

COMMITTEE ON SUBORDINATE LEGISLATION
(2018-2019)

(SIXTEENTH LOK SABHA)

FORTY - THIRD REPORT

**RULES/ REGULATIONS GOVERNING THE IMPLEMENTATION OF SWACHH BHARAT MISSION
PROGRAMME IN URBAN AND RURAL AREAS**



LOK SABHA SECRETARIAT
NEW DELHI
February, 2019/Magha, 1940 (Saka)

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(PRESENTED TO LOK SABHA ON 11.02.2019)



LOK SABHA SECRETARIAT

NEW DELHI

February, 2019/Magha, 1940 (Saka)

COSL No.

PRICE: Rs.

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**Published under Rule 382 of the Rules of Procedure and Conduct of Business in Lok Sabha
(Fourteenth Edition) and printed by the Manager, Government of India Press, Minto Road, New Delhi.**

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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION (16th LOK SABHA)

(2018-2019)

Shri Dilipkumar Mansukhlal Gandhi

Chairperson

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| 3. | Smt. Jagriti Tewatia | - | Additional Director |
| 4. | Smt. Vidya Mohan | - | Under Secretary |

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, do present this Forty-third Report on Rules/ Regulations governing the implementation of Swachh Bharat Mission Programme in Urban and Rural Areas.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 17.07.2017 during which oral evidence of the representatives of Ministries of Housing and Urban Affairs and Drinking Water and Sanitation were taken.

3. The Committee considered and adopted this Report at their sitting held on _____.

4. Minutes of the Eighteenth Sitting of the Committee (2016-17) held on 17.7.2017 and Minutes of the _____ Sitting of the Committee (2018-19) held on _____ relevant to this Report are appended to it.

New Delhi;

_____ *February, 2019*

_____ *Magha, 1940 (Saka)*

DILIPKUMAR MANSUKHLAL GANDHI,

Chairperson,

Committee on Subordinate Legislation.

REPORT

PART I

Introduction

Swachh Bharat Abhiyan or Clean India Campaign is one of the most ambitious projects undertaken by the Government of India. It is a massive mass movement that seeks to create a Clean India by 2019. The father of our nation Mahatma Gandhi had always put the emphasis on Swachhta. Keeping this in mind, the Indian Government had launched Swachh Bharat Abhiyan on 02.10.2014 on the occasion of Mahatma Gandhi Jayanti which aims at making all cities and villages of India 'Open Defecation Free' and achieving 100% scientific management of municipal solid waste in 4,041 statutory towns in the country with the aim to clean the roads, streets and infrastructure across India by 2 October 2019. People have started to take part and are helping to spread the message 'cleanliness is next to Godliness'.

2. The Swachh Bharat Mission has been initiated pan-India with two sub-Missions-

- (i) Swachh Bharat Mission (Urban) (SBM-U)
- (ii) Swachh Bharat Mission (Rural) (SBM-R)

Objectives of Swachh Bharat Mission (Urban) (SBM-U)

The Urban Component of the Mission is being implemented by the Ministry of Housing and Urban Affairs. The specific objectives of this Mission are as under:

- Elimination of open defecation
- Eradication of Manual Scavenging
- Modern and Scientific Municipal Solid Waste Management
- To effect behavioural change regarding healthy sanitation practices
- Generate awareness about sanitation and its linkage with public health
- Capacity Augmentation for Urban Local Bodies (ULBs)
- To create an enabling environment for private sector participation in Capex (capital expenditure) and Opex (operation and maintenance)

Objectives of Swachh Bharat Mission (Gramin) (SBM-R)

The Rural Component of the Mission is being implemented by the Ministry of Drinking Water and Sanitation. The specific objectives of this Mission are as under:

- Bring about an improvement in the general quality of life in the rural areas, by promoting cleanliness, hygiene and eliminating open defecation
- Accelerate sanitation coverage in rural areas to achieve the vision of Swachh Bharat by 2nd October, 2019
- Motivate Communities and Panchayati Raj Institutions to adopt sustainable sanitation practices and facilities through awareness creation and health education.
- Encourage cost effective and appropriate technologies for ecologically safe and sustainable sanitation
- Develop where required, Community managed sanitation systems focusing on scientific Solid and Liquid Waste Management systems for overall cleanliness in the rural areas.

3. Regarding the steps taken by the Ministry to achieve the above objectives successfully with reference to SBM-U, the Ministry of Housing and Urban Affairs submitted as under:

A Elimination of Open Defecation:

- Development of Open Defecation Free (ODF) protocol for declaration of city/ town as ODF
- Development of guidelines for conducting triggering for behaviour change towards ODF status – a ready reckoner for ULBs
- On boarding of agency to conduct third party certification of ODF declared cities (This Ministry had given assignment to verify ODF declarations by cities and certify them as ODF to Quality Council of India (QCI), Currently contract of QCI has expired and selection of new agency is in the progress.
- Development of Compendium of toilet technologies for ULBs

- Dissemination of multi-media campaign for creating awareness regarding harmful practice of OD – ‘Asli Tarakki’
- Revision in operational guidelines related to toilets
 - Increase in base unit cost of Community Toilets (CTs)
 - Extension of VGF/Grant as available for Community and Public Toilets (PTs) projects also as well
 - Inclusion of urinals in ODF component wherein VGF/Grant be given on lines of CT/PTs
- On the persuasion of the Ministry, the Railway Board has issued orders to General Managers of all Zonal Railways and Production Units to allow mobile/eco-friendly toilets or prefab toilets with septic tanks on railway land.

