

**Death of Kitta Koraga, Safai Karamchari, in Kinnigoli,
Dakshina Kannada— A PUCL Investigation
A Preliminary Report**

One of the darkest blots on our development process is the fact that even after 64 years of independence, we still have the heinous practice of manual scavenging. Today, I would like you to pledge that this scourge will be eliminated from every corner of our country in the next six months.

Prime Minister, Dr Manmohan Singh's speech at the Inaugural Session of
the
Conference of State Ministers of Welfare and Social Justice, 16th June,
2011

In yet another tragic incident of death by manual scavenging in Karnataka, Shri Kitta Koraga, 45 years old, succumbed to asphyxiation while engaged in cleaning a soak pit in Kinnigoli town, Dakshina Kannada district on 6.11.11. On 7.11.11, PUCL, Bangalore, was contacted by Shri Balraj, member of Koragara Abhivrudda Sanghada Okkoota, a community-based organization devoted to the welfare of the Koraga community in Mangalore and Dakshina Kannada districts. Accordingly, a 2-member team of PUCL was formed, consisting of Ramdas and Raghupathi, both members of PUCL Bangalore, to visit Kinnigolli and do a fact-finding investigation of the incident.

The team reached Kinnigolli town on 8.11.11 in the morning, visited the spot of the incident, and spoke to the eyewitnesses of the incident, family members of the deceased victim and other members of the Koraga community. The team pieced together the following account of the incident:

Shri Kitta (45 yrs old), Shri Suresh (25 yrs, nephew of Kitta), Shri Sadashiva (36 yrs, brother-in-law of Kitta), Shri Nemraj and Prakash (all belonging to the Koraga community) were asked by Vincent Saldanha, owner of Abhinandan Hotel in Kinnigolli town, to come to the hotel and

clean the septic tank in the hotel premises. When they met Vincent at 12.30 pm, he asked them to come back to the hotel later in the evening, probably because it would not attract any attention after it got dark, considering that it was a prohibited activity. We were told by people in the Koraga community that it was a common practice for them to be hired to do manual scavenging work at night.

When Kitta and his team went to the hotel at 7.30 pm, they were at first hired for Rs. 6000 but eventually, it was agreed that they would be paid Rs. 5500. At 8.30 pm, they started clearing the pit in the backyard of the hotel, an operation they had to perform in one dim light since the hotel didn't provide any other light. (This was corroborated in the FIR filed by the police.) They were told by the hotel owner that it was a pit 6' deep, but it turned out to be more than 20' deep. After clearing the liquid at the top, around 9 pm, Sadashiv, Suresh and Nemiraj started taking out the excreta with a bucket and a tin box, when Kitta, who was peering down from the edge, suddenly became asphyxiated by the deadly methane gas and fell into the soak pit. Sadashiv and others in the team immediately tried to rescue him but could not.

On being contacted, the police came and they contacted the fire services department who tried various methods of extracting Kitta's body but failed. Kitta's body remained in the pit unattended till 5 am, when a jetting machine was procured, but it didn't work because of lack of diesel fuel. Neither the police nor the fire services department made any effort to take out Kitta's body. Finally, the police asked Suresh, another member of the Koraga community, to go down and extract Kitta's body. The police tied a rope around Suresh's waist, and sent him down. He was immersed completely in the pool of excreta, but couldn't bear the noxious gas and came up feeling dazed. He went down a second time, and found one of Kitta's legs, grabbed it, tied it with a rope, and pulled out the dead body. It was 6 am, 9 hours after Kitta succumbed to his death. Kitta's body was brought to his house in Ullanje, a village near Kinnigolli, and cremated at 4 pm.

The Team would like to point out that this practice adopted by the police to send another member of the koraga community inside the very same pit where Shri Kitta Korga had died of asphyxiation is shocking, to say the

least. This action of the Police betrays the manner in which the system of manual scavenging is being viewed by the State authorities. **Despite the fact that Shri Kitta Koraga had died due to the extremely hazardous gases in the soak pit, the Police once again sent Shri Suresh, another member of the Koraga community, inside the very same *kakkas gundi* to lift the body of Shri Kitta Koraga. This outrageous action of the Police must act as an eye opener to the State Government towards its failure to ensure that the practice of manual scavenging is abolished, and immediate steps be taken towards the complete and full rehabilitation of all persons involved in manual scavenging.**

