



ABSTRACT

Ban on entry of workers into the Sewerage system and Septic Tanks – Orders – Issued.

Municipal Administration and Water Supply (MW) Department

G.O.(Ms) No.293

Dated: 26.11.2010

Read:

1. Orders of the Hon'ble High Court, Madras Dated 20.11.2008 in W.P.No.24403 of 2008.
2. Government Letter No. 37007/MW 2/2008-3, dated. 05.12.2008.
3. G.O Ms.No.49 Municipal Administration and Water Supply (MW) Department dated. 26.03.2009.
4. Rural Development and Panchayat Raj Department . Letter(1D) No.581, dated: 06.10.2009.
5. Rural Development and Panchayat Raj Department Letter(R.Dis.) No.126, dated: 10.11.2009.
6. Government Letter No.1505/MA 2/2009-2 dated. 04.02.2009.
7. Government Letter No. 35805/MA2/2010-1 dated. 28.01.2010.
8. Letter from Managing Director, CMWSSB and Director of Municipal Administration, in Roc No.CMWSSB/O&M/SE(S)/Spl/2010, dated, 25.11.2010.

ORDER:

The Honorable High Court of Madras in its order dated 20.11.2008 W.P.No.24403 of 2008 had directed that the entry of sanitary workers into the sewerage system under the guise of removing the blocks should be prohibited except under exceptional circumstances mentioned in that order. The High Court had also banned the manual cleaning of septic tanks and had observed that by virtue of the provisions contained in the Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act, 1993, such entry of sanitary workers is impermissible in law and strict penal provisions should be enforced wherever such violations take place.

2. In compliance with the directions of the Hon'ble High Court of Madras, the Government of Tamil Nadu has issued various instructions/orders in the references 2 to

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7 cited for the effective implementation of the ban on entry of workers into sewer systems and mechanization of the sewerage cleaning and maintenance. 71 Jet-rodding machines (used for removing the blocks in the sewer lines) and 73 Desilting machines (used for removing the silt from the manholes) were procured under various sources of funding, including the Member of Legislative Assembly Constituency Development Scheme (MLACDS). Orders have been placed for 19 more Jet-rodding machines and 7 more Desilting machines, and these are under delivery. All cities which have an underground sewerage system will have one or more sets of these machines, and orders have been placed in advance even for cities where the implementation of underground sewerage schemes is nearing completion. Safety equipment and gadgets have been procured. Information, Education and Communication (IEC) campaigns have been undertaken across the State to create awareness among the general public including school children about the indignity and hazards associated with manual scavenging, and how the public can help prevent the occurrence of blocks in the sewer lines. Swift action has been taken against the erring officials/contractors whenever violations of the ban order were brought to the Government's notice. Thus, the Government of Tamil Nadu has made serious and earnest efforts to put an end to the obnoxious practice of manual scavenging and to enforce safety measures while cleaning manholes/sewer lines.

3. Despite the Government's best efforts, in the recent past there have been stray incidents where innocent lives have been lost due to the carelessness of the contractors, with some of the deaths occurring in private premises which engage private sanitary workers to clean their septic tanks/sewer lines and with the urban Local Bodies having no knowledge of such private transactions. Most private establishments and the general public at large are not aware of the fact that the cleaning of a septic tank or sewer line can release toxic fumes and can be hazardous. Sustained efforts to create awareness among the general public about the indignity and hazards associated with manual scavenging are required in order to eradicate this evil practice. The Hon'ble High Court of Madras has taken a serious note of some of the recent violations. With a view to tightening the enforcement of the ban, the Managing Director, Chennai Metropolitan Water Supply and Sewerage Board (CMWSSB) and the Director of Municipal Administration, in the reference 8th cited, have requested the Government of Tamil Nadu to issue a comprehensive Government Order (based on the Hon'ble High Court's directions dated 20.11.2008) reiterating the prohibition of the entry of sanitary workers (barring certain exceptional circumstances) into the public sewerage system or into the sewerage system within private premises, and emphasizing the need to resort to mechanical cleaning systems instead, and recasting/improving the contractor liability clauses in cases where the cleaning of manholes/sewer lines/septic tanks has been outsourced to private contractors.

4. The Government, after a careful consideration of the said proposal, and with a view to further tightening the enforcement of the ban on manual cleaning of sewerage systems (including septic tanks) in both public and private establishments, issue the following orders:

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a. The entry of sanitary workers, whether public or private, into public sewerage systems or into the sewerage systems within private premises, on any pretext, is totally prohibited except under the exceptional circumstances mentioned in the orders dated 20.11.2008 of the Hon'ble High Court of Madras in W.P. No. 24403 of 2008, and reproduced in **Annexure-1** to this G.O. This ban will also apply to entry into septic tanks belonging to public as well as private establishments. The Cleaning and maintenance in all such cases shall be done mechanically with the aid of Jet-rodding machines, Desilting machines, mobile mechanical pumps or such other mechanical devices as the case may be.

