



Chronic 'Accidents':
Deaths of Sewer/Septic Tank Workers
Delhi, 2017-2019

People's Union for Democratic Rights (PUDR)
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Preface

About three weeks have passed since the one-year death anniversary of five young workers who died while manually cleaning a septic tank at a posh locality in Delhi set up by a leading real estate company. There was, unfortunately, nothing unusual about these deaths, or about grim anniversaries of this kind that dot the calendar of the year.

Most people have got used to reading statements in media, like ‘Since January 2017, one person died every five days cleaning sewers, according to one estimate’ or ‘In 2018, more than 10 sanitation workers died in Delhi alone while cleaning septic tanks’, or ‘50 die cleaning sewers in first six months of 2019 says Panel report’ and more recent ones where deaths are reported in headlines like the one on 23 August 2019, that ‘5 Sanitation Workers die while cleaning sewer in Ghaziabad, UP’. News reportage of deaths of workers in Delhi-National Capital Region who are sent to clean sewers and septic tanks without any safety gear or protection is utterly ordinary and commonplace. Yet precisely for this reason, it is important to mark and remember these deaths and death anniversaries of all these workers, victims of these routine chronic ‘accidents’, by asking the important questions – ‘Who is responsible for their deaths?’ and ‘Have those responsible been punished – has justice been done?’

What makes these incidents significant is also the fact that they have been occurring repeatedly, apparently growing in frequency, at a time when the law (Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013) mandates that sending people to manually clean sewers, sewerage facilities and septic tanks without safety equipment, training and protection is a grave offence that carries stringent penalties. The Act has come to be better known through the frequency and impunity with which it is violated. Questions of lack of safety gear and absence of proper training of workers sent to clean sewers/septic tanks seems to dominate public discussion on the issue. Fundamental questions around whether manual cleaning of sewers and septic tanks should be permitted or not, mostly evade the debates both in the law and outside.

What is the reason for this? Why and how are so many workers sent to work – and to die – under these circumstances, despite these heavy penalties and the law against such deployment?

The following report by PUDR seeks to arrive at an answer to these and other questions through a closer look at the context and circumstances of a few incidents of such deaths of workers in Delhi from 2017-2019. The report also seeks to probe what these deaths imply for democratic rights – not just of those who died and their families but of all inhabitants of the city.

Chapter I. The Incidents Investigated

Over the last two years PUDR investigated incidents of death of workers while cleaning sewers/septic tanks in Delhi. The team met with different degrees of success accounting for the unevenness of the information in the discussion of these fact-finding investigations given below. However, even with these limitations, the findings reveal the broad patterns and contexts in which these incidents commonly occur. They also cast crucial light on aspects of the workers' lives and their laboring conditions, as well as the fault-lines that define urban planning.

Ghitorni

Deaths of Swarn Singh, Deepak, Anil, Balwinder, 15 July 2017

Anil and Deepak (Deepu) residents of a shelter home in Chhatarpur, worked at a *dhaba* (roadside restaurant) in South Delhi. After completing their work on Saturday, 15 July 2017, they left for a water tank cleaning job at a farm that belonged to JK Mehta, in Ghitorni. They had been recruited by a petty contractor Swarn Singh. Singh belonged to Rajasthan, and, like his father, used to undertake the work of digging bore-wells in Delhi. He and his siblings had been doing this work since childhood. When restrictions were placed on digging bore-wells in Delhi, he started doing the work of rain-water harvesting, taking up small contracts, like the one he got from the Mehta farm. He usually employed labourers even though he and his son worked alongside them. In this instance, he had employed four labourers to complete the work – Balwinder (Billu) and Lokesh, apart from Deepak and Anil (mentioned above). Swarn Singh and his son Jaspal, were also part of the six-member team that went to clean the water tank. The water tank was attached to a building under construction which was 600 square feet in area, an *ashram*, which was being built at the Mehta farm (located at Khasra 302/1, Plot No. 5, 100-foot Road, Ghitorni). The tank was a water harvesting facility, which had turned toxic after sewage from an adjacent sewer-line collected in it over a period of time, especially in the monsoon. The tank had overflowed and the filth had spread. When the men reached there, the caretaker/supervisor of the *ashram*, Niranjan instructed the men to enter the tank to empty the muck from it. The first person who went in to do so stopped responding to the others outside and became unconscious. Three of the others followed him in to check what had happened and also collapsed. The fifth, Jaspal, who was the last to enter the tank, stopped midway and did not descend fully after seeing what was happening to the others, though he fainted as well. The sixth worker, Lokesh was outside and informed the police when the workers did not come out. The men were pulled out after an hour-long operation by personnel of the fire department who were called after the incident. The time of occurrence of the incident (as registered in the FIR) was about 10:00 am. The four who had entered the tank fully – Swarn Singh (45 years), Deepak (28), Anil (23) and Balwinder alias Billu (32) died in the incident, due to inhaling toxic gases from the tank, while Jaspal (20) survived.

After the incident, an FIR, No. 325/2017 was registered at Vasant Kunj South Police Station (PS) on 15 July 2017 (which was not accessible online on the Delhi Police website at the time of publication of this report). A case under Sections 304 (culpable homicide not amounting to murder), 308 (attempt to commit culpable homicide) and 34 (acts done by several persons in furtherance of common intention) of Indian Penal Code was registered. Niranjan Singh, and Rishipal (the gardener) were arrested on 15 July, 2017. The owner J.K. Mehta, and Manoj Lohia, the builder, were named as accused in the FIR which had been filed upon the information provided by Jaspal. The accused had insisted that the tank was for purposes of rain water harvesting and did not contain poisonous gases. They did not give the workers any safety equipment.

The PUDR team spoke to the Investigation Officer (IO), Sub Inspector Vivek Malik, then deployed at Vasant Kunj PS. He claimed that the accused were additionally charged under Section 9 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 after due investigation. A report submitted by a Delhi Jal Board Committee to the IO confirmed that the tank was not meant for the purpose of rain water harvesting. However, as mentioned, it was the caretaker and gardener who were found to be guilty of the above said offences after the police investigation.

Significantly, the owner of the farm, J.K. Mehta, was not arrested. It is important to mention here that the owner was the then Chairman-cum-Managing Director of Omax Autos Ltd which in 2017-2018 had a turnover of Rs. 1100 crores. The police stated that the tank was situated in a plot adjoining the farm-house where twelve

flats were built for employees of the farm-house to reside. According to the IO, the culpability of J.K Mehta was ruled out as the place in which the incident occurred was supposedly already sold to resident employees by the owner long before the incident.

One of the four deceased workers, Anil, was dalit. Though Anil's family was not able to produce a certificate to prove his caste status, sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 were invoked against the accused. However, because of the fact that the victim's family had no document to ascertain their identity, it was unlikely that such a charge could be upheld against the accused.

The two accused arrested after the incident obtained bail under separate orders on 29 July 2017. The owner, JK Mehta was given anticipatory bail on 29 July 2017 by the Additional Sessions Judge, Patiala House. A sum of Rs. 1 lakh each was granted to the kin of the victims after their counsel argued before Additional Sessions Judge at the Patiala House Courts. The Delhi government also gave them Rs. 10 lakhs, whereas, Rs. 2 lakhs each was granted as compensation by the Office of Labour Commissioner, Pushp Vihar. The trial is yet to begin and is 'fixed for arguments on charge' on 14 November 2019.

Lajpat Nagar

Deaths of Joginder, Annu, Unknown, 6 August 2017

On 6 August 2017, Dinesh, a contractor was hired by Delhi Jal Board. He was given the task of cleaning a sewage line at Jal Vihar Road, near the Kabir Ram Mandir, in Lajpat Nagar. The task was further sub-contracted by him to four workers whom he summoned from the Khichripur area. The sewer line was about 15 feet deep and there was apparently an iron ladder from which the workers could descend to clean it. The work began by about 11.30 am. The workers were not given any safety gear. One worker went down, and when he did not emerge after some time, three others descended into the sewer. None of them came out from the sewer for a period of time, and it was only when a passer-by heard the voice of one of the workers, Rajesh, calling out, that people around got alerted. Media reports suggest that the police were finally called at around 1.30 pm. The fire brigade was also summoned and came with two engines and using masks and safety equipment, pulled out the four workers. The injured workers were taken to the AIIMS Trauma Centre where three of them –Joginder (32 years), Annu (28) and another (unknown) man (28) – were declared brought dead while the fourth, Rajesh (32), was critically injured and admitted to the hospital. The contractor meanwhile had absconded when the police were summoned. All those killed had died because of inhalation of poisonous gas from the sewer.

An FIR (No. 0354) was filed by Rakesh who worked with the people who died, at the Lajpat Nagar PS, and the contractor was held responsible under S. 304, IPC (culpable homicide). The FIR named SI Mahesh Chand as the IO. The case was transferred to ACP Harcharan Verma, New Friends Colony, who refused to share any details of the case on phone and was unavailable at the PS when the PUDR team was conducting the initial investigation. By the time the team revisited the PS in November 2018, he had retired, and PUDR was told to get the details from the record room. This in turn was a dead end. After being sent from one desk to another, and one PS to another, PUDR learnt that the case was now under one Inspector Satvinder in Lajpat Nagar PS, who was unavailable for comments on two consecutive visits.

It was reported that Delhi Jal Board (DJB) launched an inquiry, and the DJB Chairman categorically denied that the workers who had died were employees of DJB or indeed, authorised by DJB. The Delhi Water Minister directed department officials to form a committee to prevent occurrence of such incidents in future. Delhi Government announced a government job for a family member of the deceased and a financial aid of Rs. 10 lakhs each for the families of the three workers.

During the latest visit to the Lajpat Nagar PS on 22 September 2019, the PUDR team was informed that the matter is still pending before court.

Aggarwal Fun City Mall, Anand Vihar

Deaths of Mohd. Jahangir and Mohd. Ejaz, 12 August 2017

Merely six days after the Lajpat Nagar incident, two brothers who were cleaning sewers without safety gears died in an east Delhi mall. The two men, Mohammed Jahangir and Mohammed Ejaz had been called to enter a clogged sewage tank in the basement of Aggarwal Fun city Mall in Vishwas Nagar, Shahdara. Their father Mohammed Yusuf was at the rim of the 'manhole' disposing the muck. After descending into the tank through the narrow opening, the two men abruptly stopped responding to their father's voice, after which he entered the tank to rescue them. A fire station close by was alerted but was only able to rescue Yusuf alive.

