

“Justice Denied”: stories of manual scavenging deaths from the margins
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“Ours is a battle not for wealth, nor for power, ours is a battle for freedom, for reclamation of human personality.”
- Dr. B. R. Ambedkar

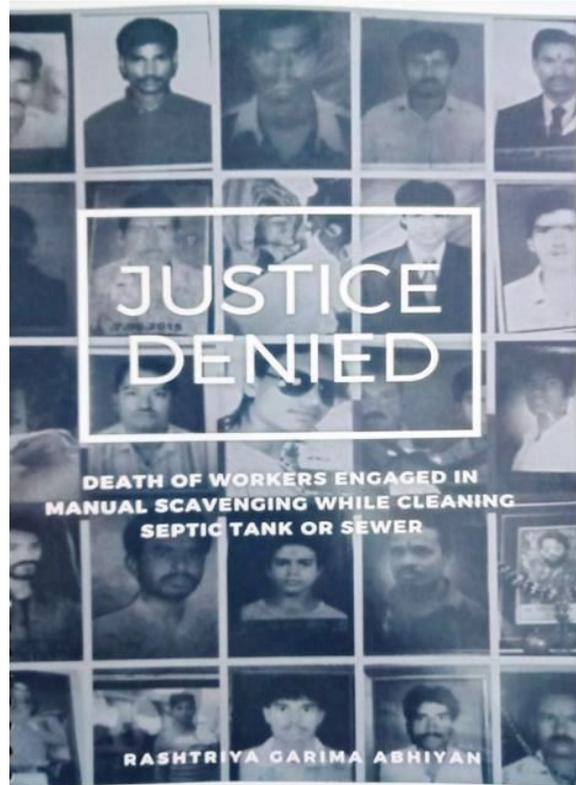
On 4th October 2018, an event was organized by Jan Sahas and Rashtriya Garima Abhiyan for the release of report titled “Justice Denied: Death of workers engaged in manual scavenging while cleaning septic tank or sewer”. Rashtriya Garima Abhiyan and Jan Sahas conducted this study in order to understand the progress on implementation of Manual Scavenging Act 2013. The survey was carried out in 11 states of India, among them total 51 incidents were covered and 97 deaths were reported. The event also included screening of a documentary titled, “The Cost of Cleanliness”. In the event, 400 members of the family members of the deceased people participated. Along with the release of report, a legal camp was also organized with the help of iprobono.





According to the main findings of the research, the study identified a total 140 incidents and 302 deaths from 1992 to 2018. Out of 140 incidents a total of 51 incidents were covered by the study in which 97 deaths were reported. According to National Commission for Safai Karamchari (NCSK) data, Tamilnadu reported highest number of deaths (194) followed by Gujarat (122), Karnataka (68) and Uttar Pradesh (51). In this report, Gujarat reported 62 deaths followed by Maharashtra and Uttar Pradesh reporting 29 deaths each and Madhya Pradesh and Tamilnadu reporting 24 deaths each. Out of the total case interview, in 35% of the incidents the FIR was filed whereas in 59% of the incidents FIR were not filed and in 6% of incidents respondents do not know if FIR had been filed. In the total number of cases where the FIR had been filed (18 cases), the research team was able to furnish copies of the FIR for 13 cases during the investigation.

The report also highlights that the highest death rate of 37% was recorded in the age group of 15-25 followed by 35% and 23% in the age group of 25-35 and 35-45 respectively. 67% of the total deceased were married. Valmiki, Arunthuthiyar, Dom, Mehtar, Rukhi, kumbhar, Matang, Meghwal, Chambar, Rai Sikh and Hela are the communities engaged in cleaning and sanitation related work in the different states covered by the research. 94% of the families of the deceased belong to the Scheduled Caste category, 4% to the Other Backward Classes and 2% to the Scheduled Tribe. Out of the 94% Scheduled Caste families of the deceased, 65% of the families interviewed belong to the Valmiki caste. 49% of the deceased were found to have studied below the 10th standard whereas another 45% were uneducated.



Absence of Legal Proceedings : In the FIRs, section 304 and 304A of IPC was charged 77% cases (10 cases out of 13 cases where FIR was filed and furnished), which is related to **death caused due to negligence** and for the remaining 3 cases out of 13 cases where the FIR was filed and furnished, sections 174 of IPC (Non-attendance in obedience to an order from public servant) and 284 (Negligent conduct with respect to a poisonous substance) and 7 and 9 of the MS Act 2013 had been charged. But, **not in a single case except in that of Bengaluru, the arrest of the employer or the contractors was made.** In 51 cases interviewed, prosecution did not happen in any of the cases.