b. The Urban Local Bodies, CMWSSB, TWAD Board, and private establishments as the case may be shall arrange for the provision of safety gadgets to all the sanitary workers whose services are availed of by them either directly or through their contractors whenever and wherever they are directed to enter the sewerage lines for those permissible occasions indicated in **Annexure-1** to this order, and all such operations should be done only under the supervision of a qualified staff.

c. The Urban Local Bodies and CMWSSB are directed to ensure that the institutions and enterprises like hotels, marriage halls, cattle yards, educational institutions, and other establishments construct diaphragm chambers to prevent entry of solid waste into the sewerage system.

d. In cities where underground sewerage systems exist, the urban Local Bodies/CMWSSB are directed to take necessary steps to identify individual sewer connections which have been unauthorisedly connected to with the storm water drains and reconnect the same to the sewerage system.

e. The Urban Local Bodies/CMWSSB should create awareness among the general public about (i) the fact that cleaning of a septic tank or manholes or sewer lines can release toxic fumes and can be hazardous; (ii) the ban on entry of workers into septic tanks, manholes and sewer lines; (iii) the availability of mechanical options for cleaning and maintaining the same; and (iv) the bad consequences of throwing solid waste into the sewerage system.

f. The Urban Local Bodies, CMWSSB, TWAD Board, and private establishments as the case may be shall, while engaging a contractor for the cleaning and maintenance of sewerage systems including septic tanks, compulsorily get an undertaking from the contractor as per the format in **Annexure-2** about the duties cast upon him by the High Court directions dated 20.11.2008 and this Government Order and the penalties for violation, if any. Such an undertaking shall also be obtained in respect of all existing contracts even if they had been entered into prior to the date of the High Court directions (20.11.2008).

g. Whenever and wherever the cleaning and maintenance of sewerage systems (including septic tanks) is outsourced to a contractor, the urban Local Bodies, CMWSSB and TWAD Board shall incorporate among others the conditions

4 indicated in Annexure-3 to this G.O as part of the bid documents as well as the agreement entered into with the contractor.

h. Staff of Urban Local Bodies, CMWSSB and TWAD Board found violating any of the provisions of this G.O shall be liable for stringent disciplinary action.

5. The Government of Tamil Nadu reiterates its policy of 'zero tolerance' towards any violations of the ban imposed on manual scavenging and the entry of sanitary workers into sewerage systems (including septic tanks). The Director of Municipal Administration, the Director of Town Panchayats, the Managing Director, CMWSSB, the Managing Director, Tamil Nadu Water Supply and Drainage Board are requested to ensure strict compliance of these orders.

(BY ORDER OF THE GOVERNOR)

K. ASHOK VARDHAN SHETTY
Principal Secretary to Government.

To

The Managing Director, Chennai Metropolitan Water supply and Sewerage Board,
Chennai-2.

The Director of Municipal Administration, Chennai - 5.

The Managing Director, Tamil Nadu Water Supply and Drainage Board, Chennai - 5.

The Managing Director, Tamil Nadu Slum Clearance Board, Chennai-5.

The Commissioner, Chennai Corporation, Chennai - 3.

The Director Town Panchayats, Chennai 600 108.

Copy to:

The Secretary to Hon'ble Chief Minister, Chennai 600 009.

The Senior P.A. to Hon'ble Deputy Chief Minister, Chennai 600 009.

The Personal Secretary to Chief Secretary to Government, Chennai 9

The Finance (W&M/MAWS/Bud.Co.ord/L & A Cell) Department, Chennai - 9

The Municipal Administration and Water Supply (OP 2) Department, Chennai - 9

/Forwarded by Order/

T. Shakila
26/11/10
Section Officer.

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Annexure-1

Exceptional Circumstances permitting use of manual labour with safety gadgets as per the orders of the Hon'ble High Court of Madras in W.P. No. 24403 of 2008.

The Hon'ble High Court of Madras in its order in W.P. No. 24403 of 2008 dated 20.11.2008 has banned entry of sanitary workers into the sewerage system except under four circumstances mentioned in the order as indicated below:

- i. For the removal of concrete/FRP manhole door which gets damaged due to the heavy vehicular traffic and often falls inside the manhole causing obstructions/blocks in the sewer and which results in the blockage of sewerage system, and where mechanical equipments cannot be put into operation.
- ii. For the purpose of inter-linking the newly laid sewer main with the existing sewer main, where it will be wholly necessary to block the main sewer main in the servicing manhole. Entry of sanitary workers on such occasions has to be necessarily permitted, in as much as it is stated that large size sewer i.e., where the diameter is more than 300 mm, blocking the sewer main from the top of the manhole is not possible and only the sanitary worker has to enter the main hole and that too with necessary safety gadgets for blocking the sewer temporarily.
- iii. For the removal of submersible pump sets fixed at the bottom of the suction wells, which goes out of order, for which the sanitary worker has to enter the well again with necessary safety gadgets after emptying the sewage from the well in order to remove the pump set. It is made clear that before allowing any sanitary worker to enter on such occasions, steps should be taken to see that the sewage is totally emptied and thereby further ensure that no poisonous gas remains in the sewage line.
- iv. For the reconstruction of the man hole or rectification of the sewer main due to any damage caused by sinking of man hole covers/sewer line when the sewage pipe line gets blocked or gets obstructed, which results in the system getting surcharged. Here again, before allowing any sanitary worker to enter the sewer line, it is essential that sewage line is emptied by blocking the main holes in the system on either side of the sinking man holes/damaged man holes.