B Eradication of Manual Scavenging

- As per SBM Guidelines, States shall pursue to identify all manual scavengers in urban areas, insanitary toilets linked to their employment are upgraded to sanitary toilets and the manual scavengers are adequately rehabilitated
- MoHUA released the National Policy on Faecal Sludge & Septage Management in February 2017. This policy seeks to address the efficiency of systems in place for onsite sanitation whereof the faecal sludge output needs to be managed in an environmentally safe manner including the proper engineering design, construction and maintenance of septic tank systems, pit latrines and such other systems generating faecal sludge. It also addresses the issue of manual scavenging by mandating ULBs to have an enabling regulatory and institutional framework and enforcement of all regulations in a strict manner, supplemented with regular monitoring, awareness and capacity building.
- AMRUT Mission has provision for mechanical and biological cleaning of sewers and septic tanks as one of the eligible components for funding. Thus, the mission cities/ULBs may include procurement of suitable machinery for the purpose in the State Annual Action Plan (SAAP) under the Mission. The operation and maintenance of the systems is primarily a responsibility of State Govt./ULBs/Cities.

C Modern and Scientific Municipal Solid Waste Management

Municipal Solid Waste Management (MSWM) refers to a systematic process that comprises of waste segregation and storage at source, primary collection, secondary storage, transportation, secondary segregation, resource recovery, processing, treatment, and final disposal of solid waste. Manual on Municipal Solid Waste Management, 2016 published by this Ministry are referred by the States for selection of modern and scientific technologies for processing of waste, project preparation and their implementation. Bigger city may formulate the project on stand-alone basis however, smaller cities can form clusters to become viable entities to attract private investment. 100% Cost reimbursement for preparing the project may be given under SBM. Steps taken by the Ministry are to achieve this are:

- Waste to Compost
 - 35% Grant/VGF under SBM to States
 - In its meeting on 23rd January 2016, the Union Cabinet has approved the policy for promotion of city compost, wherein a Market Development Assistance of Rs. 1500 per metric tonne of city compost will be paid to the fertilizer marketing companies, which are obligated to purchase all the compost manufactured by respective cities to which they have been tagged.
 - An amendment to policy on promotion of City Compost was released in September 2016, wherein ULBs can now also market compost directly to farmers in bulk and claim Market Development Assistance of Rs. 1500 per tonne.
 - MoHUA has launched a multi-media campaign on Decentralised Composting featuring Shri Amitabh Bachchan, film actor, to encourage RWAs, bulk waste generators including banquet halls, hotels, college mess, etc. to adopt decentralised composting
 - MoHUA has launched a multi-media campaign on Source Segregation featuring Ms. Shilpa Shetty, film actress, to encourage segregation of waste at source to bring about efficiency in waste processing

- Waste to Energy
 - 35% Grant/VGF under SBM to States
 - Ministry of Power has released amendments to the Tariff Policy in Electricity Act, 2003, to include a provision for State Electricity DISCOMs to “mandatorily purchase all power generated from municipal solid waste” in Renewable Purchase Obligation (RPO) quota.
 - Central Electricity Regulatory Commission (CERC) has amended the CERC (Terms and Conditions for Tariff determination from Renewable Energy Sources) (Fourth Amendment) Regulations, 2015 to specify norms for determination of generic tariff for Municipal Solid Waste and Refuse Derived fuel for Waste to Energy projects and indicative tariff for 2015-16. Determination of Generic Tariff will boost the financial viability of Waste-to-Energy plants in the country.
- Construction & Demolition (C&D)
 - The products from C&D waste plant may be used for non-structural purposes like kerb stone, paver block and road construction, etc. as well as for structural purposes also
 - CPWD has incorporated recycled materials in construction activities, complying with BIS standards, in the Schedule of Rates.
- Use of Plastics in the construction of Roads
 - The Ministry of Road Transports and Highways has released an order approving the use of plastic waste in road construction. The studies revealed that the use of waste plastics improved the desirable properties of bituminous mixes leading to improved longevity and pavement performance.

D To effect behavioural change regarding healthy sanitation practices and

E Generate awareness about sanitation and its linkage with public health

A key strategy under SBM (Urban) is behaviour change communication to ensure that sanitation as an issue is mainstreamed with the general public at large and may cover issues of

open defecation, prevention of manual scavenging, hygiene practices, proper use and maintenance of toilet facilities (household, community or otherwise), etc., and its related health and environmental consequences.

Under this component states are encouraged to undertake massive public awareness campaigns on sanitation and establishing its link to public health, hygiene and the environment through various means including -radio, social media, documentaries, plays, workshops, etc. The Ministry is responsible for developing national media campaign and developing standard campaign tools for effective awareness and communication on sanitation. Steps taken by Ministry to achieve this are:

- As per the revised guidelines, ULBs may procure IEC-linked services and items from local agencies on nomination basis up to Rs 5 lakhs per intervention to ensure faster procurement of short-term IEC interventions.
- Four major multi-media communication campaigns have been developed and disseminated ('AsliTarakki', 'Har Din Do Bin', 'Compost Banao Compost Apnao' and 'Swachh Shauchalaya')
- Partnership with comic book publishers to develop and disseminate SBM themed comics for inculcating behaviour change in children
- Developed Swachh Bharat Idea Book – a compendium of actions/ initiatives that can be taken by various stakeholders of the mission
- Engagement of SHGs in creating awareness at the community level through triggering drives, etc.
- Engagement of citizens in mission implementation through registration of 'Swachhagrahis' or citizen volunteers
- Engagement of SBM Ambassadors in various initiatives at the national level to ensure wide outreach

F Capacity augmentation for Urban Local Bodies

- 11 Standard Operating Procedures have been developed to assist ULBs in implementing the mission components
- Various technical advisories and model RFPs have been developed to assist ULBs in implementation of mission components
- 135 e-learning modules showcasing best practices across the mission components are available on the SBM E-learning portal
- 15 exposure workshops to enable peer-to-peer learning and sharing of best practices have been conducted. Out of the ongoing phase of exposure workshops

in Swachh Survekshan 2017, 14 workshops are scheduled to be completed by December 2017.