An FIR (No. 385/17) was registered at Anand Vihar PS on 12 August 2017 at 5.15 pm under S. 304 IPC against the owners of the Mall and Inspector Satyender Tomar was the IO in the case.

According to the FIR, Mohd. Yusuf (55 years) collected garbage from the shops at Metro Mall, CBD ground, Anand Vihar with the help of his sons Mohd. Ejaz (22) and Mohd. Jahangir (24). On 11 August 2017, the Manager at the Mall, Arun Aggarwal had asked Yusuf to get the septic tank in the basement cleaned, following which, Yusuf arrived there at around 1 pm on 12 August, accompanied by his sons. There he found that the septic tank was open and stinking and informed the manager and other management personnel of his reluctance to step into it, arguing that it could be fatal. Yusuf further cited the recent Lajpat Nagar incident of sewer deaths and other such incidents to back his fears. According to the FIR, the officials disagreed and insisted that nothing would happen. They asked him to proceed with the cleaning and did not provide any safety equipment. Thereafter, when Jahangir stepped into the tank, he fainted and fell off the stairs. Seeing this, Ejaz stepped in to save him but he slipped and fell inside. Following this, Yusuf made efforts to rescue them but he too passed out and fell. He next recalled waking up at the hospital. There he was informed that both his sons were dead. He requested that action be taken against the Mall management for they were responsible for the death of his sons. This version of incidents recorded in the FIR was based on the statement by Mohd. Yusuf shortly after the incident.

The PUDR fact-finding investigation additionally brought to light the point that the Mall management was insistent on getting the septic tank cleaned at that time because an MCD inspection visit was due. From various accounts, it appeared that Yusuf (who used to collect regular waste from the Mall) had tried to find someone else for the job but could not. Finally, after initially protesting that they were not equipped or trained to do the work and had never done it earlier, he and his sons, responded to the Mall management's pressure, and proceeded to do it, thinking that the tank cover was open and the tank was mostly empty. However, none of them realized perhaps how slippery the stair treads were, and Yusuf's sons fell in and died. Yusuf fell too but he got wedged on the stairs and survived. It emerged that two men from the Fire Brigade also fell in and were injured in the rescue operation. Jahangir was brought dead and Ejaz died during treatment. Yusuf spent six days in the ICU.

The case went to court and manager, Arun Aggarwal was arrested. The lower court refused bail. The matter went to the Sessions Court where the judge read the FIR and heard his statement. Meanwhile, the Mall management had paid a sum of Rs. 18 lakhs on the basis of Rs. 2 lakhs to each member of the bereaved family: Yusuf and his wife, their two daughters-in-law, three granddaughters and two grandsons. The same was stated before the judge and confirmed by Yusuf. The judge asked the Mall management to pay an additional Rs. 3 lakhs for each granddaughter, 1.5 lakhs to each grandson, 2 lakhs to each daughter-in-law and 1 lakh each to Yusuf and his wife, i.e. a total of another Rs. 18 lakhs (in addition to the Rs. 18 lakhs given by Mall management earlier). This was provided through a demand draft in each person's name. Arun Aggarwal got bail after paying this amount.

Further, the Delhi government compensated each of the widows Rs. 10 lakhs and gave an additional Rs. 50,000 for meeting death related expenditures and the Laxmi Nagar MLA provided Rs. 10,000 for medication.

Around mid-September 2017, the PUDR team met Yusuf after some efforts, it emerged that he belonged to Purnea, Bihar and had come to Delhi in search of work. The land his family owned was insufficient to feed all of them. With no or few avenues left open, eventually Yusuf had to opt for garbage collection and disposal as his occupation. He and his wife had three sons. One of their sons had abandoned them years ago, and the other two were Jahangir and Ejaz, both of whom were married, and had children. In the course of our meeting with him Yusuf vehemently and entirely disowned the statement in the FIR, saying that this was not his

statement and he had merely put his signature to a statement drafted by the police as he was, at that time, still recovering from the after-effects of his descent into the sewer. He claimed that the manager Arun Aggarwal (charged in the FIR) was not even present when the accident occurred. In the period following the incident Yusuf completely retracted his earlier statement (the basis of the FIR) blaming the Mall management and asserted that nobody responsible for the deaths except for the lack of governmental will to put an end to such dangerous, dirty work. His wife also supported him in this view.

PUDR team visited Anand Vihar PS on 17 September, 2019 for a follow-up. They informed us that the chargesheet has been filed and the case is under trial at Karkardooma court. The accused was arrested but has been released on bail.

Mundka

Deaths of Amarjeet and Makhan Lal, 18 September 2017

On 18 September 2017, two persons died and two were injured at Rampal Baba's Ashram in Mundka, Outer Delhi. Media reports stated that Amarjeet and Makhan Lal, who belonged to Nepal, were staying at the Ashram, died in the incident and Mukesh and another person were injured. The incident took place around 5 pm when the manager of the Ashram, Chand Rathi, asked the two workers to clean a septic tank at the Ashram. As soon as they entered the tank, they stopped responding and choked to death within seconds. Mukesh, and another person then descended into the sewer linked to the septic tank to rescue them but climbed out as soon as they began to feel dizzy and uncomfortable because of inhaling toxic gases. The three most severely affected persons were taken to Cygnus Sonia hospital, Nangloi, where two of them, Amarjeet (30 years) and Makhan Lal (27), were declared brought dead, while Mukesh (23) and the fourth (unknown) person, survived. In a post-mortem examination conducted at Sanjay Gandhi Hospital, 'suffocation' was reported as the cause of the deaths.

According to some reports, the Delhi Commission for Safai Karamcharis (DCSK) chairperson, Sant Lal had written a letter to the Chief Minister demanding a compensation of Rs. 10 lakhs for families of deceased. The DCSK team inspected the site and found an 8 to 9 feet deep water tank connected to toilets or sewers which clearly had toxic gases. PUDR filed an RTI application at the DCSK on 23 October 2017 to get a copy of DCSK's fact finding report.

A PUDR team went to Mundka PS in October 2017. While the IO was not available at the PS for comments, the team obtained a copy of the FIR (No. 251/2017) filed under Sections 304 of the IPC that was registered on 18 September 2017. According to the FIR, the incident occurred at 3:30 pm, and the PS received information at 10 pm, following which a case was registered at 10:25 pm. Informant ASI Ravinder Singh stated in the FIR that a PCR call was received at 5 pm at Mundka PS from Sonia Hospital, Nangloi. It was reported that a patient Mukesh (30 years, r/o Mundka village) was admitted (MLC No. 2325/17) after he was injured by falling into a 'sewer.' After hearing this, ASI Ravinder Singh along with Constable Devendra Kumar reached the Hospital. Apart from Mukesh, they found that Amarjeet (also known as Sonu) and Makhan Das had been declared dead vide MLC 2326/17 and 2327/17 respectively in the same incident. While the Constable remained at the hospital, the ASI reached Satlok Ashram in Mundka Industrial Area where the SHO and other policemen had also reached. There was a 9 feet deep pit inside the Ashram where waste water had collected. The Ashram had space for about 100-150 devotees to stay and was being managed by Chand Rathi and Satpal. The plot was owned by Omprakash, a resident of Mundka village. The managers first asked Makhan Lal to enter the pit to clean it. When he failed to respond, and presumably became unconscious, Amarjeet and Mukesh were sent in, and they also lost consciousness. The police found that no one at the Ashram was ready to give a statement. Chand Rathi was arrested on 18 September 2017 on the basis of the FIR and his bail application was initially rejected by the Sessions court, though he later got bail on 15 May 2018.

The PUDR team visited the Ashram where a person called Sonu Das explained how the Ashram functioned. He maintained that the three who died were followers of Rampal Baba at the Ashram and had voluntarily entered the tank. During conversations with street vendors in the immediate surroundings, it was alleged that more than two people had died but the exact figure is being concealed by Ashram administration.

As mentioned, an RTI was filed before the Delhi Commission for Safai Karamcharis seeking a report of the fact finding conducted by DCSK, and details about incident, deceased, compensation and action taken by the Commission if any. However, no clear response was received.

The IO, Inspector Narsingh at Mundka PS, refused to divulge any further details, maintaining that there had been only two deaths, and the deceased were two devotees who died while cleaning the septic tank. The trial is yet to start and the matter is 'fixed for arguments on charge' on 30 October 2019.

A Continuing Saga:

The pattern of incidents of deaths of workers while cleaning sewers and septic tanks etc. described in these incidents above continued, and several deaths occurred over 2017, 2018 and 2019. An incident of 2018 and one that took place in 2019 that have also been investigated by PUDR teams, and are described and discussed below, to draw attention to these persistent patterns.

DLF Capital Greens, Moti Nagar

Deaths of Umesh Tiwari, Mrityunjay Kumar Singh, Mohd. Sarfaraz, Vishal and Pankaj Kumar Yadav, 9 September 2018

On 9 September 2018, five persons – Umesh Tiwari (22 years), Mrityunjay Kumar Singh/Raja (22), Mohammad Sarfaraz (20), Vishal (19) and Pankaj Kumar Yadav (26) died while manually cleaning a septic tank in the premises of a massive residential complex at DLF Capital Greens, Moti Nagar, in west Delhi. The facts of the case have sufficiently come to light with family members of the deceased speaking to the press disclosing that none of the persons were hired for sewage cleaning and were in fact housekeeping staff who had been forced to enter the septic tanks at the Sewage Treatment Plant (STP) which had been emitting a bad odour for over two months. The DLF, India's largest private developer, had given the contract to a company, JLL (Jones Lang La-Salle), for maintenance which had further sub-contracted maintenance services to six smaller firms, including Unnati Engineering & Contractors and Crest Commercial Projects, the two firms that had employed the deceased. The five workers were employed by these various contractors for house-keeping responsibilities. On the day of the incident, the workers were called in by the supervisor to enter three different tanks without any protective gear with just some verbal instructions for a task they had never performed before. Soon after they collapsed inside and died after inhaling the poisonous fumes. The families of the victims told us that the other workers present at the site informed them that the victims who were unwilling to do the work, were ordered to go inside the tank under threat of being thrown out of their jobs if they refused.