The Aftermath of the Incident: The Case of the Defective FIR

Immediately after Kitta's body was pulled out on 7th morning, the SI of Mulky Police station visited the scene of the incident, talked to the survivors as well as the hotel owner, and filed an FIR according to which Kitta's death was the result of his slipping into the pit due to the dim light provided by the hotel; the FIR stated that his death was "an accident" caused by the "negligence" of the hotel owner, who was charged under Section 304 (A) (death due to negligence) of the Indian Penal Code. In fact, the police stated that it was not a septic tank at all, but "a water tank" into which Kitta fell. This produced an outrage among the Koraga community who suspected a ploy to get the hotel owner off the hook by steering the case away from the offence of manual scavenging. So they staged a protest and demanded that the ACP should come and inspect the site of the incident. Finally, the ACP came to the site and determined that it was indeed a soak pit, and Shri Kitta had died while cleaning the septic tank. So a Special Report was appended to the FIR, which clarified that the death of Shri Kitta was caused by manual scavenging, a prohibited offence inviting punishment under the 'Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act and the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act.' Vincent Saldanha has been remanded in judicial custody and was to be produced before the jurisdictional magistrate court.

Reactions of the District Administration and the State Government

The team met the Deputy Commissioner (Channappagowada),

Commissioner of Police, Mangalore Seemant Kumar Singh, the Director of Social Welfare and ITDR, jurisdiction ACP, Sub Inspector of Police of Mulky, Chief Executive Officer of Zilla Panchayath, the PDO of Grama Panchayat and other district and state government officials who visited the site on 8th morning . The PUCL team and members of the Koraga community discussed the matter of how the police had mishandled the case. The Commissioner of Police assured us that after his visit to the site later that night, a Special Report had been appended to the FIR which made it clear that it was not only a case of ‘negligence’ resulting in death but also a case of manual scavenging, which was prohibited under the law, and hence the hotel owner would be fully prosecuted under the SC and ST (Prevention of Atrocities) Act as well as Employment of Manual Scavenging and Construction of Dry Latrin (Prohibition) Act 1993.

The Deputy Commissioner stated that the district administration had made every effort to stop this practice and had procured the necessary equipment, including a jetting machine and a pump, to clear out the excreta from septic tanks in the area. This equipment was available for this purpose, for a charge, to anyone who approached the municipality. However, sometimes, as in this case, private parties illicitly hired the services of safai karamcharis for this purpose. They would be duly punished under the law. The PUCL team and members of the Koragara Okkoota urged him to grant compensation and arrange rehabilitation for the surviving family members. He assured us that compensation would be granted soon after consultations with the Minister of Social Welfare Shri Narayanaswamy who was touring the area. We also appealed to him to carry out a complete rehabilitation of the entire Koraga community in order to wean them away from this inhuman practice into which they were forced by economic compulsions and social sanction. The Deputy Commissioner stated that he would favourably consider any suitable measures for this purpose, and asked the Koraga Okkoota to submit any proposals in this regard. Compensation would be granted to the surviving family members soon. He announced that a special meeting would be held shortly with members of the Koraga community to discuss compensation and other followup measures

Later, in the afternoon, the PUCL team and members of the Koraga Okkoota met the Social Welfare Minister in Mangalore and briefly discussed the issue with him. The Minister announced that a sanction of Rs. 1 lakh had been granted and would be immediately provided to the

family and also paid on 9/11/2011, and an additional grant of Rs. 1 lakh would be released soon. As for rehabilitation of the Koraga community, he stated that loans would be provided for buying/ hiring equipment for cleaning septic tanks to Panchayats.

The PUCL team then spoke over the phone to the Superintendent of Police, Civil Rights Enforcement Directorate, Mangalore, about the incident, and the need to immediately ensure the payment of just compensation. He also revealed that his office had sent out a circular stating that in such cases of death by manual scavenging, not only the perpetrator of the offence but even officials of the district administration who had allowed the commission of such an offence could be regarded as 'accused.'

Family of the deceased Safai Karmachari

The PUCL team then visited the house of Kitta Koraga in Ullanje village, and met the family members. Girija (35 years old), Kitta's wife, told us they had been married for 15 years, and had 2 daughters, Asha (13) and Latha (11 yrs old) who were studying in the 8th standard and 6th standard respectively in a Kannada medium school nearby. She revealed that Kitta, who had studied upto 5th standard, worked as a mason 3 or 4 days in a week, and earned Rs. 250 as daily wages. When he didn't get masonry work, he would go for manual scavenging work in order to supplement his income. Girija worked as a beedi worker alongwith her mother (who lives nearby) and earned Rs. 250 a week.

Girija also mentioned that the house they lived in was bought for Rs. 2 lakh with the compensation of Rs. 5 lakh they got for giving up their land for an SEZ in the area.