- Collaboration with agencies to conduct regional workshops

G To create an enabling environment for private sector participation in Capex and Opex

- As per revised guidelines, States and ULBs may also identify land for public toilets, and leverage this land and advertisements to encourage the private sector to construct and manage public toilets through a PPP agreement. Additional funding support by any other means can also be used for public toilets.
- The Ministry has developed the SWACHH CSR Portal, a crowd funding platform to spearhead involvement of the private sector in city level initiatives of SBM. The platform aims to connect city municipal commissioners with private individuals and companies who are interested in funding and getting involved in city level SBM projects of building toilets and solid waste management infrastructure or services.

4. Regarding steps taken by the Government to achieve the objectives laid under SBM-G the Ministry of Drinking Water and Sanitation submitted as under:

The Swachh Bharat Mission (Gramin) (SBM-G) entails freedom from open defecation and management of solid and liquid waste in the rural area. As per SBM (G) guidelines, Open Defecation Free (ODF) has been defined as:

“ODF is the termination of faecal-oral transmission, defined by:

- 1) no visible faeces found in the environment/village; and
- 2) every household as well as public/community institutions using safe technology option for disposal of faeces

(Tip: Safe technology option means no contamination of surface soil, ground water or surface water; excreta inaccessible to flies and animals; and freedom from odour and unsightly condition)”

The guidelines also advise setting up of systems for scientific disposal of waste. Technological options for Solid and Liquid Waste Management (SLWM) have also been provided to the States. The States may identify socially acceptable and environmentally safe technologies, as per their local and

cultural context. An Index of Village Swachhta has also been developed, which includes factors like access to safe toilets and also captures whether there is visible cleanliness around households and public places. As per the guidelines of Swachh Bharat Mission (Gramin), upto 5% of total resources can be spent on Information, Education and Communication (IEC) at State and District level and 3% of the resources at the Central level for the same purpose. Further, for creating awareness about sanitation and generating demand for sanitation facilities, including toilets, a Sanitation and Hygiene Advocacy and Communication Strategy Framework has been adopted by the Ministry for activities under Information, Education and Communication (IEC). States are preparing and implementing State and district level IEC Plans based on this strategy framework. Massive multi-media campaigns have been started at national level using Audio Visual (TV) and Audio (Radio). States are also carrying out IEC campaigns as well as interpersonal Communication (IPC) to address attitudinal inhibitions/ problems pertaining to sanitation. . Regular knowledge sharing is facilitated and encouraged through a knowledge portal by the name of Swachha Sangraha. The portal helps the states to share and learn from each other the best sanitation practices.

Under SBM(G), following measures have been taken to accelerate the programme :-

- Focus on Behavior Change: Community mobilization leading to collective behavior change has been mentioned as the preferred approach. Focus is also on creation of complete Open Defecation Free (ODF) villages.
- Given the vast socio-economic-cultural diversity of India, the programme provides flexibility to the States in the implementation of the programme.
- There is a greater emphasis on capacity building, especially in community approaches and programme management. More than 530 Collectors across the country have been trained and to provide exposure to officers at entry level itself, a training module has been developed for LBSNAA, Mussoorie. The IAS and other Group A probationers are oriented using this module and trained for better implementation of SBM(G), including 'triggering' behavior change in communities.
- The programme is being run in the spirit of a janandolan with cooperation of all sections of the society including the NGOs, Corporates, youth etc. The Panchayats are actively involved in the implementation and ensuring sustainability of the programme
- There is an emphasis on streamlining administrative and financial procedures, both to cut down on time, as well as to increase accountability.

- Innovations in technology as well as approaches are being encouraged and promoted at the National and State levels. A National Committee under Prof. R.A.Mashelkar examines all new technologies from the point of view of safety and feasibility.
- Sanitation is being prioritized amongst the overall development agenda. The Government has taken a decision to prioritise all Centrally Sponsored Schemes in ODF villages.
- Monitoring and Evaluation has also been strengthened at all levels. The IMIS (national level) hosts data up to household level, with provision to capture geo-tagged photographs of toilets. The data for respective state and districts are being updated by the states themselves. A Swachhta App has been developed that provides online information on sanitation status up to household level.

5. When enquired about the monitoring mechanism available with the Ministries to achieve their objectives, in response, the Ministry of Housing and Urban Affairs in their written reply submitted as under:

- MIS dashboard for monitoring progress of all components of SBM-U
- Agency to third party verification of ODF cities declarations by cities
- Video Conferences with states and cities to check progress
- State level reviews by Hon'ble Minister and Secretary for urban missions which includes review of SBM progress
- Swachh Survekshan – an annual survey of cities has been institutionalised to not only encourage healthy competition amongst cities but also check progress of the cities on the mission components (conducted for 73 cities in 2016, 434 cities in 2017 and will be conducted for all 4041 cities/towns in 2018)

6. In the above context, the Ministry of Drinking Water and Sanitation submitted the following information:

“Comprehensive web-based online monitoring systems for SBM(G) is in place with GP level data. The data is for their respective states and district is being updated at district level and state level. The system has been upgraded with a facility to upload the names and card number for beneficiaries for authentication of data. A Mobile application for

uploading photographs of toilets constructed after 2nd October 2014 has been launched. The photographs are geo- tagged. Mobile app has also been developed to view sanitation status upto GP Level. Third party monitoring is also being done through agencies such as National Sample Survey Organisation (NSSO) and National Level Monitors, Quality Council of India. A module for monitoring ODF progress and sustainability is also available on the IMIS. Periodic review meetings are conducted to review the physical and financial progress in the implementation of the **SBM(G)** in all the states. Beside review meetings, regular video conferencing also organized to review progress of **SBM(G)** and suggest corrective measures wherever required to achieve physical and financial objectives. Field visits are also made by the officers of the Ministry to see the implementation of sanitation programme. In order to get a quick feedback on innovations in addressing various implementation challenges, Rapid Action and Learning Units (RALU) have been constituted at the National level and similar RALUs are being constituted at the State levels. *Swachhata Darpan* (Swachhata Index) has been launched to capture progress made against key components of the programme viz. sustainability, transparency etc. at state as well as district level.”