The police received information about the accident from Delhi Fire Service personnel who were called in by JLL to rescue the workers trapped in the septic tank. The FIR was registered in the case at the Moti Nagar PS under Sections 304 (culpable homicide) and 304A (death by negligence) of IPC, Section 3 (1) (j) which punishes the act of making an SC or ST perform manual scavenging and Section 3 (2) (v) which penalizes any offensive act against an SC or ST performed with the knowledge of that person's identity, of the SC/ST (Prevention of Atrocities) Act and various sections of Prohibition of Employment as Manual Scavenger and their Rehabilitation Act 2013. The plant-in charge of JLL, Ajay Chaudhary was arrested, followed by the arrest of Unnati supervisor Digambar who had ordered the workers to go inside and owner of the firm Unnati, Pravin Kumar.

Some days later, two senior officials of JLL – D.N. Mishra, a senior manager, and Bharat Raj Verma, an assistant manager, were also arrested. The Delhi government had announced the compensation of Rs. 10 lakhs each for the families of five however up until mid-November no compensation had been announced by either DLF or any of its contractors. Owing to the fact that the SC ST Act was invoked in the case, the charge sheet was filed by Moti Nagar police within one month of the accident. The charge sheet accused the five arrested to have knowingly created circumstances compelling the five workers to enter the tank without safety. The charge sheet mentioned that there is enough evidence against the accused to suggest that they were well aware of the dangers of ordering the workers to go in the septic tank. It stated that while sending Vishal, who was dalit, into the tank, Ajay Chaudhary and Digambar had hurled casteist remarks against him.

The persons arrested were initially denied bail but on 19 November 2018, Ajay Chaudhary who had been in judicial custody since 10 September was granted bail. In his bail application, he squarely blamed the sub-contracting firm, Unnati. JLL argued that since the contract was given to Unnati and the Unnati supervisor was responsible for sending the workers inside the tank, JLL should be absolved. The family members of the victims had not opposed the bail application. JLL promised a compensation amount of Rs. 20 lakhs each to the victims' families in the bail application. From the court records checked as this report is published about one year after the incident, it appears that the entire sum of compensation has not yet been transferred to the families of the victims.

Delhi government ordered a probe into the accident. The Special Investigation Team that was constituted submitted its report in the month of September 2018. It revealed that the Sewage Treatment Plant (STP) at DLF was running without a license as it had expired in March, about five months before the accident. Besides the fact that license of one of the sub-contractors, Crest Commercial Projects too had expired, the SIT report also established that the workers went inside the tank without 'personal protection equipment'. The Delhi Labour Department's branch on Industrial Safety and Health also conducted an enquiry into the accident. In its submission to the Delhi government, the Industrial Safety and Health branch mentioned that the premises where the deaths took place, violated the norms laid down for running a factory under the Factories Act, 1948, and Delhi Factories Rules, 1950. Under these Rules, 'factory' is considered to be a place where '10 or more people are working and in any part of which a manufacturing process, including pumping oil, water, sewage or any other substance, is being carried out'. Under that definition of a Factory, DLF premise was found to be running without registration and grant of license, to operate as a factory.

Despite the revelations of the enquiry committees and police charge sheet, DLF has evaded all responsibility in this incident by stating that "the operations of all maintenance services of the building was outsourced to JLL." No authority has taken action against DLF in this case, even though legally speaking, its liability is clearly established.

Bhagya Vihar

Death of Ganesh Saha and Deepak, 7 May 2019

On 7 May 2019, Ganesh Saha and Deepak died while trying to clean a septic tank in a house which was under construction in an area ironically called Bhagya Vihar, near Mubarakpur Dabas, Rohini. The owner of the house and the petty labour contractor were charged in an FIR in the case registered at Prem Nagar PS. Delhi government has given Rupees 10 lakhs as compensation to each victim's family members. They have also promised government jobs to them.

According to the families of the victims, on the day of the incident, Rambir recruited the two workers Ganesh Saha (34 years) and Deepak (29) for the work. They had left their homes in the morning, believing that they were going to do the usual labour work at a construction site. Another worker, Sher Singh was recruited. Eyewitnesses and other workers' account state that Ganesh and Deepak were told that they would have to clean the septic tank but they refused to do so, saying that they were *beldars* (construction workers) and had never done such work. Rambir then threatened them with non-payment of past wages if they did not clean the tank. Moreover Deepak, a dalit, was addressed derogatorily by his caste name and told that he could do this 'dirty' work because of his caste. The workers were required to enter the tank which measured about 6 feet by 5 feet and was over 21 feet deep. It was to be accessed through a small hatch which was located in the structure of a private house of Ghulam Mustafa. The house was under construction for the past eight years. The workers were asked to clean the sewage sludge that remained in the tank after it had been drained by suction pump two days earlier. Succumbing to the threats and pressure, the workers entered the tank at about 12 pm on 7 May 2019. No safety gear or equipment was given. Almost as soon as they entered the tank, Deepak and Ganesh shouted for help and fell unconscious. The contractor and his assistant, Rajesh (also known as Bablu) and another worker Sher Singh entered the tank to help them but they too fell unconscious. The people around the area say that for quite some time nobody was willing to enter the tank as they feared that they too would be affected by the noxious fumes. The police were called at 1.30 pm. The affected men were taken to the Sanjay

Gandhi Hospital, where Deepak and Ganesh were declared brought dead and the other three were severely affected by the gases they had inhaled and treated for the same.

Upon visiting the site of the incident, the PUDR team found that it was close to the houses where the deceased workers stayed. The families of the victims came to know of the incident through neighbours and eyewitnesses. Ganesh Saha who belonged to Samastipur, Bihar, had been working as a *mistri* and earned about Rs. 600 a day, and could find work for only about fifteen or twenty days a month. He had been living in Delhi for many years, having come to the city as a teenager and learnt the work. He has left behind a wife and three children. The other victim, Deepak was the eldest among three brothers. He was unmarried and was helping the family by working as a general labourer, mostly as a *beldar*, earning Rs. 300 or Rs. 400 per day on good days if he got work. His mother, Sonia, and brothers said that none of them (including Deepak) had done sewage or waste removal work previously. The victim's brother said that their father was an alcoholic and had never earned anything or supported the family. They had to work since childhood and none of them was educated. Deepak's brother, Rahul, the complainant in the FIR, therefore could not read the document (FIR) and had only affixed his thumb impression to it. When PUDR team met them, Deepak's mother was trying to understand how they could encash the cheque they had been given by the government without a proper bank account.

In an FIR (No. 249/19) lodged on 7 May 2019 at Prem Nagar PS charged house owner Ghulam Mustafa and contractor Rambir under Section 304 IPC read with 34, 5/8, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, as well as Section 3(J) Prevention of Atrocities against SC/ST Act. Ghulam Mustafa was arrested after the incident and Rambir who had been taken to the ICU in the Sanjay Gandhi Hospital after the incident, was ordered to be arrested.

The case is now being investigated by the ACP as required in cases under Prevention of Atrocities against SC/ST Act (which cannot be investigated by police officers below the rank of a Deputy Superintendent of Police). The guidelines also say that the investigation should be completed on top priority within thirty days and the report forwarded to the Director-General of Police of the State Government. The Home Secretary and the Social Welfare Secretary of the state government are supposed oversee such investigations. Not surprisingly, as in the case of many of the most socially and economically disempowered, who have not been to school, Deepak's family does not have any official proof/caste certificate to indicate Deepak's Scheduled Caste identity, thus making conviction under the SC/ST Act next to impossible.

No charge sheet has been filed in the case (till September 2019). Rambir's health continues to deteriorate. Sher Singh who was made to enter the septic tank is severely ill, he has HIV infection and tuberculosis. The government officials visiting them in the hospital after the incident had promised Rs 5 lakhs each which they have not yet received. Both Rambir and Sher Singh had been paying for their own medical bills. The families of the deceased – Deepak and Ganesh – have received Rs 10 lakhs each as compensation but not been given the government jobs they were promised.

Chapter II. Sewer Deaths in Delhi: Context and Circumstances

The descriptions of these few instances among the many deaths of workers who have to clean sewers/septic tanks/drains etc. manually reveal certain common features and deeply disturbing, repetitive patterns. These are discussed below.

1. Lack of planning and provision for and maintenance of proper sewerage/septage:

There is a complete absence of planning for maintenance of sewerage, septic tanks and waste disposal systems in the urban policies made for the city by the state, municipal bodies, institutions and also private companies. This emerged clearly in all these incidents covered here.

Whether it was in localities like Mundka in 2017 or Bhagya Vihar in 2019, or in establishments like the Aggarwal Fun City mall (2017) or the DLF Capital Greens (2018) as the incidents illustrated and the visit to the areas showed, there are entire areas and institutions where state laid sewerage lines either do not exist or if they do are completely inadequate and ill maintained, left to the devices of individuals, with no official monitoring or authorization operating on the ground. Septic tank and water tank construction and maintenance

is entirely unregulated. Ad-hocism prevails with official bodies like the DJB subcontracting the work of maintaining sewers and drains to private contractors, as and when required, without monitoring either the quality or conditions of work, rather than making regular provision for this essential work.

2. Lack of safety gear, or provision of any safety equipment, or training:

In none of the cases discussed here were workers provided any safety equipment or gear such as masks or protective clothing, goggles etc. In some of the cases, including in the Aggarwal Fun City Mall (Mohd. Jahangir and Mohd. Ejaz), DLF Capital Greens (Umesh Tiwari, Mrityunjay Kumar Singh, Mohammad Sarfaraz, Vishal and Pankaj Kumar Yadav) and Bhagya Vihar (Ganesh Saha and Deepak) there is evidence that the workers specifically refused to do the work, knowing about its hazardous nature, and stating that they were not used to or trained to do the work. In the other instances discussed here and all others that have been covered in the media, where such specific evidence of their reluctance may not exist, those called to do such work were clearly not trained for it, and were either not aware of the dangers of the work or believed that they had no other option. Workers thus had to do this work under compulsion – explicit or implicit.

The complete absence of safety gear or provision of protective equipment, absence of training and adequate preparation for this kind of work, persistence of deployment of workers to clean sewers manually appears to be the norm – this is reflected in each one of these cases presented here. Thus whether it was the case of work done for the state, i.e. the DJB at Lajpat Nagar (6 August 2017), for a big company, the DLF at Moti Nagar (18 September 2018) or at Bhagya Vihar (7 May 2019) for a private house owner the same pattern prevailed – no measures for providing occupational safety were undertaken.