Manual Scavenging in Koraga Community in Dakshina Kannada: A Brief Sketch

Shri Balraj, member, Koraga Abhivruddhi Sanghada Okkuta, gave us the following account of the Koraga community in Dakshina Kannada:

The total population of the Koraga community in Mangalore, Udipi and Kasargod (Kerala) districts is about 22000; about 15,500 live in Mangalore, Udipi and Uttara Kannada districts. The Koragas belong to

Scheduled Tribes and are recognised as a primitive tribe, and were once part of the adivasi community, living close to the forest. Originally, no untouchability existed among the adivasi community, and it was only in the last 60 or 70 years that the Koragas were inducted into manual scavenging, perhaps due to increasing urbanisation which made provision of individual toilets in households necessary. Hence, while we were not an untouchable community when we were part of the adivasi community, now even other sections of dalit community practice untouchability towards us. Socially, we are ostracised. However, in terms of political mobilization, leaders of Dalit communities do interact with us and support us in our struggles.

Unlike malekudiyas, another adivasi tribe in the area, who remained near the forests and stayed together, the Koragas, thanks to taking up the occupation of manual scavenging, are scattered all over this area. There are about 8 families in Kinnigolli and another 20 or so families in Mangalore who are doing manual scavenging. (Two year, there was a case in Mangalore of 3 deaths by manual scavenging.) Koragas undertaking manual scavenging are also to be found in Shimoga, Thirthahalli, Hosanagara and so on.

The local panchayats here generally use a sucking machine for cleaning pits, but private parties (as in this case) prefer to hire Koragas rather than hire a sucking machine (which costs Rs. 2000). This is for 2 reasons: First, the machines are found to be less efficient in removing solid waste at the bottom which is hard and dry. Second, there is a general assumption that this kind of work is supposed to be done by Koragas since they have always done it. Since manual scavenging is prohibited under law, they surreptitiously contact Koragas and ask us to do this job only at night out of public gaze.

In the last 10 years, the Koraga population has actually declined by 3%, according to 2001 census figures. This is due to pressure of family planning exerted by the state agencies, but also due to nutritional deficiencies and health problems which are taking a very high toll of the community. In fact, very few of our men survive beyond the age of 40 years. It is to be noted that Dakshina Kannada district has, in terms of the Human Development index, very high literacy and health indicators, matching those of Europe. However, nobody is paying attention to the

state of our community. But we have resolved to free ourselves of this degrading occupation once and for all. The death of Kitta Koraga will strengthen our resolve to ensure that this is the last death of a member of our community due to manual scavenging. Most of our younger generation have acquired education, and many of our young men have studied at the undergraduate and even post-graduate levels. Some are working as teachers and lecturers.

We have instituted an Open Court to hear complaints from members of the community. Most complaints relate to harassment faced by women or child marriages. A group of 'pancharu' meets and attempts to resolve these complaints.

Application of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989'

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 was enacted in the year 1993 to bring an end to the degrading, dehumanising and obnoxious practice of manual scavenging which involves persons physically and manually removing human excreta with hands and carrying the excreta from the latrines or pits to the dumping sites. The dehumanising practice of manual scavenging is closely interlinked with untouchability, with only persons belonging to dalit communities performing this work. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, makes any act done to violate the dignity of a member of a Scheduled Caste or a Scheduled Tribe by a non-Scheduled Caste or non-Scheduled Tribe person an offence under Section 3 (1) (iii) of the Act.

The Ministry of Home Affairs has issued Advisory (Press Information Bureau, Government of India, Ministry of Home Affairs dated 02-May-2011) to States/UTS and Concerned Ministries/Departments to Check Crimes against SC/ST, noting that that manual scavenging still persists in India despite being outlawed. The advisory noted that no one has been punished in 17 years of the existence of the Employment of Manual

Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Expressing deep concern about the continuance of this shameful practice which violates human dignity and Articles 14, 17, 21 and 23 of the Constitution, the Government of India re-emphasizes that urgent action should be taken by the State Governments and UT Administrations to completely eradicate this practice. The Advisory stipulates that the following measures be taken by the State Governments and UT Administrations:

- Vigorous and conscientious enforcement of the statutory provisions and the existing legislations relating to crimes against Scheduled Castes and Scheduled Tribes should be undertaken. It is reiterated that manual scavenging is punishable u/s 14, read with Section 3(1)(a), of the Employment of Manual Scavengers and Construction of Dry Latrines(Prohibition) Act,1993. However, the enforcement of the Act by State Governments/ UTs is generally
- Further, in terms of Scheduled Castes and Scheduled Tribes (POA) Act, 1989, any act done to violate the dignity of a member of a Scheduled Caste or a Scheduled Tribe by a non-Scheduled Caste or non-Scheduled Tribe person would amount to an offence under Section 3 (1) (iii) of the Act. It may be noted that **engaging or employing a member of a Scheduled Caste or a Scheduled Tribe to clean, handle or carrying human excreta amounts to violating his or her dignity and therefore, may fall within the ambit of Clause (iii) of Sub Section (1) of Section 3 of the Act. Therefore, such cases of manual scavenging may be pursued under appropriate Sections of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989'**

Observations and Demands of the Team

The practice of manual scavenging is rampant in various regions of the state of Karnataka. This is not the first such accident and definitely not the last.