Compensation : The report found that out of 51 incidents, only in 31% of the cases compensation was awarded to the families of the deceased whereas in the remaining 69% of the incidents compensation was not awarded. In many cases where relief amount has been given to the families by the employers/contracts, with the intention of disposing the cases. Of the 51 incidents across 11 states, a total number of 70 workers survived minor to fatal injuries.

Rehabilitation : Not a single family whose members have died while cleaning the septic tank or the sewer received their due rights mentioned in the SRMS (Self-employment scheme for Rehabilitation of Manual Scavengers) scheme. Not a single family was rehabilitated in alternative job. On the contrary, the family members of the deceased had to start engaging in manual scavenging as there was no alternate job available for their sustenance. Even in the case of pre-matric scholarship, not a single child of the families who are involved in this hazardous and demeaning practice have received the scholarship for their children.

(Source: Executive summary of the research report on death of workers engaged in manual scavenging. By - Jan Sahas and Rashtriya Garima Abhiyan)

Death - the price of a saree

In our visit to the event on report release by Rashtriya Garima Abhiyan, we spoke with the family members of the four who died - **Ishwar Sihote (35), Vijay Sihote (20), Rinku Goyal (16) and Dinesh Goyal (35)**. Radha Bai Sihote, Sita Bai Solanki, Seema Goyal are the three women who had come from Dewas to attend this meeting along with other relatives. Radha Bai lost her son Vijay Sihote. Seeta Bai lost her son Ishwar Singh Solanki (35). While, Seema Goyal lost her husband Dinesh (35) and son Rinku (16). All the four men belong to Valmiki community. and were killed in July 2017 in septic tank in Bardu village nearby Dewas in Madhya Pradesh. On 31st July 2017, Outlook reported that, four sanitation workers died due to suspected Asphyxiation. While the news reported that Kamal Singh Sendhav had hired them for 8,000 rupees, according to family members they had been offered only 500 rupees each.

Their village *Tonkhurd, Bardu* is about 65 kms from Dewas where the families live. Radha Bhai describes painfully how her son had promised to come back home with a saree. She says, "Vijay was newly married and for *God Bharayee* ceremony he did not have any money. Probably because of which he decided to go for this work." Vijay called and told her mother that he had been able to arrange some 500 rupees and he would be back home after the work, and while returning he would bring a saree for his wife. Vijay unfortunately could never see her mother and wife again.



(Ishwar Sihote (35), Vijay Sihote (20), Rinku Goyal (16) and Dinesh Goyal (35), who lost their lives in the incident.)

According to Radha Bai, the incident took place on 30th July 2017 when Bardu sarpanch Sendu Patel asked for men to clean his personal septic tank. She adds,

"Sarpanch of the village never asked us how we are living, about our condition. our relatives live in a nearby place, they informed us at 11-11.30 PM but they had fallen down in the chamber at 9.00 PM. My son and another person left for Bardu to check what exactly had happened, they reached there around 12 - 1 AM. After reaching the place, they called JCB from Tok Khurd to take out dead bodies out of the chamber. In this incident, police took the side of alleged because he belongs to Patel community. Sarpanch could have taken out our children from the chamber but he didn't. It took 2 hours to take out dead bodies. After taking out dead bodies from the chamber we cleaned the bodies on the road. As the bodies were not identifiable. No one was willing to give us tractor trolley to take dead bodies for postmortem at Tokkhurd. Many politicians, officers came to visit us but we knew that nothing going to happen in our favour. Sarpanch had already collaborated with policemen, therefore it was mentioned in the report that, the men came for work as a daily wage labourer. They haven't mentioned that they were called as sewer cleaners to clean chamber. We filed complaint against sarpanch but police were taking a side of sarpanch. Sarpanch is a very rich person and owns 200 bighas (66 acres) land and holds political power. No one took stand for us because we are very poor, undereducated, we didn't know anything. What to do? How to do? Later Sanjay Dhumane from Garima Abhiyan came

to help us, he filed a case and we got compensation of 10 lakh rupees, which came in a daughter in laws bank account but we got nothing, she left us and started living with her maternal house.”