7. While furnishing the current status on each of the above stated objectives, the Ministry of Housing and Urban Affairs in their written reply submitted as under:

A Elimination of Open Defecation

- Out of the 4041 ULBs, 1,789 ULBs have declared themselves Open Defecation Free (ODF) out of which 1,336 ULBs certified as ODF by the means of third party verification.
- A total of 40.82 lakh Individual Household Latrines, out of 66.42 lakh target and 2.33 lakh Community & Public Toilets seats, out of 5.07 lakh target have been constructed.

B Modern and Scientific Municipal Solid Waste Management

- 100% door-to-door collection is present in 44,650 wards out of a total of 81,065 wards
- Waste processing: About 23% of total waste generated is processed
- Waste to Compost
 - No. of functional/suboptimal waste to compost plants: 145
 - Total production of City Compost: 2 Lakh MT per annum
 - Waste to Compost production capacity of functional plants: 15.09 Lakh MT per annum

- No. of waste to compost plants under construction/upgradation/revival: 150
- Compost production capacity of plants under construction/upgradation/revival (MT/annum): 15.22 Lakhs MT per annum

- Waste to Energy Current Production: 94.2 MW
- Waste to Energy Plants under construction – 50 Nos. with production capacity of 398 MW

C Capacity augmentation for Urban Local Bodies

- Number of registrations on SBM E-learning portal: 3.45 Lakh
- Number of certifications on SBM E-learning portal: 2.59 Lakh

8. In this regard, the Ministry of Drinking Water and Sanitation submitted to the Committee as follows:

“ The Swachh Bharat Mission (Gramin) (SBM (G)) was launched on 2nd October, 2014 with the aim to attain Swachh Bharat by 2nd October 2019. The focus of the scheme is on behavior change and usage of toilets. Against the expected outcome of **50 lakh** individual latrines for the year 2014-15, **58,54,987** latrines were constructed, which is an achievement of **117%** of the target. During 2015-16, **127.41 lakh** toilets were constructed against expected outcome of **120.00 lakh**. For the year **2016-17**, against the expected outcome of **1.5 crore** individual latrines, **219.24 lakh** latrines (**146%**) have been constructed. For the year **2017-18**, against the expected outcome of **1.7 crore** individual latrines, **7817323** latrines (**46%**) have been constructed as on **07-09-2017**. Sanitation Coverage has increased to **67.51%** on **07-09-2017**. A total of **235209** Villages, **105548** Gram Panchayats, **1701** Blocks and **192** District have been declared Open Defecation Free (ODF) as on **07-09-2017**. In addition, 5 States namely **Sikkim, Himachal Pradesh, Kerala, Uttarakhand and Haryana** have also been declared ODF.”

9. Furnishing the details of toilets built on National Highways, the Ministry of Housing and Urban Affairs in their written reply submitted as follows:

“Swachh Bharat Mission for Ministry of Road Transport and Highways (MoRTH) is presently confined to construction of toilets at 372 National Highways Authority of India (NHAI) toll

plazas. It is envisaged to construct 4 toilets for men and women separately, on the upside and downside of the highways at each toll plaza. The toll plaza toilet construction was initiated in 2016-17 itself. Under SAP 2017-18, an outlay of Rs. 91 crore has been allocated for SBM for MoRTH. As on 31st July, 2017 the cumulative progress with effect from April 2016 is completion of 647 toilet units at 155 NHAI toll plazas.”

10. With regard to implementation of Sanitation Programme in collaboration with Ministry of Human Resource Development to promote hygiene at Schools, the Ministry of Housing and Urban Affairs submitted as follows:

“The Ministry has no proposal to implement school sanitation programme in collaboration with HRD Ministry to promote improved hygiene and teachers training.”

Statutory Backing to SBM

11. Regarding the statutory authority under which Swachh Bharat Cess (SBC) is being levied, the Secretary, the Ministry of Housing and Urban Affairs in its written reply submitted as follows:

Swachh Bharat Cess (SBC) is levied under section 119 of the Finance Act, 2015. The said provision came into effect on 15th November, 2015 vide notification No.21/2015-ST dated 6th November, 2015. The financial year wise Swachh Bharat Cess collection so far is mentioned below.

(Amount in Rs. Crore)	
Financial Year	Swachh Bharat Cess Collection
2015-16* (Actuals)	3,925.74
2016-17 (Provisional)**	12,308.98
2017-18 [April- July](Provisional) **	3,613.92

Source: * Receipt Budget 2017-18, ** Pr CCA/CBEC

The utilization of funds, provided by the Ministry of Drinking Water and Sanitation is as under:

Year	Fund received (Rs. in Crore)	Fund utilized (Rs. In Crore)
2015-16	2,400	2,400
2016-17	10,513	10,509

12. The Secretary, Ministry of Housing and Urban Affairs also informed the Committee during oral evidence that under this Section there is provision of .5% Cess. Under this Rs.12 thousand

Crore is collected annually and Rs.2000 Cr. is spent on SBM-U and approx. 10 thousand Crore on SBM-G.