The death of Shri Kitta Koraga was a result of the violation of the Employment of Manual Scavenging and Construction of Dry Latrines (Prohibition) Act, 1993, by the owners of Abhinandan Hotel and the failure

to implement the Act by the District Administration of Mangalore District. This incident clearly shows that the practice of manual scavenging that is prohibited continues to be practiced rampantly not only in this district but everywhere in the state. There are no steps that have taken whatsoever towards rehabilitation of persons involved in manual scavenging.

Demands

1. It is essential that the practice of Manual Scavenging is immediately stopped everywhere in Karnataka, and the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 be enacted on war-footing
2. A comprehensive and exhaustive survey be conducted in the entire state of Karnataka of all persons performing the work of manual scavenging and their living and social conditions.
3. Every single person performing the work of manual scavenging, irrespective of the time period for which they have performed this work, be made beneficiaries of the comprehensive rehabilitation scheme formulated under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

The District Administration has failed to make payment of compensation to the family of the deceased.

When the Team visited the family of the deceased two days after the incident, no compensation had yet been paid to the family of the deceased except 1 lakh . The death of Shri Kitta is the direct result of the failure of the district administration to perform its duty and the violation of the law by the owners of Abhinandana Hotel . It is essential to note that, when similar incidents occurred in Bangalore and K.R.Nagar in Mysore District, the Administration in each of the cases agreed to award compensation of Rs. 5 lakhs, a house and a government job to the families of each of the deceased. However, in this case, no such action had been forthcoming from the District Administration.

Demands

1. Adequate compensation of Rs. 10 lakhs be immediately provided to the family of the deceased.
2. The District Administration should provide the rehabilitation scheme formulated under the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 to the family of the deceased.
3. The district administration should provide the wife of the deceased with adequate means to support herself and her family.

The Police must ensure that proper investigation is carried out in order to ensure that the persons including all the erring officials are punished.

While the jurisdictional Police has taken the immediate step of registering an FIR against the owners of the house and the municipal officers, it is essential that proper investigation be carried out to ensure that all the erring officials are brought to book. As per the information given to PUCL, only the owner of the private house and his son had been arrested in connection with the said case. It is necessary that the concerned State officials responsible for the death of the Shri Kitta Koraga be immediately arrested.

In the last five month, there have been three reported instances of workers dying while performing the work of manual scavenging.

- On 9th July, 2011, Shri Mahadeva (aged about 30 years) and Shri Arjun (Aged about 21 years) died of asphyxiation while cleaning a *kakkas gundi* at the Poornarama Coffee Estate at Kenchamma Hoskote, Alur Taluk, Hassan District.
- On 24/10/2011, Shri Kutty Prasad, Shri Nagendra Babu, and Shri Ravi, all residents of Kennedy Lane in KGF, died while cleaning a *kakkas gundi* in a private house in Ashok Nagar in the town of KGF.
- On 06/11/2011 Shri Kitta Koraga, (aged about 45 years old) died while engaged in cleaning a *kakkas gundi* in Kinnigoli town, Dakshina Kannada district.

These are only the incidents that are reported, and there may be numerous other such cases that are not even brought to light. It is a matter of deep

shame that even in this day where the country is said to be progressing, the blood of workers is being spilt in such large numbers while being made to perform the degrading, dehumanising work of manual scavenging. Despite this practice being banned over fifteen years ago, this practice continues rampantly across the State of Karnataka. It is a matter of deep concern that the lives of workers are being taken away with such impunity, while others belonging to the same community continue to be compelled to perform the same dehumanizing task. It is essential that the State Government immediately look into the issue of manual scavenging and take immediate steps to rehabilitate each and every person performing the work of manual scavenging. **The Government has to act swiftly and effectively if justice is to be delivered and action has to be taken at the earliest as the question here is of the loss of lives. Any delay will only mean loss of more human lives and dignity and no less.**

Enclosed Documents

1. Press cuttings
2. Crime No. /2011 of the Mulky Police Station
3. Advisory issued by the Ministry of Home Affairs to States/UTS and Concerned Ministries/Departments to Check Crimes against SC/ST