



ABSTRACT

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Central Act 25 of 2013) – Enhancement of compensation amount to the legal heirs of the victims of sewerage /septic tanks works in case of death from Rs.10 lakh to Rs.15 lakh, and for subsequent enhancement at the rate of Rs.1.5 lakh once in every three years- Orders-Issued.

Municipal Administration & Water Supply (MA2) Department

G.O.(Ms)No.83

Dated: 07.06.2022

திருவள்ளூர்வராண்டு, 2053

சுபகிருது, வைகாசி மாதம் 24-ஆம் நாள்

Read:

1. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Central Act 25 of 2013).
2. Orders of the Hon'ble Supreme Court of India in W.P.(Civil)No.583 of 2003 filed by Safai Karamcharis Andolan and others Vs Union of India and others, dated 27.03.2014.
3. Interim orders of the Hon'ble first bench of Madras High Court, in its order dated 10.11.2021, in a batch case comprising of W.P Nos.17380/2017,31345/2014 and W.P(MD)No.24243 of 2017 filed by Safai Karamchari Andolan, Change India and others, Dated:10.11.2021.
4. From the Director of Municipal Administration letter Roc. No.17380/2017/H2, dated: 15.12.2021 and 29.01.2022.

ORDER:

The Government is very conscious of the provisions of the 'Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013', and is committed for implementing the same in letter and spirit.

2. The Hon'ble Supreme Court of India in W.P.(Civil)No.583 of 2003 filed by Safai Karamcharis Andolan and others Vs Union of India and

others in its order dated: 27.03.2014, inter-alia had issued the following directions:

"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 death to the family members depending on them."

3. As per the above directions of the Hon'ble Supreme Court, the following procedures are being followed:-

- i. If the victim of a sewer/septic tank work is a person engaged by the Urban Local Bodies, a compensation of Rs. 10 lakh is being paid to the legal heirs of the deceased by the Urban Local Bodies.
- ii. If the victim of a sewer/septic tank work is a person engaged by a private person or contractor, the compensation amount shall be settled by the concerned employer, to the legal heirs of the deceased.
- iii. If the concerned private employer does not have the capacity to pay the entire compensation amount, the balance amount shall be settled by the concerned local bodies/ by the Principal employer from their own fund, to the legal heirs of the deceased.
- iv. If the victim of a sewer/septic tank work is a person employed by the local bodies / Principal employer if any, the concerned local bodies / Principal employer shall pay the compensation amount from their own sources to the legal heirs of the deceased.

4. The Hon'ble first bench of Madras High Court, in its interim order third read above, in a batch case comprising of W.P Nos.17380/2017,31345/2014 and W.P (MD) No.24243 of 2017 filed by Safai Karamchari Andolan, Change India and others, praying inter-alia, to implement various provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and to enhance the compensation amount to the legal heirs of victims, has among others, directed, as follows: -

"2. There is substance in the petitioners' assertion that in case of a death, the compensation of Rs.10 lakh as agreed to be paid by the State may be too low, since Rs.10 lakh was fixed by the Supreme Court in the year 2014 and the cost of living and price indices have uniformly gone up since. The State could use 2014 as the base year and peg the increase to the rise in the wholesale price index or any other relevant index. It is also open to the State to provide for increase of rate by a certain percentage every three years, with a review after nine years. Again, the State has to agree in such regard"

5. In this regard, a meeting was convened by the Chief Secretary to Government on 03.12.2021 to discuss the modalities of implementation of

the above order of the Hon'ble High Court and it has been decided as follows:-

"taking into account the hazard/risk involved in the work, the compensation may be enhanced to Rs.15 lakh from Rs.10 lakh being paid now based on the orders of the Hon'ble Supreme Court in 2014. The compensation will also be enhanced at the rate of Rs.1.5 lakh every 3 year thereafter."