13. Further elaborating the allocation of funds to States under various components of SWM, the Ministry of Housing and Urban Affairs vide their OM dated 11.07.2017 submitted as follows:

- ODF component - Till date a total of Rs.2600 Crore (i.e. 56%) released to States on the sanitation component (HHL+CT-PT) against total combined target of Central share of Rs.4860 Crore for the Mission period.
- SWM component - Till date a total of Rs.1860 Crore (i.e. 25% of funds) released to States against total combined target of Central share of Rs.7424 Crore.
- IEC component - Till date a total of Rs.1860 Crore (i.e. 31%) released against total combined target of Central share of Rs.1501 Crore.
- Capacity Building (CB) component : Till date total of Rs.124 Crore (i.e. 33%) released to States against a total combined target of Central share of Rs.375 Crore.

14. The Committee pointed out that the Gram Panchayats lacks in technical oversight and since the Money is going directly to them there should be provision in Rules about its plan, design, delegation of duties, its implementation etc. To this the witness submitted before the Committee that some advisories have been issued in this and on this discussion of Group of Secretaries was also held. It was understood by the Central Government that they can not directly advice but can issue advisory. State Government in their capacity can then issue some rules or orders or guidelines and advisory. This is important point. The Money is going directly and there should be technical oversight. We will definitely consider this.

15. As regards, the statutory provisions applicable to the Mission, the Ministry of Housing and Urban Affairs in their written reply submitted the following:

The Swachh Bharat Mission (Urban) is supported by the following Acts:

- (a) Solid Waste Management (SWM) Rules, 2016 framed under Environment Protection Act, 1986

(b) Prohibition of Employment as Manual Scavengers and their Rehabilitation
Act (PEMSRA) 2013

16. When asked to state how far these two sets of Rules are able to cover the entire gamut of activities being undertaken under the Mission. In response, the Ministry in their written reply dated 16.11.2017 submitted as under:

Para No: (zg) of Solid Waste Management Rules, 2016 states the following:

Create public awareness through information, education and communication campaign and educate the waste generators on the following; namely

- (i) Not to litter;
- (ii) Minimise generation of waste;
- (iii) Reuse the waste to the extent possible;
- (iv) Practice segregation of waste into bio-degradable, non-biodegradable (recyclable and combustible), sanitary waste and domestic hazardous wastes at source;
- (v) Practice home composting, vermi-composting, bio-gas generation or community level composting;
- (vi) Wrap securely used sanitary waste as and when generated in the pouches provided by the brand owners or a suitable wrapping as prescribed by the local body and place the same in the bin meant for non-biodegradable waste;
- (vii) Storage of segregated waste at source in different bins;
- (viii) Handover segregated waste to waste pickers, waste collectors, recyclers or waste collection agencies; and
- (ix) Pay monthly user fee or charges to waste collectors or local bodies or any other person authorised by the local body for sustainability of solid waste management”

Swachh Bharat Mission has given due importance to source segregation and Ministry started Nation-wide campaign on Source Segregation on World Environment Day, June 5th, 2017.

The Mission also supports various SWM methods for collection, transportation and treatment of the Municipal Solid Waste as mentioned in the SWM Rules, 2016.

As per the Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013, two main points of concern are:

1. Conversion of insanitary latrines to sanitary latrines and
2. Conversion of single pit latrines to sanitary latrines

Under Swachh Bharat Mission, the target group for construction of individual household toilets is:

- (i) Construction of 80% individual urban household latrines engaged in open defecation
- (ii) Conversion of insanitary latrines to sanitary latrines
- (iii) Conversion of single-pit latrines to sanitary latrines
- (iv) The remaining 20% of urban households practicing open defecation are assumed to be catered by community toilets due to constraints of space.

17. In this regard, the Ministry of Drinking Water and Sanitation submitted in their written reply as follows:

“Sanitation is primarily a Behaviour Change issue and it should be addressed at local level as per the local need and cultural context. Moreover, the changes brought through Behaviour Change interventions backed with availability of safe infrastructure (safe toilets) are more sustainable. Strengthening the Panchayati Raj Institution (PRI) laws will help the states/ local bodies enforce it more efficiently”

The Ministry further submitted:

“Sanitation is behaviour change issue which may be best handled at the local level, as per the cultural context. State/Local bodies need to be empowered and Model law/ regulations for sanitation may be prepared for reference and guidance.”

When asked to state in the absence of the specific provision or without the Act, the implementation of Swachh Bharat Mission programme will be able to function smoothly, the Ministry of Housing and Urban Affairs submitted as under:

“The implementation of Swachh Bharat Mission is under progress in the absence of the specific provision or without the Act. Solid Waste Management Rules, 2016 and

Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013 are under implementation.”

18. As regards the need of having exclusive legislation to give Swachh Bharat Mission a statutory status and making it legally enforceable, the Ministry of Housing and Urban Affairs in their written reply dated 16.11.2017 submitted the following:

“While at present, there is no legislation that exists to give this Swachh Bharat Mission a statutory Status and making it legally enforceable and also no proposal is hand as sanitation is a State subject. However, to ensure and enforce the level of cleanliness desired by the Hon’ble prime Minister, there is a necessity to make a nationwide legislation.”

OBSERVATIONS/RECOMMENDATIONS

Introductory

The Committee note that the Swachh Bharat Mission (SBM) in respect of both Urban (SBM-U) and Gramin (SBM-G) is a massive movement launched on 2 October, 2014 by the Government for the purpose of achieving a 'Clean India' by 2nd October, 2019. The Urban component of the Mission (SBM-U) is being implemented by the Ministry of Housing and Urban Affairs while the Rural component (SBM-G) by the Ministry of Drinking and Water Sanitation. The SBM-U aims at making Urban India Open Defecation Free (ODF) by constructing individual Household Latrines and Community Toilets; achieving 100% scientific management of municipal solid waste in 4041 statutory towns/cities in the country; eradication of Manual Scavenging; Spread of Information, Education and Communication (IEC) about sanitation and Public Health; Capacity Building for Urban Local Bodies (ULBs) etc. The SBM-G aims to improve sanitation and cleanliness and eliminate open defecation in the Rural parts of the country. The main concept of Swachh Bharat Mission is to focus on bringing behavioural change regarding healthy sanitation practices and bringing improvement in the general quality of life which in the opinion of the Committee indeed is a noble and welfare vision for the health and well being of the citizens of the country.

