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GOV. OF NCT OF DELHI
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Government of India
National Commission for Scheduled Castes
(A Constitutional body set up under Article 338 of the Constitution of India)

प्रमुख अभियंता 5th Floor, Loknayak Bhawan,
आयची सं. 7785 Khan Market
New Delhi-110003
दिनांक 26/7/2019 Dated: 22.07.2019

File No. 13/19/Press Clipping/Delhi/2019/ESDW

To,

Shri Vijay Kumar Dev, IAS
Chief Secretary,
GOV. OF NCT OF DELHI,
Secretariat(Players Building),
New Delhi

विभागाध्यक्ष (कार्मिक)
विभागाध्यक्ष (समु.) एच.ए.ए.
विभागाध्यक्ष (कार्म.) एच.ए.ए.
एन.एस.सी. अभियंता
कार्मिक (कार्म./कार्मिक/समु./न.स.सी.)

25/7

Sub: Regarding the death of 03 workers during cleaning of sewer in Delhi on 28.06.2019 (Delhi Jal Board).

Sir,

I am directed to enclose a copy of the record note of discussion held on 04.07.2019 in the chamber of Prof. (Dr.) Ram Shankar Katheria, Hon'ble Chairman, National Commission for Scheduled Castes for necessary action.

24.7.19

It is therefore, requested that the action taken report in the matter may please be furnished to this Commission within 02 months from the date of receipt of this letter.

Yours faithfully,

(Kaushal Kumar)
Director

Tele No. 24654691

(Encl: as above)
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Prsecy (S.C./S.T.)
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CEO (D.J.B.)

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So (Commission)

National Commission for Scheduled Castes
File No.13/19/Press Clipping/Delhi/2019/ESDW
Minutes of the hearing held on 04.07.2019

The followings were present.

1. Sh. Vijay K. Dev, Chief Secretary, Govt. of NCT of Delhi
2. Sh. Rajiv Yaduvanshi, Principal Secretary, SC/ST/OBC
3. Sh. Nikhil Kumar, CEO, Delhi Jal Board
4. Sh. Azimul Haque, DM, West District, Delhi
5. Sh. Madhup Tewari, Jr. CP, Western Range, Delhi
6. Ms. Monika Bhardwaj, DCP, West Delhi
7. Sh. RS Negi, Member, Delhi Jal Board
8. Sh. Sanjay Mukherjee, ED (Projects)
9. Sh. Anirban Bagehi, G.M., EIL

The Commission took suo-moto cognizance of the incidence published in a daily newspaper dated 28th June, 2019, under caption "Delhi Jal Board Big Negligence death of 01 worker while cleaning the drain". The notice to collect basic information and Action Taken Report was issued on 01.07.2019 from Chief Secretary, Govt. of NCT of Delhi, Commissioner of Police, Delhi, CEO, Delhi Jal Board, DM, West District and DCP, West District. The summons were also issued for personal appearances of CS, Delhi, CP, Delhi, CEO, Delhi Jal Board and Secretary, Ministry of Housing and Urban Affairs for hearing on 04.07.2019 at 12:30 P.M. The DM and DCP, West District were also called through hearing notice. The above listed 9 officers along with others appeared before the Commission to discuss the issue.

The Commission expressed concern on repeated unfortunate incidences of deaths in Delhi even after repeated assurances from Chief Secretary GNCTD, CEO Jal Board that all measures have been taken to ensure such unfortunate incidents do not occur. A list of 15 incidences in Delhi where 34 deaths were reported was handed over to the Chief Secretary, Delhi during the hearing. The Chief Secretary was advised to send a detailed report on all the incidences. The report should include date of incidents, date of compensation provided as per "Prohibition of employment as Manual Scavengers and their Rehabilitation Act, 2013", Scheduled Castes/Scheduled Tribes (Prevention of Atrocity) Rules 1995 (as amended on 2016), findings of Hon'ble Supreme Court guidelines and rehabilitation action taken for the families of the victims along with other details. It appears that the preventive measures taken by GNCTD are insufficient to prevent reoccurrence of such incidences.

The Chief Secretary informed that he had conducted a meeting on 03.07.2019 with all the senior officers on the issue and they are working on a plan of action. He further directed the Principal Secretary SC/ST/OBC to submit a comprehensive report on the relief & rehabilitation work in all 15 cases to Commission.

The District Magistrate, West Delhi informed during hearing that the bodies of all 3 victims who died during cleaning of drain at Keshopur, Delhi on 28.06.2019 have now been recovered. Compensation of ₹ 10 Lakh will be given to the family of each victim. The details of the deceased families are being collected by the District Administration for providing compensation. The victims namely Ankit (21 yrs), Devendra Kumar (25 yrs) and Md. Shahrukh (24 yrs) are being collected. The investigation is being done by the Police in this case wherein FIR No. 0206 dated 28.06.2019 has been registered. The Commission directed that in case a victim is SC the relevant Section 3(1) & 3(2) V of the Scheduled Castes/Scheduled Tribes (PoA) Act 1989 (as amended) need to be added in all such FIRs. Also the FIR needs to be registered against the top management of the Private

Contractor/Company as well as the supervisory staff of Jal Board. The Chief Secretary, GNCTD & Joint Commissioner of Police (West) assured that the needful action will immediately be taken.