Radha Bai further told that, Dinesh Goyal merely come to visit his in law's place. While other men were also new to cleaning septic tank and before this incident had never entered it. A day before the incident took place, Kailash Narwale, a local contractor reached the four men for some work. He told them that they needed to clean a septic tank chamber and he offered to pay them 500 rupees each. The four men along with Arun Pal (21) went to the village early in the morning. However, the contractor and sarpanch asked them to not remove the chamber as it would smell.



(Family members of the four deceased in Dewas, Madhya Pradesh in 2017)

Therefore the work was to be done at night. One by one people started entering the chamber. Rinku was the last person to enter the hole. When Rinku saw the three men, he started screaming and running around in village calling for help. However, no one came out to help him, instead the power was deliberately cut off from Sarpanch's house. Even the doors were locked when Rinku ran around asking for help. Lastly, Rinku himself went inside the hole and lost his life. Family member got the news of their deaths by late night and immediately visited the spot.





(The dead bodies of the men, after they were removed from septic tank at late night.)

They also tried to approach police station. However, Sarpanch by then had already influenced police and policemen were seen sitting in Sarpanch's house sipping tea, when family members came to the village after hearing news of their death. After the death, family members of the deceased bought JCB and managed to get out dead bodies. Along with the four deceased, Arun Pal (22) was accompanying them, who was also the only survivor since, he had gone to dump the waste into forest while the incident took place. Another woman from the deceased family shared her plight by saying,

"We belong to a Valmiki community, no one cares of us. They didn't inform us, didn't help us. The main reason behind all of this is casteism and poverty. Many people came to visit us including Rajmata of Dewas and district collector of Dewas. They promised and guaranteed us to help to get a government job but nothing happened. If Government gives us a job of cleaner to my son, it will really help us to raise my other children. My elder son died in a chamber but I will not allow my younger son to clean chamber or septic tank. Except cleaning septic tank he is ready to do cleaning work."

पुलिस थाना पीपलरावा

जिला देवास मध्य

मर्ग क्र - 17,18,19,20/31.7.17 धारा - 174 जा.फौ.

नामसूचनाकर्ता :- अरुण खाल पिता मुन्ना खाल उम्र 22 वर्ष नि. विकास नगर देवास

नाममृतक :- 1. विजय पिता केलाश उम्र 21 वर्ष नि. विकास नगर देवास हाल इटावा

2. रिंकू पिता दिनेश उम्र 17 साल मेहतर नि. विकास नगर देवास

3. ईश्वर ठाकुर पिता इन्दर उम्र 38 वर्ष नि. विकास नगर देवास

4. दिनेश पिता जगराम गोयल उम्र 40 वर्ष नि. विजय नगर देवास

घटना स्थल : कमल सैधव का मकान लेट्रिग टैंक ग्राम बरदु

घटना दिनांक व समय :- 30.7.17 के 21.00 बजे रात करीब

सूचना दिनांक - 30.7.17 के 10.10 बजे रात

कायमी कर्ता - ASI PS परमार चोकी बालोन थाना पीपलरावा

मृत्यु का कारण - लेट्रिग टैंक में डूबने के कारण

असल कायमी कर्ता ASI MS परमार थाना पीपलरावा

जांच कर्ता - ASI PS परमार चोकी बालोन थाना पीपलरावा

इस समय सूचना हे की चोकी बालोन से आर. 277 बाबूलाल ने देहाती नालसी मर्ग क्र. 03,04,05,06/17

की कायमी असल मर्ग कायमी हेतु थाने पर लाकर पेश की जिसकी नकल हस्त जेल है मैं ग्राम विकास

नगर देवास का रहने वाला हु हमारे पास रहने वाले दिनेश भय्या ने ग्राम बरदु मे कमल पिता भागीरथ

सैधव का लेट्रिग टैंक खाली करने का ठेका लिया था आज सुबह करीब 12 बजे मे तथा विजय मेहतर

, रिंकू मेहतर ईश्वर ठाकुर व दिनेश गोयल ग्राम बरदु आए थे हम पंचो ने लेट्रिग टैंक खाली करने लगे

लेट्रिग टैंक दो पार्टिशन मे बना था जिसमे एक टैंक खाली कर मे ट्राली खाली करने के लिये जंगल मे

