

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

**UNSTARRED QUESTION NO. 2043
TO BE ANSWERED ON 03.03.2020**

DEATH OF MANUAL SCAVENGERS

2043. SHRIMATI NUSRAT JAHAN RUHI:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether it is a fact that the Supreme Court has expressed concern over people dying during manual scavenging and sewage cleaning in the country and if so, the details thereof;
- (b) whether the concerned authorities are not providing proper protective gears like masks and oxygen cylinders to the people who are engaged in manual scavenging or cleaning of sewers and manholes;
- (c) if so, the details thereof;
- (d) the number of people who died due to manual scavenging during the last three years; and
- (e) the action being taken by the Government to ensure complete ban on manual scavenging?

ANSWER

**MINISTER OF STATE SOCIAL JUSTICE AND EMPOWERMENT
(SHRI RAMDAS ATHAWALE)**

- (a): Supreme Court of India in its judgment dated 27.03.2014 in Civil Writ Petition No. 583 of 2003 Safai Karamchari Andolan versus Union of India and Others has directed inter-alia that all the State Governments and Union Territories to identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such deaths to the family members of the deceased.
- (a) and (c): The Government has notified Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013 (MS Rules, 2013)”, 2013 under which the employer has to ensure safety gear and devices and observe safety precautions as per details given in the MS Rules, 2013. As per these Rules manual cleaning of sewers is to be permitted by the Chief Executive Officer of the Municipality only in cases where mechanized cleaning cannot be undertaken for reasons to be recorded in writing. No statistics regarding the cases where the employer has not provided protective gear are maintained by the Ministry of Social Justice and Empowerment.

(d): There have been no reports regarding death of persons due to manual scavenging. However, as per reports received by the National Commission for Safai Karamcharis there have been 271 cases of death of persons while cleaning sewers or septic tanks in 18 States.

(e): Manual scavenging is prohibited under section 5 and 6 of the "Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013" (MS Act, 2013) from 06.12.2013, the date of coming into force of the Act. Under Section 8 of the Act whoever contravenes the provisions of section 5 or section 6 shall for the first contravention be punishable with imprisonment for a term which may extend to one year with fine which may extend to fifty thousand rupees or with both, and for any subsequent contravention with imprisonment which may extend to two years or with fine which may extend to one lakh rupees, or with both.

Under section 7 of the Act, no person, local authority or any agency shall engage or employ, any person either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank. Under section 9 of the Act, whoever contravenes the provisions of section 7 shall for the first contravention be punishable with imprisonment for a term which may extend to two years or with fine which may extend to two lakh rupees or with both, and for any subsequent contravention with imprisonment which may extend to five years or with fine which may extend to five lakh rupees, or with both. The Government is ensuring that the MS Act, 2013 and MS Rule, 2013 are implemented and is also sensitizing municipalities and State Governments for implementing the Act in totality.