After detailed discussions the following action points by GNCTD and Police were finalised:

1. Survey of persons commonly engaged by Departments/Private Contractors to manually clean sewer lines/STPs/septic tanks.
2. Regular periodical training for all concerned handling the issue of cleaning of blocked sewers/sewers lines/septic tanks/ETPs and other hazardous cleaning tanks needs to be undertaken.
3. 100% use of machines and robots for cleaning of sewer/ETPs or other hazardous cleaning is to be ensured. Budget for the same will be authorised.
4. Regular and periodical training cum workshops need to be arranged for all concerned officers of concerned Departments, Municipal Corporations, PWD, Jal Board, DDA etc. as well as Private Contractors engaged by them.
5. The Government Departments need to issue strict guidelines and associate the known RWAs/Market Welfare Association, leadings builders, Private Contractors, Hotels with this training and knowledge dissemination exercise, guide them, inform them of the consequences of engaging anyone in manual cleaning of STPs/sewer lines/septic tanks etc.
6. The Delhi Jal Board may be declared Nodal Agency to monitor all such RWAs and organising awareness building programmes.
7. A help line where such cases of blocked sewers etc. are centrally handled needs to be set up by Jal Board & all the MCDs if needed.
8. The awareness building programmes through publicity in Radio, TV, Print Media, Social Media and through any sources of Communications like 'Nukkad Natak' etc. should be taken up emphasising the fact that the manual cleaning of sewers/STPs etc. is prohibited, and no one should enter to clean sewers or engage anyone to manually clean sewers/STPs/septic tanks etc.
9. Adequate publicity in such workshops, training programmes may also be provided regarding punishment given under "Prohibition of employment as Manual Scavengers and their Rehabilitation Act, 2013", Scheduled Castes/Scheduled Tribes (PoA) Act 1989 (as amended) and other IPC Sections that are applicable on FIR against persons who engaged anyone to manually clean sewer lines/STPs/septic tanks etc.
10. Comprehensive guidelines, circulars may be issued to all Departments of the GNCTD, DDA, Pvt. Builders, RWAs, Market Associations etc. regarding preventive measures and safety devices to be taken while cleaning the septic tanks/STP/ETPs.
- ✓ 11. In case of such incidences where death occurs while cleaning the sewers, septic tanks or STPs/ETPs then the concerned officers should be made responsible and an FIR should also be lodged against them apart from Departmental Action.
12. The Government need to take a decision to issue protective gear and give adequate training to all such persons who are commonly known to perform this activity.
13. All STPs/ETPs etc. by Private Residential Complexes, Malls, Hotels etc. need to be registered with designated nodal agencies & their owners/management should be sensitised and made aware of the issues concerned.
14. Such RWAs, Market Associations, Private Residential Complexes, Malls, Hotels etc. should compulsorily keep protective gear with them & same should be periodically inspected.
15. The Commission recommends that in case a victim is SC the relevant Section 3(1)j & 3(2) V of the Scheduled Castes/Scheduled Tribes (PoA) Act 1989 (as amended) need to be added in all such FIRs.

16. The Commission also reiterated all its recommendations given in the past during spot visits/hearings in similar cases of deaths due to manual cleaning of sewers or hazardous cleaning.

Speedy action on all points was assured by the Chief Secretary, GNCTD and Police officers.

The Action Taken Report on these recommendations is to be sent within two months by the Chief Secretary, Delhi. The Action Taken Report of the relief sanctioned & rehabilitation work undertaken and status of Police action in the all 15 cases in Delhi from 2017 onwards is to be submitted by 14.08.2019 to the Commission, it can be a joint report of Police & the SC/ST/OBC Department, Government of NCT of Delhi.

The Progress Report on the action taken by the Govt. of NCT of Delhi on recommendation of this hearing will be reviewed after two months by the Commission.

(Prof. (Dr.) Ram Shankar Katheria)
Chairman, NCSC

कर्मचारी संगठन - दिल्ली सरकार के नाम से
दिल्ली सरकार के नाम से 4/9/19
यदि कोई भी कर्मचारी इस तरह की कार्यवाही में बाधा डाले तो उसे
कड़ी कार्रवाई की जाएगी (गैर कानूनी है)

सहायक प्रशासनिक अधिकारी
कार्यालय मुख्य अभियंता
लोक निर्माण, दिल्ली सरकार
एन.टी.डी. बिल्डिंग बुल्डिंग,
दिल्ली-110002