Statistical Data

2. The Committee note from the information furnished by the Ministry of Housing and Urban Affairs vide their reply dated 16 November 2017 that out of 4041 ULBs, only 1,789 ULBs (44%) have declared themselves ODF and a total of 40.82 lakh (61%) individual Household latrines out of 66.42 lakh targeted and 2.33 lakh (46%) Community and Public Toilets Seats out of 5.07 lakh targeted have been constructed. Further 100% door-to-door collection is present in 44,650 wards (55%) out of a total of 81,065 wards and about 23% of total waste generated is being processed. In respect of the rural parts, the Ministry of Drinking Water and Sanitation have claimed that the Sanitation coverage has increased to 67.51% on 07.09.2017 and a total of 235209 villages, 105548 Gram Panchayats, 1701 Blocks and 192 Districts have been declared ODF. In addition, 5 States namely Sikkim, Himachal Pradesh, Kerala, Uttarakhand and Haryana have also been declared ODF.

The Committee while keeping in mind the aims and objectives of the Swachh Bharat Mission and the progress made so far in implementation of this enormous programme in the country as reflected in the above data as furnished by the Ministry, desire that the Government may also focus on the following additional areas which have caught the attention of the Committee during examination of the subject :-

School Sanitation Programme

3. The matter of more concern is that there is no proposal initiated by the Government to implement school sanitation programme in collaboration with HRD Ministry to promote improved hygiene and give teachers training for the same. The Committee are of the

view that safe sanitation and cleanliness is most important for all and the earliest it starts the best it is. Thus, it is most essential for everyone especially children to understand the positive impact of cleanliness and hygiene in our day-to-day life. The Committee are of the opinion that the main thrust of the Government should not be merely on building of toilets but should be on usage of these toilets for actual realization of Pan India an ODF country because even a village with 100% household toilets cannot be declared ODF till all the inhabitants residing in that village start using them. The Committee thus strongly feel that all the schools should compulsorily teach the good hygiene and sanitation habits to the school going children and making them aware of the importance of hygiene and sanitation. For this the Government should take immediate steps to implement school sanitation Programme in collaboration with HRD Ministry and intimate the Committee about the progress made in this regard.

Role of other Central Ministries

4. The Committee note that most of the Central Ministries are also involved in implementation of the SBM in the country by funding projects from their own budget. The Ministry of Petroleum is building toilet facilities at their petrol stations. Likewise, the Ministry of Highways is building proper toilet facilities along highways at Toll Plazas. The Committee further note with concern that the SBM with respect to construction of toilets at toll plaza on National Highways (NH) had been initiated as late as in 2016-17 and as on 31 July 2017 the cumulative progress with effect from April 2016 is completion of 647 toilet units at 155 NHAI toll plazas. The Committee, therefore, recommend that suitable instructions be issued to all

the concerned Ministries/ Departments including CPSEs of the Government of India to give utmost priority to the projects being supported or implemented by them relating to SBM.

Monitoring of the SBM

5. The Committee note that as regards the SBM-U, there is a system of MIS dashboard for monitoring the progress of all components of SBM-U besides third party verification of ODF cities and a program 'Swachh Survekshan' for carrying annual survey of cities has been institutionalized to not only encourage healthy competition amongst cities but to also check the progress of various Mission components. The Committee are of the view that if the work done during the five years i.e. from 2014-2019 of SBM and efforts made for achieving the objectives of the Mission are not supervised and the toilets built, especially Public/Community toilets are not maintained, the same will be futile. Thus, the systems evolved for Solid Waste Management, Sanitation etc. needs routine supervision and maintenance for which budgetary provisions are also required to be made. The Committee further take serious note of the data provided for accomplishment of objectives of SWM under both SBM-U and SBM-G and are of the view that on some projects, the actual progress made there under during the last four years is very lethargic especially under SBM-U. The Committee, therefore, recommend that the existing monitoring mechanism in respect of both SBM-U and SBM-G needs to be further strengthened to make it more effective and visible.

Need for awareness and behavioural change

6. The Committee are also of the view that SBM is a Mission with a vision of spreading cleanliness Pan India by bringing in behavioural change in the Masses. The Committee appreciate the initiative taken by the Government in spreading the message of cleanliness is next to godliness to the masses across the country. The Committee, however, feel that cleanliness and sanitation are not period specific Mission and should be carried forward for all times to come. The Committee feel that to achieve the goals of the Swachh Bharat Mission, it is very important to bring about suitable behavioural changes in the society about adoption of healthy sanitation practices. Looking at the ground realities, the Committee feel that much more is required to be done for inculcating in the masses the sense of hygiene and well being through mass awareness programmes to bring about the required 'behavioural change' in the masses across the country. In the opinion of the Committee, to achieve this holistic approach, it is crucial to encourage toilet usage, IEC, capacity building to manage solid and faecal waste properly etc. It is needed to be ensured that toilets are being built properly and the people continue to use toilets even after the ODF targets are achieved and people do not tend to return to the old practice of open defecation. For this, due emphasis is required to be laid on conducting awareness programmes and citizen engagement in the reform process to achieve long term goals such as behavioural change; proper waste management, existence of mechanisms that will help in running and upkeep of these toilets and address treatment of waste etc. All out efforts are also needed to be made to improve sanitation coverage by engaging the State functionaries and civil society at large where people are informed about the ill effects of the inadequate sanitation.