3. Compensation without establishing criminal culpability:

Both (1) and (2) are premised on a crucial fact that has emerged from the incidents investigated – the complete social and economic vulnerability of those deployed to do this work. The blatant denial of their rights persists because of their marginality. And perhaps because of this, the predominant mode of redress by the state, now that there has been a movement and agitation about such incidents, is to grant financial compensation. This is being given fairly routinely in the past few years – by the state government (Lajpat Nagar incident, 2017, for instance) and awarded through court intervention (Aggarwal Fun City Mall incident, 2017) – there seems to be much less clarity on identification and prosecution of the guilty. The discrepancy between the fairly regular granting of compensation in sewer/septic tank death incidents in Delhi and the rare instances of criminal prosecution and indictment of guilty agencies and persons responsible for these deaths is stark.

An aspect that emerged from the fact finding was how and why, even when families and survivors of sewer/septic tank death victims may file an initial complaint against their employers, they may not pursue cases against them (Aggarwal Fun City Mall incident, 2017). For most of these survivors and victims' families who belong to socially and economically vulnerable strata in society the compensation, which is crucial for the survival of the families of sewer workers, could possibly be used, directly or indirectly, by the powerful accused (owners/contractors/managers/officials) to pressurize the families/complainants to withdraw or retract their statements. This possibly occurred in some incidents here. With the survivor/families' retraction of the charges against the employers or failure to pursue these cases, the main accused escape criminal prosecution, even in instances where the person(s) primarily responsible are actually arrested.

Criminal prosecution of the powerful owners of private establishments where such incidents occurred was rare. Thus, for instance the DLF in the Capital Greens, Moti Nagar incident of 2018 was given a clean chit, or in the farm in Ghitorni, J.K. Mehta, owner of the company Omax Autos Ltd., was absolved of responsibility in the 2017 incident while the local supervisor/manager was accused and arrested. This was the pattern in the majority of the cases. One of the few instances where the owner of the property was named, arrested, and being prosecuted (Bhagya Vihar, 2019) was, as mentioned, the one where he too belonged to a relatively socially and economically disprivileged background. In these circumstances those directly responsible are not being indicted if they are powerful. The greatest impunity however is enjoyed by state institutions themselves that have the responsibility of ensuring proper urban planning including setting up and maintaining sewerage and waste management systems for the country's capital city, and ensuring regulation of minimum occupational safety and dignity for those workers who deal with waste.

These powerful private and state institutions are involved in the incidents in the capacity of ‘principal employers,’ whether it is the case of the mighty DLF or even the state body like the Delhi Jal Board. The fact that these principal employers had sub-contracted the job to other smaller entities, allows them to be immune from criminal liability while conveniently putting the blame on the contractors. What is even more astonishing is the willingness of the courts to accept this logic – as occurred in the DLF case. Given that state and municipal bodies are guilty of not establishing, maintaining sewerage systems, septic tanks etc. in vast areas and ensuring protection and security of these workers, compelling them to work manually and without protection, should they not be also indicted for criminal negligence resulting in death?

With compensation being given practically in lieu of criminal accountability, the judicial systems help the perpetrators evade culpability and the state’s responsibility of creating infrastructure for proper waste disposal always escapes scrutiny.

Chapter III. Mobilization and the Law

The Movement for the Rights of Sewer/Septic Tank Workers

There are as mentioned, stringent laws against sending workers to clean sewers and septic tanks manually and without safety precautions or gear, and heavy penalties for those who do so. India is the only country in the world with laws to specifically protect this category of manual sanitation workers who handle waste. As incidents described in this report illustrate, the violators belong to both elite sections and lower middle classes. And yet, this practice continues, despite its illegality, and the near certainty of its harmful impact (including death) on workers.

The reason is not a secret (though its depth and pervasiveness, still is) – it is deeply rooted caste based notions of dirt and stigma of the touch of particularly human wastes, excreta etc., and all those who handle these materials and do this work. The plight of those who were involved with cleaning solid and liquid wastes in independent India, was unaddressed for a long time even though untouchability and caste based discrimination was legally abolished after independence. It was only after consistent mobilization and struggle by dalit groups and civil society organizations on this issue that has led to laws and court judgments that safeguard the rights of sanitation workers, the vast majority of whom were and are dalits.

This kind of mobilization began in the 1980s in the southern part of India and the initial focus of the campaign was on the abolition of the practice of manual scavenging. Manual scavenging literally refers was the practice of manually cleaning, carrying, disposing or handling in any manner, human excreta from dry latrines and sewers, and is linked to the caste system where so-called lower castes were expected to perform this job. (<https://in.one.un.org/page/breaking-free-rehabilitating-manual-scavengers/>). Manual scavengers are also amongst the poorest and most disadvantaged communities in India.

Over time the movement of some of those engaged in this and other sanitation work transformed into an All-India Movement of the sanitation workers and the Safai Karamchari Andolan (SKA) in 1993. It was also at about this time that laws were passed to outlaw the practice of manual scavenging (discussed below). However the poor implementation of laws, resistance from other sections in society to accept sanitation workers getting into other professions and the consequent fear in sanitation workers regarding the dearth of livelihood opportunities, has provided longevity to this profession.

With growing consciousness (both from within and about it), the focus of the movement of sanitation expanded beyond the rights of those engaged in the manual cleaning of human excreta from dry latrines to include the rights of the sanitation workers at large. The movement recognized ‘sanitation work’ as an umbrella category of wide ranging occupations, all hazardous, and all carrying the caste based stigma of filth. Therefore, the kinds of occupations that were in the ambit of the SKA’s interventions included sewer cleaning, fecal sludge handling in the process of emptying septic tanks, treatment plant work, sweeping and drain cleaning, domestic work including toilet cleaning in households etc., all the nine kinds of occupations that are now widely recognized as part of sanitation work (named by the Sanitation Workers Project, conducted by Dalberg Advisors, The Wire, 24 November 2018, <https://thewire.in/labour/manual-scavenging-sanitation-workers>).

The response from official bodies however, continued to create a false distinction between the manual scavengers on the one hand and sewer/septic tank cleaners on the other. Thus for instance, at a National Workshop organized in Delhi on 'Manual Scavenging and Sanitation' in 2008, NHRC in an official statement stated that there should be a clear demarcation between manual scavengers and sanitation workers and priority should be given to manual scavengers. The reality, however, is that sanitation work is divided into two perilous kinds of tasks in both urban and rural areas. The first kind of job is the manual cleaning of toilets and carrying of feces from toilets which is pre-dominantly performed by women. The second kind of job is the manual cleaning of septic tanks, sewers and gutters in which men have been employed to undertake the tasks performed in spaces with noxious gases, with minimal or no safety precautions. It is precisely the denial by official narratives like those advanced by NHRC, that the second kind of sanitation work are relegated to the background. Questions of the rights of sewer workers seem to be left out of the debate. Expectedly, there is no official data on how many people have risked their lives due to inhalation of noxious fumes while entering sewers. Besides deaths caused, about which civil society bodies have kept a record, the lesser known and more ignored aspects of this part of sanitation work are the health risks sustained by sewer works that are not immediately fatal like cardiovascular degeneration, skin diseases, respiratory ailments, jaundice, trachoma, etc.

The other side of the picture shows the consistent efforts of the sanitation workers' movement to make the administration pay heed. They have resorted to institutional means in terms of PILs etc., agitated for passing of laws and intervened in court till the present to push for their demands.

The National Commission for Safai Karamcharis (NCSK)

Set up in 1993 with the passing of the National Commission for Safai Karamcharis Act, the NCSK is supposed to study and evaluate existing laws and their implementation and report to the Ministry of Social Justice and Empowerment. It is also supposed to give guidelines and recommendations to the government. The institution of the NCSK conveys the impression that the state is seriously concerned about the plight of sanitation workers in India given the connection of this work with pernicious caste and stigma. Yet its functioning over the past nearly 26 years shows that it suffers from some intrinsic and structural problems.

The NCSK is not a permanent body, and has only recommendatory powers cannot get states and union territories to abide by its recommendations. States can and do completely ignore its recommendations. The most recent Annual Report by NCSK of 2017-2018 reiterates its objective of eradication of manual scavenging and observes that only half of the country's states have reverted back to the Commission with data about numbers of manual scavengers. Many among the states which have replied (like Himachal Pradesh, Gujarat, Jharkhand, Chhattisgarh and UTs- Delhi and Chandigarh) have stated that they have no manual scavengers or if there were any, they have all been rehabilitated. The NCSK has expressed its doubts about these figures and asked some valid questions – for instance, how is it possible that manual scavengers do not exist in states, if state governments claim to have built 8 crore dry latrines in the country under the government campaign of Nirmal Bharat Abhiyan; who, then, would clean the dry latrines? Critiquing the short-sightedness of government schemes like these Abhiyans, which are only focusing on making toilets and not the cleaning and maintenance of toilets and sewers, the NCSK also recognises the non-implementation of existing laws, contractualisation of safai karamcharis, life threatening working conditions, no safeguards and protective gear as the major problems of sanitation workers.

Yet the body remains strangely ineffective, appearing to be a mere nagging voice. It is curious how state governments and the central government repeatedly, simply forget to act upon the NCSK's basic recommendations – about implementing laws that protect the rights of sanitation workers.

Over two and half decades after it was established the NCSK is still attempting to independently establish the numbers of manual scavengers. It has recommended (in 2017-18) that the Chief Executive Officers of Municipalities and Gram Panchayats conduct surveys of manual scavengers in both rural and urban settings in all states and UTs. Such surveys have so far led to the identification of 14,476 as manual scavengers in 13 states till February 2019. The National Safai Karamchari Finance and Development Corporation (NSKFDC, another official body set up in 1997 under the Ministry) which works for rehabilitation of sanitation workers and their social and economic upliftment, has identified 34,380 manual scavengers. These differences show the lack of coordination between government agencies, and expose the failure of the state to even carry out the primary task of identifying the numbers of manual scavengers, which would form the basis of policies and programmes for eradication of the practice.

It appears that the state agencies, including the NCSK, are unable to keep count of not only the living but also the dead bodies of sanitation workers who routinely lose their lives because of their hazardous and stigmatized work. The variations in the figures of sewer deaths given by different state and civil society bodies exposes this. While Ramdas Athawale, the head of the Ministry (of Social Justice and Empowerment) stated in Rajya Sabha, in July 2019 that 88 people died in the country while cleaning sewers in the last three years (2016-2019), the NCSK data states that 123

persons had died since early 2017 to September 2018. Civil society movements of sanitation workers like the Safai Karamchari Andolan has given a figure of 429 as the number of deaths in the same period of time (2017-2018), another organization, the Rashtriya Garima Abhiyan (National Campaign for Dignity and Eradication of Manual Scavenging) puts the number at above 600.