6. In the letter fourth read above, the Director of Municipal Administration has sent a proposal to enhance the compensation to the legal heirs of the victims of sewer/septic tank works in case of death from Rs.10 lakh to Rs.15 lakh and also for subsequent increase at the rate of Rs.1.5 lakh once in every three years.

7. The Government after careful examination of the proposal of the Director of Municipal Administration has decided to accept the same and order to enhance the compensation amount from Rs.10 lakh to Rs.15 lakh to the legal heirs of the victims of sewer/septic tank works in case of death with effect from the date of issue of this order, duly following the procedures as mentioned below and also for subsequent enhancement at the rate of Rs.1.5 lakh once in every three years:

- i. If the victim of a sewer/septic tank work is a person engaged by the Urban Local Bodies, a compensation of Rs. 15 lakh shall be paid by the Urban Local Bodies, to the legal heirs of the deceased.
- ii. If the victim of a sewer/septic tank work is a person engaged by a private person or contractor, the compensation amount shall be paid by the concerned person/contractor/employer, to the legal heirs of the deceased.
- iii. If the concerned private employer does not have the capacity to pay the entire compensation amount, the balance amount shall be settled by the concerned local bodies/ by the Principal employer from their own fund, to the legal heirs of the deceased.
- iv. If the victim of a sewer/septic tank work is a person employed by the local bodies / Principal employer if any, the concerned local bodies / Principal employer shall pay the compensation amount from their own sources to the legal heirs of the deceased.

8. This order issues with the concurrence of the Finance Department vide its U.O.16342/Finance(MAWS)/2022, dated:25.04.2022.

//BY ORDER OF THE GOVERNOR //

SHIV DAS MEENA

ADDITIONAL CHIEF SECRETARY TO GOVERNMENT

To

The Principal Secretary/Commissioner, Greater Chennai Corporation,
Chennai-600 003.

The Principal Secretary/ Managing Director, Chennai Metropolitan Water Supply and Sewerage Board, Chennai-600 028.

The Commissioner of Town Panchayats, Chennai-600 028.

The Director of Municipal Administration, Chennai-600 028.

The Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai-600 005.

The Principal Secretary to Government, Rural Development & Panchayat Raj Department, Chennai-600 009.

The Principal Secretary to Government, Adi Dravidar & Tribal Welfare Department, Chennai-600 009.

The Director of Rural Development and Panchayat Raj, Pungal Building, Chennai-600 015.

The Director, Adi Dravidar Welfare, Chennai-600 005.

The Director, Tamil Nadu Adi Dravidar Housing and Development Corporation Limited, Chennai-600 018.

The Director, Tribal Welfare, Chennai-600 005.

The Member-Secretary, Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes, Chennai-600 006.

All District Collectors.

All Commissioners/Executive Officers of Urban Local Bodies.(through the Director of Municipal Administration/Commissioner of Town Panchayats)

The Government Pleader, High Court of Madras, Chennai- 600 108.

Copy to:

The Secretary, National Commission for Safai Karamcharis, Lok Nayak Bhawan, Prithviraj Ln, Sujan Sing Park North, Sujan Singh Park, New Delhi- 110 003.

The Secretary, National Commission for Schedule Castes (Tamil Nadu), 2nd Floor, Block-5, Shastri Bhawan, Chennai-600006.

The Office of the Hon'ble Chief Minister, Chennai-600 009.

The Office of the Hon'ble Minister for Municipal Administration, Chennai-600 009.

The Principal Private Secretary to Chief Secretary to Government, Chennai-600 009.

The Senior Private Secretary to Additional Chief Secretary to Government, Municipal Administration and Water Supply Department, Chennai-600 009.

The Law (MAWS-Scrutiny) Department, Chennai-600 009.

The Finance(MA&WS)Department, Chennai-600 009.

The Municipal Administration and Water Supply (OP.II) Department, Chennai-600 009.

//FORWARDED BY ORDER//

Amalraj
7/6/2022
SECTION OFFICER