

PEOPLE'S UNION FOR CIVIL LIBERTIES – BENGALURU

(Founder: Jai Prakash Narayan)

Address: Ramdas Rao, 59 (II Floor) Shivaji Road, Shivaji Nagar, Bengaluru 560051, Phone: 9449399729

PUCL-BENGALURU CONDEMNS THE DEATH OF TWO MANUAL SCAVENGERS IN SHANTINIVAS APARTMENT NEAR YESHWANTPUR RAILWAY STATION, BENGALURU

On October 18, 2016, two manual scavengers named Venkataramana, 24, a dalit, and Manjunath, 32, died in the septic tank of Shantinivas Apartment, near Yeshwantpur, Bengaluru, due to asphyxiation. The owners/residents of Shantinivas Apartment had employed the deceased persons through a private contractor, and they were not provided with any safety gears which led to their tragic deaths.

Section 7 of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, prohibit employment of persons for hazardous cleaning of a sewers or septic tanks and any contravention of this section is cognizable and a non-bailable offence under section 9 of the above Act. Additionally, offences are made out under section 3(1) (j) of the SC and ST (Prevention of Atrocities) Act, 1989 as amended in 2015 (prohibits manual scavenging), as well as under Indian Penal Code (IPC) section 304 (II) which is for culpable homicide not amounting to murder.

So far, an FIR has been registered only against the contractor for death due to negligence under IPC section 304A, and not against the owners of the apartment. A group of Dalit activists protested in front of the Bengaluru Urban Deputy Commissioner's office demanding compensation. The DC handed over a cheque of Rs 5,00,000/- to a social welfare department officer, which is only 50% of the compensation amount, meant for Venkataramana's family who were not present at the protest venue.

As per the 2014 Supreme Court judgment in *Safai Karamachari Andolan & Ors. Vs. Union of India & Ors*, families of Venkataramana, and Manjunath should be provided a compensation of Rs.10,00,000/- each immediately, and the state government should also take immediate steps towards providing a government job

to one member of the deceased persons families as per the provisions of the 2013 Act and 2014 SC judgment. Family of the deceased Venkataramana, a dalit, should also be provided with an additional Rs. 8,00,000/- compensation as per the SC and ST (Prevention of Atrocities) Amendment Act, 2015.

Based on the above mentioned facts and developments, we, the People's Union for Civil Liberties- Bengaluru, demand:

1. That the owners of Shantinivas Apartment should be booked under IPC Section 304(II), sections 7 and 9 of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013, and section 3(1) (j) of the SC and ST (Prevention of Atrocities) Amendment Act, 2015. They should be arrested immediately for the unfortunate deaths of Venkataramana, and Manjunath.
2. That the concerned officials in the Bruhat Bengaluru Mahanagara Palike (BBMP), which is the local authority under the 2013 Act, should be charged under the above mentioned provisions for blatantly breaching their obligations as per the law.
3. That the local authority act immediately in identifying the manual scavengers in Bengaluru, and rehabilitate them as per the 2013 Act.
4. That the District Magistrate, Bengaluru, should issue a circular immediately to prohibit the practice of manual scavenging in private apartment complexes/private spaces, and failing of which should result in criminal liability of the owners of those spaces.
5. That the hoardings depicting the prohibition of manual scavenging be displayed in different parts of the Bengaluru city.

For more details, please contact Geeta (94482-243171), or Kishor Govinda (9886-334715)