

**SEVENTH LEGISLATIVE ASSEMBLY OF MIZORAM  
(SIXTH SESSION)**

**BULLETIN PART – II**

(General information relating to Legislative and other matters)

**No. 89**

Friday, the 26<sup>th</sup> June, 2015.

**OFFICIAL RESOLUTION**

The following is the Official Resolution submitted by Pu Zodintluanga, Minister and admitted for consideration on 8<sup>th</sup> July, 2015.

**“WHEREAS** elimination of dry latrines and manual scavenging, and the rehabilitation of manual scavengers in alternative occupations has been an area of high priority for the Government. Towards this end the Central Government had enacted the **Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993**.

**AND WHEREAS** consequent upon the enactment of the said Central Act, under clause (1) of Article 252 of the Constitution of India, resolutions had been passed by all Houses of Legislatures of the states of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal for the adoption and regulation of the said Central Act by the Parliament by law; and accordingly, the said Central Act stood automatically applied in those states in the first instance.

**AND WHEREAS** sub-sections (2) and (3) of Section 1 of the said Central Act provide that:

*“(2) It applies in the first instance to the whole of the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and to all the Union Territories and it shall also apply to such*

*other State which adopts this Act by resolution passed in that behalf under clause (1) of Article 252 of the Constitution.*

*“(3) It shall come into force in the States of Andhra Pradesh, Goa, Karnataka, Maharashtra, Tripura and West Bengal and in the Union Territories on such date as the Central Government may, by notification, appoint and in any other State which adopts this Act under clause (1) of Article 252 of the Constitution, on the date of such adoption.”*

**AND WHEREAS** a writ petition W.P (C) No. 583 of 2003 was filed in the Hon’ble Supreme Court of India by Safai Karamchari Andolan and others against Union of India and all States and Union Territories, praying, inter alia, for directing the Respondent State Governments which had not adopted the said Central Act ‘to explain on affidavit the steps taken by their respective Legislatures to pass appropriate resolution under Article 252 of the Constitution of India for adopting the said Central Act’.

**AND WHEREAS** by its order dt. 11.12.2007 in the said Writ Petition, the Hon’ble Supreme Court observed and directed as follows:

*“It has been brought to our notice that the states of Jammu and Kashmir, Nagaland, Himachal Pradesh, Manipur, Meghalaya, Sikkim, Mizoram, Arunachal Pradesh, Delhi and U.T. of Chandigarh have not adopted the employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. The concerned States and U.T. shall file affidavit explaining the reasons for non-adoption of the Act in their respective States.”*

**AND WHEREAS** in pursuance of the directive of the Hon’ble Supreme Court, the Sixth Mizoram Legislative Assembly in its tenth Session moved and passed a resolution for the adoption of the said Central Act in the whole state of Mizoram.

**AND WHEREAS** taking into consideration the continued prevalence of manual scavenging, the Parliament has recently enacted a new Central Act viz. **“The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013”**

**(Central Act No. 25 of 2013).** This Act, inter alia, has provision for elimination of insanitary latrines and complete prohibition of employment of manual scavengers. The provisions in the new Act encompass those in the previous Central Act of 1993.

**AND WHEREAS** Section 3 of *The Prohibition of Employment as Manual Scavengers and their rehabilitation Act, 2013* stipulates that:

*“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 instrument having effect by virtue of any other law.”*

**AND WHEREAS** the Central Act of 1993 has now outlived its utility and may, consequently, be repealed.

**AND WHEREAS** Section (2) of Article 252 of the Constitution of India provides that:

*“Any Act so passed by Parliament may be amended or repealed by an Act of parliament passed or adopted in like manner but shall not, as respects any State to which it applies, be amended or repealed by an Act of the Legislature of that State.”*

**Now, therefore,** as required under Article 252 of the Constitution of India, the Seventh Mizoram Legislative Assembly in its Sixth Session proposes to resolve as follows:

**“That the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 stands repealed in the whole State of Mizoram.”**

NGURTHANZUALA

Secretary