



ಸಫಾಯಿಕರ್ಮಚಾರಿ ಕಾವಲು ಸಮಿತಿ, ಕರ್ನಾಟಕ

Safaikarmachari Kavulu Samithi, Karnataka

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Date: 17.09.2018

To,

Shri. Manhar Valjibhai Zala,

Hon'ble Chairman, National Commission for Safai Karmacharis,

"B" Wing, 4th Floor, Lok Nayak Bhawan, Khan Market, New Delhi 110003

Sub: Demanding urgent action in the case of death of 5 workers while being made to clean a Sewage Treatment Plant (STP) at DLF Capital Greens, a residential complex in Moti Nagar, West Delhi.

Hon'ble Chairman, National Commission for Safai Karmacharis,

We, the members of Safaikarmachari Kavulu Samithi-Karnataka, an organization working towards complete eradication of the caste-based practice of manual scavenging in the State of Karnataka, write to you with great sadness on hearing the news that 5 workers – Umesh (22), Raja (22), Pankaj (26), Sarfaraj (19) and Vishal (20) – were killed on account of being made to clean a Sewage Treatment Plant (STP) at DLF Capital Greens, a residential complex in Moti Nagar, West Delhi on September 9, 2018.

As environmental regulations under the *The Water (Prevention and Control of Pollution) Act, 1974* across the country have mandated treatment of wastewater by large housing complexes, Sewage Treatment Plants have proliferated across large cities in the country. While making these regulations, no thought has been given to the question of who is going to clean them. Several of these STPs are ill-designed and do not include adequate measures for operation and maintenance. The STP at DLF



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Capital Greens in Moti Nagar, for example, was either not designed or not maintained properly otherwise, it would not have had untreated human waste producing poisonous gases which asphyxiated the 5 workers. It did not have stairs for workers to enter and exit. Many of the agencies contracted to operate and maintain these STPs employ casual workers to clean the tanks in violation of Section 7 of *The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013*, as was the case at DLF Capital Greens in Moti Nagar. Often these workers are Dalits as was the case with some of the workers who died on September 9 at DLF Capital Greens in Moti Nagar. Because of these reasons, STPs are emerging as the new killing fields of manual scavenging after sewer lines, manholes and septic tanks. In the last two years in Bengaluru itself, at least 8 workers have been killed in 4 incidents while cleaning STPs.

To bring justice to the families of the 5 workers, we urge you to take ensure that following actions are urgently taken:-

- I. As per media reports, it appears that the FIR in the case has been registered under IPC Sect 304 (punishment for culpable homicide not amounting to murder) and 304A (causing death by negligence), and section 3 (1)(j) of The SC/ST (Prevention of Atrocities) Act. Surprisingly, sections of the *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013* has not been added to the FIR even though it is clear that the workers died of asphyxiation after inhaling poisonous gases from undecomposed human waste after descending into the tank of the STP. **Section 9 of the *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013* should be added to the FIR.**
- II. Additionally, IPC Sections 336 (Act endangering life or personal safety of others) and 337 (Causing hurt by act endangering life or personal safety of others) are also clearly attracted and should be added to the FIR.
- III. Under Section 23 of the *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013*, “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



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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". Hence, **not only the supervisor, but the proprietors of the private companies responsible for the maintenance of the STP should also be named as accused in the FIR.**

IV. **A compensation of 10 Lakhs should be provided to the dependents of all the 5 workers in accordance with the directions of the Supreme Court in *Safai Karamchari Andolan & Ors. vs. Union of India.***

V. **Additionally, a compensation of Rs 4.5 Lakhs under SC/ST Atrocities Act 1989 as amended in 2016 should also be provided to the *Dalit* victims of this tragedy.**

These deaths are NOT accidents. The loss of these lives was eminently preventable and to ensure that no one else has to die in STPs, we urge you to take following urgent actions:-

VI. **The *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013* needs to be amended to explicitly prohibit manual cleaning of Sewage Treatment Plants.**

VII. **The Central Pollution Control Board (CPCB) should come out with guidelines on design, operation and maintenance of STPs and should formulate a regulatory framework for STPs which should include following features:**

- a) Unless the STP design adheres to the prescribed minimum design specifications, the State Boards should not grant Consent for Establishment (CFE) to the developers;
- b) Similarly, unless an empanelled agency with competence in Operating and Maintaining STPs is employed by the Apartments, Consent for Operation (CFO) should not be granted by the State Boards;
- c) The competence of these agencies should be vetted by the State Boards before empanelling them.



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We sincerely hope that you will undertake above steps in earnest.

K B Obalesh, State Convener, Safaikarmachari Kavulu Samithi-Karnataka

Siddharth Joshi, Member, Safaikarmachari Kavulu Samithi-Karnataka