Funding of SBM

7. The Committee note that a 'Swachh Bharat Cess (SBC)' is levied under section 119 of the finance Act, 2015 w.e.f. 15 November, 2015. The Committee note that the Central Ministry is supporting the State Governments by providing financial incentives for waste management, toilet construction, Information, education and communication (IEC), technical assistance and capacity building under the SBM. The Committee, however, feel that it may be difficult to achieve this SBM-U as there is strong disparity in allocation of funds between SBM-U and SBM-G as out of 12 thousand crore (approx.) of Swachh Bharat Cess collected during 2016-17 approx Rs.2000 crore only (i.e. 13%) was spent on SBM-U and approx. 10 thousand crore (83%) on SBM-G. This disparity in fund allocation require a revisit by the Centre to reinforce the nature of Urban sanitation challenges being undervalued especially solid waste management, IEC and the importance of capacity building to properly manage waste from the increasing number of toilets etc. The Committee, therefore, recommend that the Government should take steps to mitigate the disparity in allocation of funds collected under Swachh Bharat Cess to SBM-U and intimate the action taken in this regard.

Gram Panchayats

8. In case of SBM-G, the Committee feel that though they receive more funds but most of the Gram Panchayats who receives the funds for SWM, lack technical oversight resulting in non-utilization or at times mis-utilization of funds resulting in defeating the objectives of SBM. The Committee, therefore, are of the firm opinion that the Government should

formulate some model laws/guidelines or issue advisories to Gram Panchayats across the country for utilization of funds for each component viz. building of toilets, community toilets and maintenance thereof, waste disposal, IEC etc. so that the objective of SBM is not defeated. The Committee believe that the Gram Panchayats showing good results should be encouraged by way of incentives, competition so that the practice followed by them is emulated by the other Gram Panchayats also.

Municipal Solid Waste Management

9. The Committee feel that Solid Waste management is a very crucial area in the successful implementation of the SBM and proper facilities for disposal of municipal waste should be created. In this regard, the Committee feel that modern and scientific municipal solid waste management practices are needed to be encouraged for processing of the waste and converting it for use as compost, generation of energy, construction material, etc. as it has a very vast potential in these fields. For e.g. in Kolkata city processing of compost window method has been used wherein a pilot project has been taken up for the conversion of organic market waste into Bio-CNG, Bio-CO₂ and compost by processing 5 MT market waste daily at Dhapa.

Need for separate Legislation

10. The Committee note that at present there is no exclusive legislation to give Swachh Bharat Mission any kind of statutory status and according to the Ministry, sanitation is a State subject under the Constitution. However, the Ministry of Housing and urban

Affairs is agreeable that to ensure and enforce the desired level of cleanliness, there is a necessity to make a nationwide legislation on SBM. The Committee note and agree to the submission made by the Ministry that Sanitation is primarily a behaviour change issue, which can be best handled at the local level. The Committee feel that no doubt sanitation is a State subject but cleanliness goes beyond a State's boundary. The Committee are of the firm opinion that merely bringing in behavioural change and self-regulation is not sufficient and a central law to enforce the cleanliness drive will help the purpose. The Committee feel that at present the SBM is being supported by Solid Waste Management Rules, 2016 framed under Environment Protection Act, 1986 and Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. Further the SBM has been initiated with two sub-missions viz. SBM-U being implemented by Ministry of Housing and Urban Affairs and SBM-G being implemented by Ministry of Drinking Water and Sanitation. The Committee feel that with the involvement of multiple laws/Acts and implementing agencies the objectives of SBM may not be achieved as desired. Thus, to overcome the same and avoid overlapping, a new model law/Act should be framed by interweaving the existing rules. The Committee feel that no doubt cleanliness is a local issue but there are instances such as the Street Vendors (Protection of livelihood and Regulation of Street Vending) Act, 2014, RERA, Act. etc. where Central Ministries have framed Model Rules/guidelines under the Central Act for the States to follow. Moreover, the representative from the Ministry of Housing and Urban Affairs had also deposed before the Committee that to ensure and enforce the desired level of cleanliness, there is a necessity to make a nationwide legislation. The Committee, therefore, recommend that the Government should bring a comprehensive Model Legislation covering all objectives

of SBM and providing a legal backing to the SBM under which Municipalities can punish those found spitting, urinating and throwing garbage in public places. The menace of unauthorised constructions in the markets by opening Dhabas and eateries unauthorisedly contribute a lot to generation of garbage; which also results in generation of mosquitoes and flies, which spread various kinds of disease in the country. Therefore, the Municipal Authorities should strictly deal with the menace of unauthorised constructions, Dhabas on public land. The Construction actually also results in generation of malba, debris etc. and pollution of atmosphere and surrounding by dust/cement/sand particles etc. The Committee would like to be apprised of final action taken in this regard.

Inclusion of Swachh Bharat Mission in School Curriculum

11. There should be a Chapter on “Swachh Bharat Mission” in the syllabus of schools upto primary standard all over India in order to cultivate the cleanliness habits amongst the school going children.