This failure of the NCSK or any state body, to accurately record the number of deaths of sanitation workers, such as sewer workers, who routinely die because of the work they have to do, work that is essential to the existence of modern urban settlements, is revealing. The fact that the NCSK accepted that its own count of the number of sewer workers who died was too low, does not take away from the gravity of this failure. Is this simple ineptitude? Or does it reveal a deeper systemic lack of political will to deal with the problem?

Some of the recommendations made by the NCSK in its Annual Report of 2017-18 also raise serious concerns about its vision and intentions. For instance, while recommending mechanization of sewer and septic tank cleaning it suggests that those 'traditionally' engaged in sanitation work should be trained in handling the machines. It also 'strongly recommends' that preference should be given to Valmiki community for the post of safai karamchari because they have been 'traditionally' involved with the work. It suggests that health checkups should be organised for safai karamcharis every three months, and notes that since safai karamcharis avoid wearing uniforms and safety equipment they should be made aware of the use of such equipment.

Given the prevalent caste-based social attitudes towards the work of cleaning human and other wastes, the NCSK's suggestions seem to reinforce the exclusive, indeed hereditary connection between these groups and the work of sanitation and cleaning wastes even if it is mechanized. The NCSK's emphasis on the sanitation workers being trained to wear uniforms and safety equipment indicates the Commission's distance from the kind of ground reality discussed in the cases here, or in the many such incidents reported in detail in the press. The norm in reality is that safety equipment (the law stipulates 44 kinds of mandatory safety devices for sewer/safety tank cleaning) is almost never provided. The NCSK's attempt to teach workers to use these seems like a cruel joke.

Legal Interventions

The consistent interventions of the sanitation workers' rights bodies in courts and their lobbying for legislative changes resulted in two momentous responses- the passing of the Prohibition of Employment as Manual Scavengers Act, 2013 and the Supreme Court judgment of 2014. They have, as indicated, clearly established manual cleaning of toilets, drains, and sewers as wrong, illegal and punishable and explicitly made the deployment of workers for manually cleaning drains, sewers, and manholes and septic tanks, illegal. Before looking at these interventions, it is important to note that (1) As mentioned, these measures came as state responses only after the sanitation workers movement raised the issue consistently and (2) While there has been a marked shift in the language of these legal interventions from the 1993 Act to the SC order in 2014, the challenges at the level of implementation remain intact.

The Enactments and the Judicial Orders

The 1993 *Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act* outlawed the manual carrying of human excreta, construction and maintenance of dry latrines, however the penalties imposed were kept minimal with maximum imprisonment of one year for violation of this Act. Moreover under this Act, the worker herself could not file a case and the power rested with the sanitary officer or the collector. The other category of sanitation workers engaged in sewage cleaning didn't find any recognition within this Act. The other law enacted in 1993, the *National Commission for Safai Karamcharis Act* somewhat widened the definition of Safai Karamchari. According to this Act a 'Safai Karamchari' includes a person engaged in, or employed for, manually carrying human excreta or any sanitation work. This Act provided for the constitution of NCSK to work towards elimination of all forms of inequalities against safai karamcharis and investigate grievances related to all steps taken towards the fulfillment of the same. However, despite widening the definition of safai karamcharis, this Act could do little to safeguard the interests of the sewer workers as it had no powers to outlaw specific kinds of hazardous sanitation activities and could neither impose penalties.

While the existing legislations did not extend legal protection to sewerage workers, a list of directives were issued by the Supreme Court in 2011 in the case the *National Campaign for Dignity & Rights of Sewerage & Allied Workers v MCD*, filed in 2007. The SC directives stated that the following must be complied with in relation to the employment of sewerage workers- providing for protective equipment by the MCD, non-termination of workers in the event of illness, medical treatment free of charge and compensation in the event

of death. Such institutional relief however failed to address the issue that manual cleaning of sewers and septic tanks itself is hazardous and is embedded in caste based stigma.

At the level of enactment, along the same lines of recognizing the need for safety gear for sewage associated work, the *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act*, was passed in 2013. The preface to the law for the first time acknowledged that the practice of manual scavenging arises from ‘a highly iniquitous caste system’ and that the existing laws have been inadequate in dealing with the same. This Act was wider compared to the 1993 Act in terms of recognizing the work of manual scavenging as confined not only to cleaning of dry latrines and carrying of human excreta but also the handling of ‘an open drain or pit into which the human excreta from the insanitary latrines is disposed of’. The Act defined ‘sewer’ as ‘an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes’ thereby bringing in sewer workers within its ambit. Section 7 of the Act outlawed the employment of any person for hazardous cleaning of a sewer or a septic tank (‘septic tank’ is defined as a water-tight settler tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity). Doing so entailed a maximum imprisonment of two years and a contravention with imprisonment would extend it up to five years. Section 13 of the Act made it a duty of the local authorities to use technological appliances for cleaning of sewers, septic tanks in order to eliminating the need for the manual handling of excreta in the process of their cleaning. The biggest drawback with the Act is that it defines cleaning of the sewers as hazardous only when done without safety gear and without safety precautions without defining what necessary measures would count as ‘safety precautions’ and what ‘safety gear’ is. Besides, it allows for manual cleaning of sewers if these requirements are met oblivious of the fact that in most cases the reason for death happens to be asphyxiation due to exposure to poisonous gases which cannot be helped with gear and precautions.

A substantial difference however was made only in 2014 through the Supreme Court judgment on 27 March 2014 in the case of *Safai Karamchari Andolan and Others vs Union of India and Others*, which significantly raised the concerns of sewerage workers. The judgment prohibited the engagement or employment of persons for hazardous cleaning of sewers and septic tanks. It acknowledged that the treatment meted out to sanitation workers not just violates the constitutional provision that abolished untouchability but also violates the fundamental right to life and personal liberty of the workers. It also prohibited governments or any agency to “act, engage or employ, either directly or indirectly any person for hazardous cleaning of a sewer or a septic tank” under Section 7 of the Prohibition of Employment as Manual Scavengers Act, 2013. The Supreme Court issued directives saying no person would be forced to enter sewer lines without required safety gear and for each death caused in sewers during cleaning, a compensation of Rs. 10 lakh be paid to the family of the deceased. It also ruled that the government was liable to compensate those families of those as well who died in the sewage tanks or manholes in and after 1993. Through the order a writ was issued to the central, state governments and the union territories to effectively implement the Acts of 1993 and 2013.

It is noteworthy that it took the Indian judiciary a little less than seven decades after independence to come to the conclusion that bare-bodied/partially-covered men, women or children entering manholes for cleaning sewers is a violation of their democratic rights and is against the Constitution. Moreover it took them twenty years (since the passing of the 1993 Act) to specify that sending persons in to manually clean sewers and septic tanks, closely handling waste materials can be included in the same category of violation as manual scavenging, and was a punishable act. It is also significant that continuous pressure had to be put upon the judiciary by the social movement of sanitation workers for their fundamental rights to be legally granted and underscored.

Implementation:

The SC ruling in 2014 directed the Centre, all states and UTs to implement the Acts enacted in 1993 and 2013 which testifies that the provisions of these Act have not been implemented years after their enactment. The Supreme Court acknowledged that the 1993 Act remained unimplemented for more than three years after enactment. There are no records of a single conviction under the 1993 Act till date. The observations of the various Authorities and Courts from time to time are enough in establishing that even till date no serious steps have been taken to identify and rehabilitate people. The number of manual scavengers and insanitary latrines have also not yet been identified. Number of dry latrines have not only continued to exist till date but have

increased to 96 lakhs and are still being cleaned manually by scavengers belonging to the Scheduled Castes. Twenty one lakh insanitary latrines were recorded to be present in 2011 Census.

The failure to implement the 1993 and 2013 Acts as far as sewage/septic tank workers are concerned is even starker. There is no data on how many sanitation workers have been identified and rehabilitated by government as mandated under the 2013 Act. Unlike dry latrines and manual carrying of fecal matter (euphemistically referred to by the antiquated term ‘night-soil’), which could be considered a remnant of the pre-modern set-up, the work of sewer and septic tank cleaning are essentially a part of modern planning of localities and cities. Studies by sanitation workers’ organizations reveal that in cities and towns in most parts of the country, the overwhelming majority of them also belong to the Scheduled Castes, though the pattern does not hold for Delhi in recent years as our investigations show. The conditions and nature of work, however, remain the same across the country. Sewer/septic tank cleaning differs somewhat from the manual cleaning of dry latrines since in this work, the involvement of persons immersed in, or in close contact with, touching and handling wet refuse and sludge including toilet waste and feces, apart from industrial and other waste inside drains and tanks, occurs in entirely modern urban, indeed often big-city contexts. Many of the incidents in the Delhi-NCR area have taken place in the heart of Delhi, even in contexts such as the Taj Vivanta Hotel, and the DLF Capital Greens (discussed in this report), both in 2018.

Similar incidents have taken in place in all other major cities, and all those who sent these workers to their deaths did so in full public gaze and with public knowledge. According to the data collated by the National Commission for Safai Karamchari, since 2017, one sanitation worker has died every five days in India while cleaning sewers or septic tanks. This data is based on the responses from only 109 districts out of 170 districts from where responses were sought hence the figures are a gross underestimation of the reality. What comes to the attention of the media are the fatal accidents of sewer workers – while the slow deaths of many who go down the gutters every day until they succumb remain uncounted and unmeasured. Research carried out by the Tata Institute of Social Sciences, Mumbai found that 80% of the sewage cleaners die before age 60 because of work-related health problems. According to the data submitted by the petitioner organization in the Supreme Court, 62 per cent of the sewerage workers have respiratory diseases, 32 per cent had skin diseases, 42 per cent had jaundice and 23 per cent had trachoma, leading to blindness, notwithstanding the number of deaths caused due to toxic gases while cleaning tanks.

The SC order in 2014 had asked the states to identify people who had died cleaning sewers 1993 onwards and award compensation to families. Over five years later, most states are yet to provide the data. The absence of official data serves as the best evasive response to questions of injustice. While the government basks in the glory of initiating a ‘Swachh Bharat’ campaign, recognizing the right to sanitation of all except the rights of sanitation workers, initiatives such as these actually retrench practices of manual cleaning in the absence of shift to technological resources. Such initiatives rely on forms of manual labour by making them appear as economic choices.

