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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)

File No. 27/4/Prevention of Sewer Death/2020-ESDW

5th Floor, Lok Nayak Bhawan  
Khan Market, New Delhi-110003  
Dated: 26.06.2020

To,  
The Chief Secretary/Administrator  
All States/Union Territories

**Sub: Advisory to States/UTs for Prevention of Sewer Death-reg.**

Sir/Madam,

Whereas, it has been brought to the notice of the Commission that the Provisions of "The Prohibition of Employment as Manual Scavengers & their Rehabilitation Act, 2013" are not being properly followed. In view thereof, attention is drawn to the following:-

(a) Rule 3(1), (4) & (5) of Prohibition of Employment as Manual Scavenger and their Rehabilitation Rules, 2013 (PEMSR Rules 2013), provides that it shall be the duty of the local authority to ensure that no person is allowed to clean a sewer manually, without the protective gear and safety devices under these Rules. Hon'ble Supreme Court of India in its order dated 27.03.2014 in contempt petition no. 132/2012 in WP(Civil) No. 583/2003 directed that entering sewer lines without safety gears should be made a crime even in emergency situations. Hon'ble Supreme Court of India has also stated that the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:- for eventual death while cleaning sewers, in each such death, compensation of Rs 10 Lakhs should be given to the family of deceased.

(b) Rule 7(v) of the PEMSAR Rules 2013 provides that employer shall ensure that the person engaged for cleaning sewer has life insurance policy of at least Rs 10 lakhs and the premium of such policy shall be paid by the employer. If the employer fails to ensure the life insurance policy, the liability of the accused shall be borne by the employer. The life insurance policy payment shall also be made to the families of the victims in addition to the compensation to be paid.

(c) If the victim of sewer death belongs to Scheduled Castes category then Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 [PoA Act, 1989] (as amended) is also to be invoked and the family of the victim is to be provided compensation of Rs 8.25 lakhs (Rs 4.125 lakh on FIR/Post-mortem stage & balance after the chargesheet) under the Prevention of Atrocities (PoA) Rules. The family of the victim may also be rehabilitated and relief like house, education to children of victims, job to one member of the family etc. are to be provided as per PoA Rules.

2. Further, if a person dies during cleaning of sewers/septic tanks, the following steps shall be taken:

- FIR should be lodged under the relevant sections of IPC, the relevant section 7/9 of Manual Scavengers and their Rehabilitation Act, 2013 and also under section 3(1) j of PoA Act, in case victim belongs to SC category.
- Effective steps be taken for timely investigation of the case & prosecution.
- The departments concerned to conduct necessary departmental enquiries to find out the lapses and take action against the officers found guilty.

**The above provisions may strictly be followed.**

**Yours faithfully**

  
**(Kaushal Kumar)**  
**Director**