It is essential that there should be a chapter in the school curriculum upto 8th standard to educate the children about the need of clean and neat environment and how to prevent spreading of pollution and the affects of diseases because by open defecation, washing hands prior to eating food and wearing clean clothes and using clean towels. It is generally seen that a large number of people because of ignorance wastes large amount of water, while opening a tap for washing hands or bathing and for other purposes like washing clothes etc. Due to wastage of water, while opening a tap though one could easily wash the hands with lesser quantity of water by not opening the tap to full circle instead of keeping it

controlled to the required amount of water, large quantity of water can be saved. The water used goes to the sewerline and mixes with sewerage and other waste materials. There is a necessity to include a chapter in the school books on how to use controlled quantity of water, keeping the surroundings neat and clean, not throwing garbage and eatables in the open and not to burn leaves or paper etc. during winter season for maintaining their surroundings warm as is the practice in villages and cities during Winters particularly. They should be explained that by burning leaves or paper the waste is generated and this results in polluting the atmosphere as well as rise in temperature of the environment. Apart from this they should also be told not to waste electricity as it is generated by burning coal, gas and through storage of water in dams i.e. hydro electricity. Due to burning of coal lot of ash is generated, which not only pollutes the atmosphere but various gases generated during burning of coal from which electricity is generated also pollute the atmosphere. They should also be told to maintain hygiene and given awareness of benefits and ill- effects of unhygienic surroundings. Swachh mission is not only concerned with building toilets sanitation etc. but also pollution of atmosphere by various means.

In view of above, if the concept of Swachh Bharat Mission is explained to children upto primary standard from junior classes the concept of Swachh Bharat can take a big leap as the future generation will not need to be guided and informed about the need of Swachh Bharat Mission. The Committee feels that the inclusion of the chapters on above subjects regularly upto 8th standard in the school syllabus the children will become educated citizens and the Swachh Bharat Mission will achieve success by leaps and bounds. In foreign

countries also we see the concept of cleanliness and prevention of pollution to atmosphere by various means is imbibed in the children by parents as well as through school education.

The school children can be educated through chapters in school books, Power Point presentation and actual practical demonstration by teachers in the school. Children in the school can be as a group activity told to carry out cleaning drive in and around the school premises once a week, with their teachers involved actively in the drive.

**New Delhi;
7 February, 2019
18 Magha, 1940 (Saka)**

**DILIPKUMAR MANSUKHLAL GANDHI,
Chairperson,
Committee on Subordinate Legislation.**

APPENDIX
(vide Para 4 of the Introduction)

**MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE ON SUBORDINATE
LEGISLATION (2016-2017)**

The Eighteenth sitting of the Committee (2016-2017) was held on Monday, the 17th July, 2017 from 1500 to 1700 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

Shri Dilipkumar Mansukhlal Gandhi Chairperson

MEMBERS

1. Shri Birendra Kumar Chaudhary
2. Shri Shyama Charan Gupta
3. Shri Janardan Mishra
4. Shri Prem Das Rai
5. Shri Alok Sanjar
6. Shri Ram Prasad Sarmah
7. Adv. Narendra Keshav Sawaikar

SECRETARIAT

- | | | | |
|----|----------------------|---|----------------------|
| 1. | Smt. Sudesh Luthra | - | Additional Secretary |
| 2. | Shri Ajay Kumar Garg | - | Director |
| 3. | Shri Nabin Kumar Jha | - | Additional Director |
| 4. | Smt. Jagriti Tewatia | - | Deputy Secretary |

WITNESSES

MINISTRY OF URBAN DEVELOPMENT

1. Shri Durga Shanker Mishra
Secretary
2. Shri Praveen Prakash,
Joint Secretary -SBM - Urban
3. Shri Naresh Kumar
Chairman, NDMC
4. Shri Udai Pratap Singh,
Vice Chairman-DDA
5. Shri Mohanjeet Singh
Municipal Commissioner, EDMC
6. Shri Puneet Goyal,
Municipal Commissioner, SDMC
7. Shri P. K. Gupta,
Municipal Commissioner, NDMC
8. Ms. Aindri Anurag, Joint Secretary, Ministry of Social
Justice
9. Dr. A. Senthil Vel, Adviser, Ministry of Environment & Forest

Ministry of Drinking Water and Sanitation

1. Shri Parameswaran Iyer, Secretary
2. Shri Arun Baroka, Joint Secretary, SBM (G)
3. Shri Samir Kumar, Economic Advisor

2. At the outset, the Chairperson welcomed the Members of the Committee to the sitting of the Committee. Thereafter, representatives of the Ministries of Urban Development and Drinking Water & Sanitation were called in. The Chairperson then welcomed the representatives of the Ministries to the sitting of the Committee and also drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Committee then took oral briefing of the representatives of the Ministries of Urban Development and Drinking Water & Sanitation on the Rules/Regulations governing the implementation of Swachh Bharat Mission programme in respect of both Urban and Rural areas.

3. The representatives of the Ministries in the beginning made a power point presentation on the subject and briefed the Committee about overwhelming participation from citizens since the launch of the Swachh Bharat Mission on 2.10.2014, ODF sustainability, mainstreaming sanitation in all sectors, behaviour change, Swachh Survekshan 2017 etc. Thereafter the Committee deliberated on various issues broadly covering aspects such as statutory backing of the Swachh Bharat Mission Programme and its enforcement, Government proposal to bring exclusive legislation to make the mission legally enforceable, Swachh Bharat Cess, Roles and Responsibilities of the DDA, NDMC, MCD for effective implementation of the Swachh Bharat Mission Programme both in Urban and Rural areas etc.

4. The representatives of the Ministries furnished clarifications to the queries raised by the Committee. On some of the points, the information which was not readily available with the representatives of the Ministries, the Chairperson asked them to furnish written replies to those points within 15 days to the Lok Sabha Secretariat.

5. A suggestion was also made by some Members for undertaking a local visit to some areas of the capital to check the cleanliness level. The Committee also decided to undertake a study visit during the last week of August.

6. The Chairperson then thanked the representatives of the Ministries for presenting their inputs on the subject before the Committee.

7. The witnesses then withdrew.
8. The verbatim proceedings were kept on record.

The Committee then adjourned.
