

**Bill No. 174 of 2019**

THE PROHIBITION OF DEFECATION IN OPEN PLACES  
BILL, 2019

By

SHRI NARANBHAI KACHHADIYA, M.P.

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BILL

*to provide for prohibition of defecation and urinating in open places in order to keep  
open places clean and disease free.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (1) This Act may be called the Prohibition of Defecation in Open Places Act, 2019.

(2) It extends to the Union territories only.

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

Short title,  
extent and  
commencement.

Definitions.	<p><b>2.</b> In this Act, unless the context otherwise requires,—</p> <p>(a) "local authority" includes a municipal committee, corporation and council, by whatever name called, district board, cantonment board or any authority for the time being authorised by or under any law with the control and administration of any matter within a specified local area; and</p> <p>(b) "defecation in open places" refer to the practice whereby people go out for defecation or urinating in fields, bushes, forests, open bodies of water or other open places instead of using toilets.</p>	5
Prohibition of defecation in open places.	<p><b>3.</b> Notwithstanding anything containing in any other law for the time being in force, defecation in open places, in case of urinating in open, is hereby prohibited.</p>	10
Penalty.	<p><b>4.</b> (1) Whoever violates the provisions of section 3 shall be liable to pay a fine of not less than five hundred rupees and, in case of defecation in open, a fine of not less than one thousand rupees.</p> <p>(2) Notwithstanding the punishment provided in sub-section (1), a person violating the provisions of section 3 shall also be liable to perform for one day such community service, as may be decided by the local authority.</p>	15
Overriding effects of the Act.	<p><b>5.</b> The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.</p>	
Power to make rules.	<p><b>6.</b> (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.</p> <p>(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the 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.</p>	20 25

## STATEMENT OF OBJECTS AND REASONS

In India, defecation in open places is a well-established traditional practice deeply ingrained from early childhood. Sanitation is not a socially acceptable topic, and as a result, people do not discuss it. Consequently, open defecation has persisted as a norm for many Indians. In addition to tradition and the communication taboo, the practice still exists due to poverty; many of the poorest people will not prioritise use of toilets and besides, many are living in rented homes without toilets.

A significant gap also exists between knowledge and practice. Even when people are aware of the health risks related to poor sanitation (Specifically of not using a toilet and practicing good hygiene), they continue with unhealthy practices.

The practice of defecation in open areas is rampant in India and the country is home to the world's largest population of people who defecate in the open and excrete close to 65,000 tonnes of faeces into the environment each day. Around 524 million people, which is nearly half the population of India, defecate in the open. India accounts for 90 per cent of the people in south Asia and 59 per cent of the 1.1 billion people in the world who practice defecation in open areas.

Defecation in open areas poses a serious threat to the health of children in India and is the main reason of highest number of diarrhoeal deaths among children under five in our country. Every year, diarrhoea kills 1,17,285 children under five years in India. Children weakened by frequent diarrhoea episodes are more vulnerable to malnutrition, stunting and opportunistic infections such as pneumonia. About 38 per cent of children in India suffer from some degree of malnutrition. Diarrhoea and worm infection are two major health conditions that affect school-age children impacting their learning abilities. Defecation in open areas also puts at risk the dignity of women in India. Women feel constrained to relieve themselves only under the cover of darkness for reasons of privacy to protect their dignity.

Defecation in open areas exposes women to the danger of physical attacks and encounters such as snake bites. Poor sanitation also cripples national development *i.e.* workers produce less, live shorter lives, save and invest less and are less able to send their children to school.

Keeping in mind, the Swachh Bharat Mission, it is pivotal that we bring change in our daily lives and manners to make sure that the country could progress in the right direction. It is therefore, proposed to prohibit defecation and urinating in open places and making its violation an offence.

Hence this Bill.

NEW DELHI;  
June 20, 2019.

NARANBHAI KACHHADIYA

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. As the rules will relate to matters of detail only, the delegation of legislative powers is of a normal character.

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*(Shri Naranbhai Kachhadiya, M.P.)*