Chapter IV. Urban Planning and Sewer Deaths in Delhi

Sewers in Delhi seem to be remembered when they get blocked and people die while cleaning them. This is certainly true of a large number of inhabitants of the national capital, including municipal planners and policy makers. For those who routinely enter sewers and septic tanks to manually clean them, they are very real, sources of a living – and of death.

Delhi has a population of about 19 million at present. Plans for waste disposal and sewerage have had to take the population and its density, and land use pattern into account. Water supply availability is essential for setting up a modern sanitation system and the Delhi Jal Board (DJB) is the body responsible for both drinking water supply and the collection, treatment and disposal of waste water/sewage system in the National Capital Territory. According to the Sewerage Master Plan of NCT, only about 50% of the population is covered by sewerage network and the sewage generated by the rest of the population goes through a number of surface drains into Yamuna River [*Sewerage Master Plan for Delhi–2031, DJB, June 2014, Final Report (henceforth Sewerage Master Plan), Vol. 1, p. 19*]. The majority of the population living in unauthorized colonies, JJ

clusters, and rural villages does not have sewerage facilities. The city generates large quantities of sewage – amounting to at least about 3800 million litres per day (mld) according to the official estimates made 6 years ago by the report of the Central Pollution Control Board, 2013. Out of this it has an official design capacity in its 34 Waste Water Treatment Plants to treat 2700 mld of sewage and actually treats about 1543 mld, a utilization of about 57% (*Sewerage Master Plan, Vol. II, p. 20-21*). The rest of the sewage/waste water from unsewered areas and untreated sewage remains or flows into the river. The existing sewerage network of Delhi comprises 7000 km of sewerage lines including trunk sewers and branch lines (peripheral/internal sewers) many of which, according to the official report itself, suffer from disrepair, siltation and settling or collapse. In sewered areas toilet and other waste water from domestic units flows into sewers, while unsewered areas tend to rely more on septic tanks. Waste water and fecal sludge accumulates in these tanks and regular cleaning is needed. Large cities like Delhi are supposed to have proportionately fewer septic tanks and greater sewerage reach than smaller urban centres, but since many of Delhi's urban areas are also 'unauthorized' the precise numbers of such septic tanks are also difficult to establish. While at least officially, maintenance of state sanctioned sewerage is supposed to be a public and municipal matter, septic tank maintenance is private responsibility, making their monitoring more difficult. In almost all the incidents discussed in this report (with the exception of Lajpat Nagar) took place while workers were cleaning septic tanks/water tanks into which waste had leaked in. An incident like the one at Bhagya Vihar were at a small house where the owner of the property was also not well off, the one at Ghitorni concerned a tank at a powerful farmhouse owner's property, and the one at DLF Capital Greens took place when workers were called in to clean the septic tanks of the sewage treatment plant at an elite building complex. Several incidents in Delhi NCR including the Lajpat Nagar incident (discussed here) or the recent incident at Ghaziabad (*The Times of India, City – Ghaziabad, 23.8.19*) involved the death of workers in sewer lines, while cleaning or setting up sewer connections. Most unsewered areas as well as some sewered areas in the city do not have proper and adequate water supply. According to the 2011 Census, 81.3% of the households in Delhi apparently had piped water supply, much higher than the national average of 32% but the seasonal shortage is acute, owing to the degraded condition of the river water with the city's domestic and industrial waste in it, the depletion of ground water etc., compelling the inhabitants of many areas to buy water at exorbitant rates. Given that many areas where such crisis exists are underprivileged and unregulated this is a significant burden. Those who designed the government's ambitious policies on sanitation seem to have lost sight of the basic precondition of water supply. The fact that there are for instance, a total of 1,725 unauthorised colonies in Delhi, and 1,230 of these got water pipelines by 2018 but the DJB which had set a target of laying water pipelines in another 291 unauthorised colonies in 2018-19 could only complete the work in 144 such localities is essential to understanding the status of these colonies as far as sewerage linkage and toilet construction projects are concerned. It is also essential to know the nature of the delivery of water and if the supply is adequate. The policies are interlinked and their success and failure are closely interconnected. In actual design urban policy making seems to have lost sight of the need to coordinate these different but interrelated aspects of sanitation and water supply while planning for the city.

Another aspect that policy makers and planners seem to have lost sight of in the much advertised policy push towards sanitation in the present regime is the need for continuous maintenance of sanitation systems and for safe working conditions for those involved in it. While other shortcomings of the existing situation pertaining

Swachh Bharat Mission – Right to Sanitation vs. Rights of Sanitation Workers

Swachh Bharat Abhiyan is a campaign run by the Swachh Bharat Mission (SBM) – set up by a policy initiative of the Government of India, in 2014. During its launch, underlying its primary objective, the Prime Minister is quoted as saying, was that "A clean India would be the best tribute India could pay to Mahatma Gandhi on his 150 birth anniversary in 2019." The official website of the urban Swachh Bharat Mission claims 100% door to door waste collection in urban areas, 88 megawatt energy production from waste and 4387000 metric ton of conversion of waste to compost as its targets. Spelling out objectives of the mission in rural India, the Department of Drinking Water and Sanitation, Ministry of Jab Shakti adds, "In Rural India, this would mean improving the levels of cleanliness through Solid and Liquid Waste Management activities and making villages Open Defecation Free (ODF), clean and sanitised." The mission also claimed to make India Open Defecation Free by 2 October, 2019.

The estimated expenditure of the mission was \$9 billion at the time of its inception. While Rs.17,843 were budgeted in 2018-19 towards the scheme, for 2019-20, an amount of nearly Rs.12,644 was budgeted towards the abhiyan, reducing it by a little over 25 percent. Moreover, an RTI application filed by online news portal The Wire has revealed that, Rs 2,100 crore was collected under the Swachh Bharat cess even after its abolishment on July 1, 2017 after the invocation of the GST.

The SBM turns out to be another abhiyan by the state which averts the idea of 'filth', evident in videos showing the Prime Minister and other politicians sweeping already cleaned roads. Sweeping/cleaning remains a dirty job - designated to a particular caste and class. While the central government claims to be treading a path of progress by building numerous house hold and community toilets, and the Mission aims to put an ending open defecation, there is little focus on the treatment of septage and waste water from these toilets. A cursory reading of the Pradhan Mantri Awas Yojna launched in 2015 that provides for building houses in rural India, the problems get highlighted. The Yojna does not focus on any components of the sanitation value chain. There is no mention of integration of standard designs for On-site Sanitation System -OSS (Septic tank, pit, etc.). These limitations are recognised in National Policy on Faecal Sludge and Septage Management (FSSM) and Septage Management: A Practitioner's Guide, 2017 (available on official website of Swatch Bharat Mission, Urban).

The Septage Management Guide is meant to assist practitioners involved in the sanitation sector. It explores sanitation chain from containment, emptying, transportation, treatment to disposal of the waste. The document acknowledges that state is focusing more on building of dry latrines but not on proper construction, operation and their maintenance in keeping with the guide's objective of mapping 'the journey beyond Open Defecation Free'. With the advent of SBM and allied sanitation-related reforms, the focus has been only on increasing the number of toilets, and little on treatment of the waste generated.

Moving further, even though, FSSM reiterates similar story of need for safe disposal of sewage sludge and illegal scavenging and even mentions about the Prevention of Atrocity Act but does not talk about the plight of manual scavengers. It recommends technology upgradation with respect to the population growth and awareness programmes for cleaning of septic tanks in every 2-3 years but does not touch upon doing away with OSS altogether. It seems like the government agencies lacked concern about who cleans these septic tanks/drains and how.

The gravity of the problem further deepens with the realisation that a number of manual scavengers are found in cities which are claimed to be open defecation free. It is evident in the huge amount allotted to SBM as compared to the meagre sum allotted to the rehabilitation of manual scavengers that government is not concerned. The Self Employment Scheme for Rehabilitation of Manual Scavengers was allotted Rs 4600 crore in 2013 (when the law was passed). This was reduced significantly to Rs. 5 crore in 2017. The government claims to put eradication of manual scavenging as its top priority but decreases funding by 99.9%. An August 2018 report by the Wire claims that from 2014-18, after being in power for over four years, the Narendra Modi government had not released a single rupee for the rehabilitation of manual scavengers. Not only that, it adds that by this time, the government had not even spent the funds released by the previous UPA government for this purpose.

Swachh Bharat, a \$9 billion Mission is silent on the condition of manual scavengers (whose numbers increased four-fold, based on data collected from 121 out of 600 districts per reports in 2018) and their lives do not seem to have changed much. While the current political regime trying hard to appropriate Gandhi and limit his ideas to cleanliness only, it has failed to achieve even a miniscule of what it claimed to achieve by 2019.

to sewerage are mentioned in the government's report – the presence of unsewered areas, non-functioning and disrepair, siltation of sewers, leakage from sewage pipes, pollution of groundwater, possibility of disease – the deaths of workers while trying to keep sewer lines and septic tanks working, and the many ailments and diseases they suffer owing to the nature of the work are not cited once in the grand policy statements on sanitation. The work is, as mentioned, hazardous as well as brutal and stigmatizing. The workers are required to work while being often literally immersed in filth, in fecal and other domestic and industrial sludge surrounded by poisonous gases emanating therefrom. Even in the projected Sewerage Master Plan for 2031, there is clear acceptance that some sewers that exist can be (at present and in the future) cleaned only manually and spacing of manholes in these are made accordingly (*Sewerage Master Plan, Vol. II, p. 56*). These are distinguished from those sewers which can be cleaned with 'mechanical devices'. The planners cannot be unaware of the common practice, adopted by state agencies and private individuals, of sending in workers to do this work manually without any safety equipment, even where mechanical devices can be used, in posh urban localities and marginal ones. They cannot also be unaware of the deaths of many of the workers while doing this work, or of the laws and judgments that place severe restrictions on such kind of maintenance work

which is hazardous and caste based in practice. They cannot be unaware also of how essential this work is for the basic running of the city's sanitation system.