Even in the above four instances, the entry can be permitted, only for the workers with safety gadgets under the supervision of qualified engineer.

K. ASHOK VARDHAN SHETTY
Principal Secretary to Government.

/True copy/

P. Shakti
26/11/10
Section Officer.

Annexure-2

Format of the Undertaking to be given by Contractor in cases where the cleaning and maintenance of Sewerage Systems (including Septic Tanks) is Outsourced

- 1) I (Name, Age, Father's name and Address of the Contractor) am aware of the directions of the Hon'ble High Court of Madras in its order dated 20.11.2008 in W.P.No.24403/2008, and the orders of the Government of Tamil Nadu in G.O.(MS) No. 293, M.A&W.S(MW) Department, dated 26.11.2010, regarding the ban on manual scavenging and on the entry of sanitary workers into the sewerage system or septic tank. I undertake to abide by the said directions of the High Court and Government Order in this regard.
- 2) I shall not allow sanitary workers to enter into the sewerage system/septic tank for cleaning or maintenance operations except in the 4 circumstances permitted in the orders of the High Court in W.P.No.24403, dated 20.11.2008. I am aware that even in these 4 circumstances, I should allow the workers to enter only with adequate safety gadgets and under the supervision of a qualified staff, and only after duly observing all safety precautions including testing for the presence of toxic gases.
- 3) I am aware that violation of the said directions of the Hon'ble High Court and the G.O. will attract punishment under section 14 of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

Signature of the
Contractor with date

K. ASHOK VARDHAN SHETTY
Principal Secretary to Government.

/True copy/

T. Shakti
26/11/10
Section Officer.

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Annexure-3

Additional conditions to be included in the Bid Documents as well as the Agreement with the Contractor in cases where the cleaning and maintenance of Sewerage Systems (including Septic Tanks) is Outsourced.

- The contractor shall strictly abide by the directions of the Hon'ble High Court of Madras in its order dated 20.11.2008 in W.P.No.24403/2008, and the orders of the Government of Tamil Nadu in G.O.(MS) No. 293, M.A&W.S(MW) Department, dated 26.11.2010, regarding the ban on manual scavenging and on the entry of sanitary workers into the sewerage system or septic tank. All cleaning and maintenance operations shall be done only through mechanical devices.
- The contractor shall not allow sanitary workers to enter into the sewerage system/septic tank for cleaning or maintenance operations except in the 4 circumstances permitted in the orders of the High Court in W.P.No.24403, dated 20.11.2008 namely:
 - i. For the removal of concrete/FRP manhole door which gets damaged due to the heavy vehicular traffic and often falls inside the manhole causing obstructions/blocks in the sewer and which results in the blockage of sewerage system, and where mechanical equipments cannot be put into operation.
 - ii. For the purpose of inter-linking the newly laid sewer main with the existing sewer main, where it will be wholly necessary to block the main sewer main in the servicing manhole. Entry of sanitary workers on such occasions has to be necessarily permitted, in as much as it is stated that large size sewer i.e., where the diameter is more than 300 mm, blocking the sewer main from the top of the manhole, is not possible and only the sanitary worker has to enter the main hole and that too with necessary safety gadgets for blocking the sewer temporarily.
 - iii. For the removal of submersible pump sets fixed at the bottom of the suction wells, which goes out of order, for which the sanitary worker has to enter the well again with necessary safety gadgets after emptying the sewage from the well in order to remove the pump set. It is made clear that before allowing any sanitary worker to enter on such occasions, steps should be taken to see that the sewage is totally emptied and thereby further ensure that no poisonous gas remains in the sewage line.
 - iv. For the reconstruction of the man hole or rectification of the sewer main due to any damage caused by sinking of man hole covers/sewer line when the sewage pipe line gets blocked or gets obstructed, which results in the system getting surcharged. Here again, **before allowing** any sanitary worker to enter the sewer line, it is essential that sewage line is emptied by blocking the main holes in the system on either side of the sinking man holes/damaged man holes.

Even in the above four instances, the contractor should allow the workers to enter only with adequate safety gadgets and under the supervision of a qualified staff, and only after duly observing all safety precautions including testing for the presence of toxic gases with a gas detector. Naked flame method of testing the presence of poisonous gases is hazardous and should be strictly avoided.

- Even in the non-exceptional circumstances, consideration of safety of the workers shall be paramount and the contractor shall ensure the same.
- The contractor should indemnify the employer for any loss or damage caused by his negligence or by his non-observance/violations of any labour laws.
- The contractor should take out insurance policies under the Workmen's Compensation Act, 1923 for all the workers engaged by him and a photocopy of the insurance policy should be furnished to the employer. The policy should be kept alive till completion of the contract.
- The contractor should impart safety education to all his workers and train them in the use of safety gadgets.

K. ASHOK VARDHAN SHETTY
Principal Secretary to Government.

/True copy/

Tshakila
26/11/10
Section Officer.