under the Clinical Establishments Act, 2010 after considering the applications received during the period from \_\_\_\_\_ to \_\_\_\_\_ under Sec. 24 satisfying the provisions of the Clinical Establishments Act, 2010 and the Clinical Establishments Rules, 2011 made their under, hereby publish the list of Clinical Establishments within the jurisdiction of UT of Daman & Diu:

Sr. No.	Name of Clinical Establishment with address	Ownership/ in Charge	System of medicine	Date on which application was submitted	Category and standards complied with

Objections if any, in writing to the published list may be address in duplicate to \_\_\_\_\_ (address of the authority) within 30 days, from the date of this notification, as required under Sec. 26 of the Act.

Place:  
Date:

SEAL

Signature:  
Name:

**Annexure - 8**  
**[See Rules 31 (i)]**

APPLICATION FOR APPEAL

To  
The UT Council,  
Directorate of Medical & Health Services,  
Daman & Diu,  
Daman.

Sir,

I, Dr. \_\_\_\_\_ of  
\_\_\_\_\_ had applied for registration/ is a valid license  
holder with registration number \_\_\_\_\_ under Clinical Establishment Act, 2010  
for my \_\_\_\_\_ located at  
\_\_\_\_\_. I was communicated by  
the District Authority as per letter No. \_\_\_\_\_ dated  
\_\_\_\_\_ that either:

- i) That my application was rejected.
- ii) That my registration is cancelled.
- iii) That I am restrained from carrying on with the running of clinical establishment.
- iv) That I am charged with a penalty for an offence under the Act.
- v) Any other \_\_\_\_\_

The above decision of the district authority appears to be not valid. I request you to consider my application as per the justifications mentioned below:

- i) \_\_\_\_\_
- ii) \_\_\_\_\_
- iii) \_\_\_\_\_

I am willing to appear before you for a personal hearing, if necessary. I am enclosing herewith a draft of ` 1000/-.

Thanking you,

Place:  
Date:  
Signature  
Name:



**Annexure - 9**  
**[See Rules 24 (iii)]**

DUPLICATE

**CERTIFICATE FOR CLINICAL ESTABLISHMENT**

Permanent Registration No. (Computer generated)

Date of Issue: (Computer generated)

Valid up to: (Computer generated)

1) Name of the Clinical Establishment : \_\_\_\_\_

2) Address: \_\_\_\_\_

3) Owner of the Clinical Establishment: \_\_\_\_\_

4) Name of Person in Charge: \_\_\_\_\_

5) System of Medicine: \_\_\_\_\_

6) Type of Establishment: \_\_\_\_\_

is hereby permanently registered under the provisions of "Clinical Establishments (Registration and Regulation) Act, 2010 and the Rules made there under.

This authorization is subject to the conditions as specified in the rules in force under the Clinical Establishments (Registration and Regulation) Act, 2010 and the Rules made there under.

Designation of the Issuing Authority: (Computer Generated)

Place and Date: (Computer Generated)

District Registration Authority

Address:

Phone Number in case of Grievances