Yet, there is not even an acknowledgment of these laws, safety provisions and preconditions for this work, in the Sewerage Master Plan for 2031, in which ambitious sewerage and sanitation extension is discussed. No special provision for recruitment of sanitation workers for these operations is made in the plan. This has been the practice so far, and as seen in the incidents discussed in the report, leads to completely ad hoc arrangements by which these workers are recruited. These arrangements by default lead to the recruitment of workers from the most economically and socially vulnerable sections, relying on 'traditional' networks of employment of sanitation workers. 'Traditional' caste-based attitudes to, and notions about, sanitation work guide the mode of deployment and conditions of work of these workers.

In the Master Plan Report, the only way in which sewer and septic tank workers are referred to is extremely tangential as in the 'Operations and Maintenance' section. The 'requirements' of the Operations and Maintenance Plans include cryptic points such as '(c) Description of response to accidents' and '(j) Provision of training on a regular basis for staff in sanitary sewer system O&M and require contractors to be appropriately trained' – both of which are about workers' lives (*Sewerage Master Plan of Delhi, Vol. II, p. 138*). Planners are evidently not required to take any responsibility for the lives and working conditions of those doing the work of maintenance.

This peculiarly blinkered and compartmentalized approach of the state in urban planning – in which the design of the capital city's sewerage plan can be made without factoring in its maintenance, or the workers who die while doing this work, or the laws made to protect their interests, is largely responsible for these incidents.

In view of this, the frequency of their occurrence despite strong laws against such deployment, and the high probability of death of workers while doing this work, leads to a strong suspicion that these deaths are in some ways integral to and a by-product of the city's plan. Sewer/septic tank deaths in Delhi are predictable occurrences, bound to happen under these circumstances. They are chronic and systemic 'accidents.'

This approach towards waste management in the capital city of India, the complete failure of planners and policy makers to address the crucial question of maintenance of sewerage, septic tanks, and provide for sanitation workers involved in it (inevitably drawn from the underclass/outcaste sections of society) is not simply an oversight. It is evidently, fundamentally rooted in caste. It is caste based attitudes towards filth, dirt and human and other waste and all those who handle it, which form the basis of the supreme official/societal callousness towards sanitation workers, and validate their treatment of these workers' lives as expendable, the casual subjection to hazardous, manual labour of cleaning sewers/septic tanks as normal.

What causes the deaths of workers in Sewers/Septic Tanks?

According to a study conducted by the Sanitation Workers Project, there are almost 5 million workers in the country employed to perform these tasks. Sanitation workers are employed in a range of spaces, to deal with human and other waste which eventually makes its way to either piped sewer networks, septic tanks or drains. In Delhi specifically, house sewers, street sewers or trunk sewers are the main sources that send out human waste. Liquid waste also includes industrial wastes, dumping of solvents, fuels etc. It is due to over-filling of drainage pipes with waste that causes blockages in the drainage system. It is usually under the circumstances of these blockages that Delhi Jal Board or private contractors or private households seek sewer/septic tank workers to clean sewage systems. Along with this, misuse of the sewer facility also causes much of the blockages. Such work has usually been treated as "urgent work", required in times of emergency.

The main reason for deaths in the process of sewage cleaning is the depletion of oxygen and presence of toxic gases, mostly hydrogen sulphide. The decreased oxygen levels can be the result of a variety of conditions including (i) the replacement of oxygen with another gas, such as methane or hydrogen sulphide, (ii) the consumption of oxygen by the decay of organic material contained in the waste water or (iii) the scavenging of oxygen molecules in the rusting process of some structure within the confined space. Reports reveal that it is hydrogen sulphide gas that collects at the bottom of tanks, in pits and in enclosed spaces. At these lower levels, the intake of hydrogen sulphide can result in death due to asphyxiation, besides that the intake can be irritating to the respiratory system, and result in nausea, delirium and convulsions and conjunctivitis. It is known that most sewage cleaners suffer from tuberculosis. Besides the severe health hazards, the sewage workers also become prone to frequent headaches, dizziness, sore throat, eye and skin irritation, poor memory, pneumonia and diarrhea among others.

On PUDR's meeting with Safai Karamchari Andolan's National Convenor Bezwada Wilson, we were told that alcoholism is one of the most common causes of death of manual scavengers and sewage cleaners. The presence of gases in the sewage produces a foul smell which is humanly unbearable and the massive intake of alcohol before

entering the pits allows them to numb the senses to bear the inhuman state of a sewerage. These workers gradually get addicted to alcohol and many die young under its effect. While the deaths inside the sewers have caught public attention, the longtime health hazards that either eventually lead to death or to a life infested with disease, are equally closely associated with this fatal occupation.

Conclusion

Counting on Caste:

Sewer/Septic Tank Workers' Deaths, Democratic Rights and Questions of Justice

Today the right to sanitation is being recognized as a fundamental right and sought to be implemented by state policy through the Swachh Bharat and other campaigns. The realization of this right entails getting rid of filth. This act of getting rid of the filth in modern India today typically and in practice leads to the deployment of manual scavengers. Ironically, those who clean 'filth' carry the mark of being 'filthy' within the caste system. We are faced with a situation where official policy is only addressing the right to sanitation, and that too inadequately. The stark absence of the rights of sanitation workers, to life, and to dignified work, the failure to implement existing laws and schemes that are meant to protect their rights, exposes the enormous power wielded by caste based notions about filth, to even override constitutional stipulations, and implicitly and explicitly shape state policy and practice.

Looking at the entire scenario, the incidents of sewer deaths discussed, working conditions of sanitation workers, the large context of policy initiatives, laws and democratic rights, certain broad points can be reiterated and highlighted :-

- (1) It is a fact that most of those deployed not only in the work of manual scavenging but also in the handling of liquid waste in modern municipalities – i.e. those who do the work of cleaning sewers/septic tanks in India today belong to dalit communities, and are among the most socially and economically marginal sections in society. Rashtriya Garima Abhiyan's study (Eradication of Inhuman Practice of Manual Scavenging and Comprehensive rehabilitation of Manual Scavengers in India, 2011) stated that 94% of those who died were from Scheduled Castes, 4% were from Other Backward Classes and the rest from Scheduled Tribes. This shows the perniciousness of caste nearly seventy years after the implementation of the constitution. There is some attempt to justify this deployment under the garb of this work being akin to their supposed 'traditional' occupation of handling waste – an alleged 'inherited' skill in handling shit and dirt as it were. This notion of their so-called traditional 'super-specialisation' is conveniently used by authorities and dominant sections to relegate these hazardous and stigmatized jobs that are essential to providing sanitation in modern cities and wards to these vulnerable communities.
- (2) Caste based notions of stigma extend from these human waste materials which sewer workers constantly handle to the workers themselves and vice versa, and deployment of dalit workers in these occupations in modern contexts reinforces this link. Within the brutal, violent and deeply unequal caste structure and ideology, the status of the work/workers who clean wastes and routinely touch these stigmatizing materials is very low, their working conditions irrelevant and unimportant. As a corollary their lives, within caste system, are considered unimportant and practically expendable.
- (3) The incidents of deaths of sewer/septic tank workers in Delhi over the last two years covered here and reported in the press however reflect the apparently anomalous pattern from many other parts of the country – i.e. while in most other regions and cities the majority of sanitation workers in sewer and septic tank cleaning are drawn from dalit castes, in Delhi, it appears that persons of different communities and backgrounds, including Muslims, members of other higher castes etc., were all recruited, and workers who died were also from different caste/community backgrounds.
- (4) This is linked partly to the pattern and scale of recruitment in these kinds of sewer/septic tank cleaning occupations in the city in recent years. Those recruited to do these jobs formed part of the swelling

labour force of marginalized unemployed men from different (though largely backward) castes and communities present in the capital who were available to do this work at piece rates on ad hoc basis. Yet since they did the same kind of stigmatized work handling human bio-waste, the same violent caste-based attitude was displayed by employers towards them, the same casual brutality and callousness towards their lives and labouring conditions. When they were deployed in this work, they were subjected to the same utter disregard for their democratic and human rights as dalit workers routinely are – because of the caste-based attitude to the work they were doing.

- (5) It is not a coincidence, or a simple unmindful oversight, that the working conditions of those who deal with waste materials, or systems of waste removal, have not been sought to be improved and that this work that is so essential to ordering and establishing cities, has not been attended to by state policy and in social and political practice. The lack of attention to maintenance of sanitation systems, to conditions of work of sewer workers who maintain these systems (despite the laws that mandate otherwise, and demands of movements of sanitation workers) is an absence which is completely caste driven, structural and systemic. The policy makers' fragmented approach to sanitation, their target driven approach (counting numbers of toilets, length of sewerage etc.,) and lack of attention to how the systems will run (whether or not there is water supply, and provision for maintaining toilets and sewers etc.), their neglect of and callousness towards who would do the work and how – are rooted in their deep acceptance of caste attitudes and hierarchy.
- (6) That there is no provision in the designing of these systems of sanitation (sewerage, septage etc.) that are crucial to the setting up and running of modern cities and towns, for their running and maintenance is also likewise not an innocent error but a systemic one. The absence of interlinkage of the law pertaining to sanitation workers with sanitation plans of the capital city, interlinkage of policies of social justice with policies of sanitation is also a sign of this same caste-based framework. The policy-makers' and planners' assumption of availability of labour to do this hazardous and stigmatized work is the basis of this callousness, a reflection of the depth and reach of caste attitudes.
- (7) These lacunae in policy and these practices are lethal for workers routinely sent, in complete disregard for the law, to clean sewers and septic tanks in the city, manually and without any training or protection. The socio-political mobilization of sanitation workers and a few civil society initiatives are putting pressure but the chronic nature of these accidents can only be tackled systemically, and through political will, which is not visible.
- (8) In the incidents of sewer deaths, the fact that many of those guilty of sending workers into this hazardous work without any protection, are socially dominant and powerful, and the fact that those within the state often share their caste-based assumptions, mean that they do not get punished. That compensation is often the only 'penalty' imposed in such situations means that broadly the dominant enjoy impunity. This is at least partly due to the wide social consensus (even amongst those who are supposed to implement the law and constitution) that these acts (of sending manual sewer cleaning and scavenging) are now crimes in law but valid in caste society. As the incidents investigated and discussed here show the work is done through contractors – (e.g. at Ghitorni, Lajpat Nagar, Aggarwal Fun City Mall, DLF Capital Greens, Bhagya Vihar of the incidents covered here) sometimes petty contractors and sometimes bigger companies, who never invest in safety equipment, and where arrests take place, prosecution is sluggish. Survivors are, in most cases, also sewer/septic tank workers, socially and economically vulnerable, with little wherewithal to pursue cases against powerful accused.
- (9) Privatisation of waste management and acute contractualisation of sanitation work has meant that pinning legal responsibility and identifying the guilty legally has become much more difficult. As evident in the Ghitorni (2017), DLF (2018) cases discussed here for instance, the principal accused could evade punishment because of this. In the case in Lajpat Nagar where the DJB was involved also the liability was sought to be shifted on to the contractor. The shift towards seeking private sector investment in sanitation has been there since the 1980s, but has intensified now. There has been an overall withdrawal of the state from sanitation especially in the last few years and a move to demand based sanitation 'services', along with a refiguring of water as an 'economic good' rather than a free commodity – which also had a far-reaching impact upon sanitation. The most recent policy direction seems to be in the direction of building Public-Private partnership (PPP) in provision of services and

