

टी. आर. मीना,
सचिव

T. R. Meena, IAS

Secretary

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MUTHIALPET CIRCLE
No. 168/MCI/CR/16
Date 6 MAR. 2016



Office of the Sr. Supt. of Police
& Order, Pondicherry.
No. 568
Date: 29.2.16

भारत सरकार

राष्ट्रीय सफाई कर्मचारी आयोग

सामाजिक न्याय एवं अधिकारिता मंत्रालय

'बी' विंग, चतुर्थ तल, लोकनायक भवन, खान मार्केट, नई दिल्ली-110 003

GOVERNMENT OF INDIA

NATIONAL COMMISSION FOR SAFAI KARAMCHARIS

MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT

'B' Wing, 4th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110 003

OFFICE OF THE IGP
PUDUCHERRY
No. 297/CR/16
Date: 29.2.2016

D.O. No.11059/07/2013-R&D/10

OFFICE OF THE DIGP
PUDUCHERRY
No. 405/CR/16
Date: 25.02.16

Dated: 5th February, 2016

1405/30N/CR/16
02/03/16

Government of India is committed to eliminate the pernicious evil of "Manual Scavenging" which has been declared a criminal offence. A meeting was convened by the National Commission for Scheduled Castes on 24th June, 2015 in Vigyan Bhawan, New Delhi in which the senior State level functionaries including the Police officers of many States took part. The meeting was convened to review the action taken for preventing atrocities against Scheduled Castes, allocation and utilization of funds under SCSP, representation of SCs in services. Also one of the important agenda in the meeting was to sensitize the Police officials and civil authorities in the States to implement "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013".

2. There was one separate session on implementation of "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013". As you are aware, the said Act came into force w.e.f. 06.12.2013. The role of the Police authorities are extremely crucial in so far as booking the cases under the Act if violations of the provisions of the Acts do come to their notice. Section 22 under Chapter VI of this Act reads as under:

"Notwithstanding anything contained in the Code of Criminal Procedure, 1973, every offence under it shall be cognizable and non-bailable".

3. However, the Police authorities in the States are either ignorant or reluctant to book the cases against the offenders under the above Act; (M.S. Act, 2013). The Commission is getting complaints regularly about the violations of the provisions of the Act and cases of Sewer deaths. The Commission is extremely concerned in this regard.

4. Even in the serious violations of the Act like sewer death cases, the police prefers to register cases under IPC rather than this Act. Consequently, the family of the victims is denied the insurance money or a compensation of Rs. 10 lakhs as laid down in the Rules to the Act. The said rules under the Act at Chapter-II Para-7 (v) states as under "The employer shall ensure that the assigned person has life insurance policy of at least Ten lakh rupees and the premium for which shall be paid by the employer".

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SUPD. OF POLICE (EAST)
PONDICHERRY

SP / East
1406
2/1/14

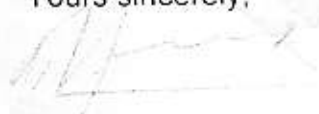
5. Further the Hon'ble Supreme Court vide its judgement at Chapter VIII para 14 (ii) (a) in a Writ Petition (Civil) No. 583 of 2003 dated 27.03.2014 directs as under:-

"Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs.10 lakhs should be given to the family of the deceased".

6. The copy of the Judgement have already been sent to the State Govts for compliance. Therefore, I shall be grateful if you could instruct the field and Distt. level police officials to take action as per the M.S. Act, 2013. Also it would be useful if certain steps are taken to create the awareness about the various provisions of the MS Act, 2013 and sensitize the field level police officers. The Commission may be informed about the action.

Mr. Ranjan

Yours sincerely,



(T.R. Meena)

Forwarded for Necessary action
Mut. PS / Kal. PS / O.P.

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Devi 6.3.16
INSPECTOR OF POLICE
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