गया था ये चारो लेट्रिग टैंक के पास ही थे वहा बहुत सारी भीड़ एकत्रित थी मीने आकर देखा तो ये चारो

लेट्रिग टैंक मे गिरे पड़े दिखे फिर वहा पुलिस व गाँव वालों ने बाहर से JCB बुलवा कर बाहर निकाले तो

विजय , रिंकू , ईश्वर ठाकुर तथा दिनेश को मृत्यु हो चुकी थी रिपोर्ट करता हु कार्यवाही की जावे । SD

हिन्दी मे अरुण नोट उपरोक्त विवरण ले मामला मर्ग मुस्तबा का पाया हजर्ने से मर्ग कायम कर जांच मे

लिया गया SD हिन्दी मे हिन्दी मे प्रह्लाद सिंह 30.7.17

नोट - सूचना पर से मर्ग क्रमांक 17,18,19,20/31.7.17 धारा 174 जाफौ की कायम कर जांच ASI

PS परमार के जिम्मे कि गई ।

प्रतिलिपि - श्रीमान SDM महोदय सोनकच्छ की ओर सूचनार्थ ।

TC प्रह्लाद अधिकारी,
पुलिस चौकी बालोन
पुलिस थाना पीपलरावा देवास मध्य

(A copy of the FIR filed for the incident.)

In a similar pattern of deliberately following the due legal process in the deaths of manual scavengers across the country. Even in this incident, the accused Sarpanch of Bardu village got away and according to the FIR, the cause of death was written as "drowning in latrine tank". While, according to members of the family, water was deliberately poured into the tank later. The main reason of death according to them was poisonous gases. The families asserted that now they have begun their fight against this injustice and they will ensure the arrest of the culprit.



Manual Scavenging : a living curse of Indian Society

No prosecution was carried out in this case and none of the family members got government job or scholarship for education. As the brother of one of deceased person is ready to do cleaning job; it shows that manual scavenging work is being replaced by the family of the dead. Our country's Prime minister argues that manual scavenging is a spiritual experience. In his words *"A priest cleans a temple every day before prayers, you also clean the city like a temple"*. However, the reality is that those engaged in manual scavenging work are not doing it just to sustain their livelihood but are forced to do it because of the caste they are born into. And also because of lack of any alternative livelihood to survive. It is therefore necessary to look at manual scavenging from the lens of caste. It is the Bramhanical mindset that would never relate manual scavenging to a caste based occupation, which a particular community has been forced into from thousands of years.

From 2014 government of India started separate tax to fund for Clean India Mission but there is no provisions for sewer workers in it. In fact, the budget allocated for rehabilitation of manual scavengers has been reduced to merely 5 crores. The question arises then, Swaccha Bharat for whom? We recently celebrated the fourth anniversary of Clean India Mission and time has come again for politicians, cricketers and Bollywood celebrities to capture photos while cleaning streets, railway stations and uploads them in social media. However, for the communities engaged in manual scavenging, Swaccha Bharat Mission is further going to institutionalize dalit community into sanitation work. In another words, it would replace older caste hierarchy into a new caste hierarchy fit for so called 'modern industrial' society.

While majority of the states in India have claimed that there are no manual scavengers in their state. According to an [ongoing survey of manual scavengers by NSKFDC](#) (National Safai Karamcharis Finance & Development Corporation), it has identified 20,596 manual scavengers so far in 18 states. A report released in September 2018 by the National Commission for Safai Karamacharis, said one manual scavenger has died every five days in India since January 1, 2017. Safai Karmchari Andolan led by Bezwada Wilson protested the deaths of 6 sewer workers in New Delhi, the protest called #StopKillingUs has mobilized many like minded people to send strong message to the government. Bezwada Wilson said, "we are not a second class citizens of this country, we want our constitutional rights and we won't give up until those rights are guaranteed." It is shame for the country like India, that in 21st century our government is using manual scavengers to clean septic tanks. PM Narendra Modi's vision is to send astronaut in 2022 but he is not willing to end manual scavenging by incorporating new technology. Government is spending crores of rupees to import technology for Bullet train, Rafale but they don't have money to import technology to clean sewer tanks. Government is not willing to end manual scavenging because this is the last form of slavery, which they want to continue to maintain caste system. It's time for us to think and act on how we can break this social structure and make Dr. B. R. Ambedkar's dream come true of *Annihilation of Caste*.