assets discussed in the Sewerage Master Plan 2031, moving towards the DBFOO model (Design Build Finance Own & Operate) model. Under this, ‘rather than being reactive and waiting for new customers to apply for a sewer connection, the contractor would undertake public campaigns to ensure a higher take up’ (Sewerage Master Plan, Vol II, p. 137) ensure more ‘efficient’ sewage collection and transmission to the Waste Water Treatment Plant. The ‘Human Resource Plan’ for this focuses on ‘decentralised’ structure to ensure more effective ‘service delivery’. This kind of structure makes it even more difficult to ensure accountability and implementation of safe working conditions for those deployed in the work of sewerage and septage maintenance, and since the objective is only ‘service delivery.’ The state by pushing for PPP in sanitation is abrogating its own responsibility towards ensuring the rights of sanitation workers as well as the right to sanitation of all citizens.

- (10) Mechanization of sewage/septic tank cleaning has long been seen as the only way of resolving this problem of hazardous and stigmatizing manual cleaning of sewer/septic tanks. In 2019, the Delhi government, following the governments of states like Telangana announced and acquired such machines this year and distributed them to some of the survivors of the sewer deaths of 2017.
- (11) The survivors of the sewer deaths at Ghitorni (2017) – the first case discussed in this report – and one worker who survived in the Lajpat Nagar incident (2017) were among the first to be given machines for sewer cleaning by the state government in 2019. While the project was flagged off in the last week of February 2019, transfer of the machines/vehicles took place towards the end of March. These machines, acquired at a cost of Rs. 40 lakhs each, are capable of negotiating narrow spaces, and work by jetting (the process of using a high pressure pump to remove different waste material), grabbing (hydraulically desilt the manhole) and rodding (rods rotating at high levels to remove the sludge).
- (12) The actual running of the machine will be done by private operators chosen through a process of tendering. Those who have got the machines will be part of a consortium which will help others with the paperwork, dealing with DJB and sorting out problems with the running of machines. The consortium will be closely monitored by the Dalit Indian Chamber of Commerce and Industry (DICCI), an organization that promotes entrepreneurship among members of the Dalit community. They have partnered with the Jal Board (in keeping with its plan of privatization and PPP) and been involved in the preparation of the tenders, selection of machines, and identifying those who should apply. The drivers and helpers are to be trained to run and operate the new machines and paid by the consortium. It is reported that 200 machines have been acquired by Delhi government and 250 drivers and 500 helpers have been hired (who will all be paid minimum wages). According to news reports, those given the machines, will be given the money earned from running the machines, directly into their accounts (Scroll, 4 March, 2019, <https://scroll.in/article/915103/delhi-sewer-cleaning-machine-project-reinforces-link-between-dalits-and-sanitation-work-say-critics>).
- (13) The problems with this model are that by making manual scavengers owners of the machines the policy ends up reinforcing caste, and caste based work by linking them to it more firmly. The NCSK’s demand (see Box ‘NCSK’) to give these machines only to Valmikis in Delhi has a similar effect. Moreover by passing on the responsibility of implementing this policy to the Dalit Chamber of Commerce, the state is further reinforcing the debilitating link between dalits, caste-based labour and the template of attitudes towards sanitation work that caste brings, and abrogating its own responsibility towards ensuring the rights and safety of sanitation workers.
- (14) Thus mechanization, while it could create better working conditions, produce a physical distance between sewage sludge and liquid waste and the workers, has to be carefully implemented to avoid these kinds of problems. While it could be a temporary technological fix to the problem, it cannot by itself do away with the deeper problem of caste based attitudes to filth and sanitation. Neither will a legal fix work – strong laws restricting manual scavenging and sewer/septic tank cleaning – exist, as the incidents discussed here and several others that occurred in the city and country at the same period (after stringent laws have come into existence in 2013-14) have shown. These have to be accompanied by powerful social mobilization against caste and caste-attitudes, and real political resolve of the state to do away with manual scavenging and sewer/septic tank cleaning to actually work. Till then this cycle of deaths of workers in sewers and septic tanks – these chronic ‘accidents’ – will occur again and again.

PUDR Demands:

1. That the *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013* and the Supreme Court's judgment of 2014 in the case of *Safai Karamchari Andolan and Others vs Union of India and Others* should be duly implemented and applied in all cases of sewer/septic tank deaths.
2. That criminal accountability of employers guilty of sending/compelling workers to clean sewers/septic tanks etc., leading to their death or illness, should be established. Trials in all the cases covered in the report and other incidents should be speeded up and justice delivered.
3. That the state should take primary and direct responsibility for sewerage, and waste management systems and ensure that provisions are made for the proper (safe and dignified) working conditions for all sanitation workers. Contractual employment and public-private partnership models (that cannot be regulated or made accountable) should not be used for essential infrastructure like sanitation.
4. That the target driven approach to measuring the success of the sanitation policy – e.g., simply counting the number of toilets constructed, or sewer lines laid – should be substituted by a focus on ensuring proper maintenance of sanitation systems e.g., provision of water supply, machines and proper safety gear and working conditions for sanitation workers etc.
5. That the right to sanitation should not be sought to be provided at the cost of the basic fundamental rights of sanitation workers – it is utterly urgent to factor in the repeated deaths of sewer/septic tank workers into the design of present and future sanitation policies and campaigns of 'cleaning' India. The underlying caste based attitude to sanitation work and workers should be identified and strong action taken against it.

Time Period	Timeline of State Interventions Steps taken
1993	<p>Parliament enacts The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.</p> <p>National Commission for Safai Karamcharis constituted under the National Commission for Safai Karamcharis Act, 1993, to monitor and recommend specific programs. The NCSK Act ceased to have effect from 29.2.2004. After that the tenure of the NCSK has been extended as a non-statutory body from time to time. The tenure was extended from 31.3.2016 to 3 more years at an expenditure of Rs. 13.08 crores.</p> <p>The NSCK has submitted a report to the Parliament noting that the 1993 Act was not being implemented effectively.</p>
2002-2003	<p>Comptroller and Auditor General report on the National Scheme for Liberation and Rehabilitation of Scavengers, says the scheme “has failed to achieve its objectives even after 10 years of implementation.”</p> <p>Ministry of Social Justice and Empowerment also estimates 6.76 lakh manual scavengers in the country.</p> <p>Most of the states adopted the 1993 Act only after 2005.</p>
2004-10	<p>The Planning Commission develops a national action plan for total eradication of manual scavenging by 2007.</p>
	<p>Self-Employment Scheme for Rehabilitation of Manual Scavengers initiated to provide training, loans, and subsidies for alternate occupations in 2007.</p>
2011	<p>Census 2011 reveals presence of 21 lakh insanitary latrines, of which at least 8 lakhs need manual cleaning.</p>
2013	<p>In March 2013, under pressure from the SC, the Central Govt announced a survey of Manual Scavengers in 3546 towns. But the progress reports by the Government note that they have been able to identify only a miniscule number of scavengers. SC noted that the States have acted in denial of 1993 Act and the constitutional mandate to abolish untouchability.</p>
	<p>Parliament passes the Prohibition of Employment as Manual Scavengers and Their Rehabilitation, Act, 2013: The Act recognizes the category of sewer workers and prohibits the employment of manual scavengers, the manual cleaning of sewers and septic tanks without protective equipment, and the construction of insanitary latrines.</p>
2014	<p>Supreme Court order delivered in <i>Safai Karamchari Andolan v. Union of India</i> notes that “entering sewer lines without safety gears should be made a crime even in emergency situations, ” and orders for compensation in cases of death of the worker.</p> <p>It also stated alongside that “Inasmuch as the Act 2013 occupies the entire field, we are of the view that no further monitoring is required by this Court.”</p>

Time Period	Timeline of State Interventions (continued) Steps Taken
2014- 2017	<p>Nirmal Bharat Abhiyan (NBA) (2009-14) and Swachh Bharat Abhiyaan (SBA) (2014- 19): Total Sanitation Campaign (TSC) was conceived in 1999 which was renamed as Nirmal Bharat Abhiyan in 2012 to ensure 100% sanitation in rural and urban areas by 2017. The NBA was replaced by SBA in 2014. SBA has been conceived with following objectives: (i) Elimination of Open Defecation. (ii) Eradication of Manual Scavenging. (iii) Modern and Scientific Municipal Solid Waste Management. iv. To effect behavioural change regarding healthy sanitation practices.</p>
2017- 2019	<p>State level efforts: Telangana government in alliance with the Dalit Indian Chamber of Commerce and Industry provided a group of sanitation workers with small sewer jetting machines, and trained them how to use them.</p> <p>Delhi government announces 100% mechanization of sewage cleaning following the rise in number of deaths of sewage workers in Delhi. In 2019, Delhi government flagged off 200 sewer cleaning machines.</p> <p>In both states, machines have not been purchased by the government directly. The government is however involved in the process of issuing tenders etc. for owning the machines. Since the plan envisages that only dalits would be involved in owning and operating the machines, the SKA and other organizations have critiqued it as a step ensuring that sanitation work remains confined to the dalits.</p>
2019	<p>NCSK submits its report saying 50 deaths in first 6 months in 2019. The figures only represent 8 states (out of 36 states and UTs) and the actual number in the country may be much higher.</p> <p>Ministry for Social Justice and Empowerment announces Draft National Action Plan Framework 'to eliminate inhuman practices by 15th August 2022' and counts sewage cleaning as one such practice. The Ministry reveals that so far the conviction rate in matters related to death of sewage workers, is zero.</p>