



International Environmental
Law Research Centre

A. Narayanan vs. Chief Secretary, Govt. of Tamil Nadu, 2008

This document is available at ielrc.org/content/e0822.pdf

For further information, visit www.ielrc.org

Note: This document is put online by the International Environmental Law Research Centre (IELRC) for information purposes. This document is not an official version of the text and as such is only provided as a source of information for interested readers. IELRC makes no claim as to the accuracy of the text reproduced which should under no circumstances be deemed to constitute the official version of the document.

Case Note: Petitioner in the writ petition alleged that the employment of workers, directly and through contract labour, to clean manholes and septic tanks, and the practice of asking them to enter the sewage drains without adequate protection are violative of Articles 21,14,17 & 23 of the Constitution. The Court held the respondents were negligent in carrying out previous court orders, and asked for strict compliance by the authorities responsible to ensure that manual scavenging is totally prohibited in the State and that no case of unwarranted deaths takes place by permitting the gullible employees to enter the drainage system in the Metropolitan Cities and cleaning of septic tank in other places.

IN THE HIGH COURT OF MADRAS

W.P. No. 24403 of 2008

Decided On: 20.11.2008

Appellants: **A. Narayanan**

Vs.

Respondent: **The Chief Secretary, Government of Tamil Nadu and Ors.**

Hon'ble Judges:

A.K. Ganguly, C.J. and F.M. Ibrahim Kalifulla, J.

ORDER

A.K. Ganguly, C.J.

1. This writ petition has been filed in public interest by one G. Narayanan, who appeared in person, with a prayer for issuance of a writ of Mandamus directing the respondents to discontinue the employment of human being in cleaning manholes and sewerage lines and septic tanks in the State of Tamil Nadu and with a further direction to direct the respondents to adequately rehabilitate those who are currently employed in cleaning manholes and sewerage lines.

2. The averment in the affidavit accompanying the petition is that the petitioner, a permanent resident of Chennai and the Managing Director of a firm manufacturing Scientific Instruments used for Research and Development, is a public spirited citizen, and a convener of PAADAM, which is an abbreviated form of People's Movement against manufacture, marketing, distribution, advertisement, glamourising of Alcohol and Abuse of Alcohol. The petitioner is also carrying on campaign for the underprivileged and deprived communities and in the instant case, he has taken up the issue of employing manual scavengers for removing human excreta.

3. It has been stated in the writ petition itself that such employment of manual scavengers has already been declared illegal under the Employment of Manual Scavengers & Construction of Dry Latrines (Prohibition) Act, 1993. It has been stated in the petition that the sanitary workers in the State are made to literally go down the drains every day and without safety precautions and supervision and without any emergency medical support, and therefore, they are subjected to these inhuman treatment. It has also been urged that various news papers have highlighted this problem by reporting such incidents of engaging human beings by asking them to work inside the drain for clearing sewerage blocks and septic tanks. It has been

widely reported in the newspapers and it is also an open secret that these workers die frequently due to asphyxia and even though when they die in harness, the concerned authority like Chennai Metro Water Supply and Sewerage Board (herein after referred to as 'CMWSS Board') refuses to pay any compensation citing rules that the workers are contract labourers. It has been alleged that such stand on behalf of the CMWSS Board is not only unfair, but also violative of the fundamental rights of the workers. Such workers die without getting any compensation and the CMWSS Board gets away by showing unethical labour practice. It has been alleged that unfortunate and underprivileged persons from Arundathiyar and Adi Dravidar communities are utilized for keeping the sewer lines flowing smoothly. It has been stated that in Chennai, the sewerage network spreads across 2,800 kms with 80,000 manholes at every 35 metres. When the sewerage line gets blocked, it produces a gas, which is known as Hydrogen Sulphide. This poisonous gas acts as an irritant and asphyxiant affecting Oxygen supply to the brain and stem cells. Inhale of such gas can result in instantaneous suppression of respiration, apart from causing conjunctivitis and headaches. The other gas, which is also normally produced is Methane, which also displaces Oxygen and is also explosive. Normally, the sewerage flow gets blocked as it consist of various items such as non-degradable thermo-coal, plastics, industrial sludge, kitchen and toilet waste, including medical waste, household gadgets, coconut shells, construction debris, etc. The general public is insensitive to the damage they are causing by carelessly throwing down everything into the drains, and in many places, storm water drains are used connecting sewer lines, and the shop keepers throw everything into the storm water drains. It is a very common experience in this City that whenever there is water logging all the manhole pits are opened in order to drain out water as a result everything goes into the drain along with the water. It has been complained that the Government has not done anything to create awareness among the citizens about the use of sewerage and drainage lines to prevent solid wastes getting into the drainage lines. In Indian cities, dimension of sewerage pipes are small compared to the load which it has to bear, which results in the lines often getting clogged.

4. With the abolition of manual scavenging, all these workers are used for cleaning manholes and septic tanks. It has been further alleged that though CMWSS Board claims that they have procured safety equipments, but the number of machines and safety accessories procured are grossly inadequate to the enormous task of sewer maintenance, and the exploitation of asking workers to go inside the drains still continues. It is said that the common practice is asking them to consume alcohol before getting into the drains as without that they cannot stand the stench of poisonous gas with combination of Hydrogen Sulphide and Methane, and many workers die in the process of cleaning the lines, and even if they do not die, they develop respiratory problems and various diseases which are beyond any remedy. According to the petitioner, such employment of workers is violative of Articles 21,14,17 & 23 of the Constitution. As such certain directions were prayed fro from this Court to stop this illegal and inhuman practice.

5. On such petition being filed, this Court passed an order on 13th October 2008. On that date, after looking into the report filed by one G. Elangovan, Chief Engineer (O&M), CMWSS Board and also looking into the newspaper reports and after hearing the learned Government Pleader, the Court directed the Government Pleader to file a detailed affidavit indicating therein how many persons have died in the past after they

have been allowed to go inside the drains and in how many cases compensation has been paid. The Court also gave the following directions:

In the said affidavit, the learned Government Pleader must indicate how many persons have died in the past after they have been allowed to go inside the drains and in how many cases compensation has been paid. The affidavit should also disclose that once mechanical devices are employed for clearing the drains, if the persons who are now engaged for the said purpose mainly as contract labourers lose their jobs, what measures the Government intends to take for their rehabilitation. This Court also gives liberty to the petitioner, who is appearing in person, to file an affidavit giving therein details as to the number of cases in which death has taken place by allowing entry of persons into manholes, but compensation has not been paid. Such affidavit may also be filed within two weeks. The matter will appear in the list three weeks hence at the top. In the meantime, this Court reiterates its previous direction that for the purpose of clearing the blocks in the sewerage and drainage lines, no human being should be allowed to get inside the drainage/sewerage lines and if any drain is chocked, it is the responsibility of the authorities to get it cleared by employing mechanical devices. This Court makes it clear that any violation of this direction will be viewed very seriously.

6. Thereafter, in this matter, affidavits were filed by Mr. Sunil Paliwal, Managing Director of CMWSS Board on 06.11.2008, and a typed set of papers has been filed showing the amount of compensation paid in cases of accidental deaths. In page - 3 there is a list of six workers, directly employed by CMWSS Board, who died. In pages 4 & 5 there is a list of 11 workers who also died and they were contract workers. So, it appears from the report filed by the third respondent that between 24th May, 2003 and 17th October, 2008 about 17 workers, who went inside the drains, to clear the blocks, died. Therefore, the situation is quite alarming.

7. This has also been admitted by the Managing Director of CMWSS Board who also appeared and addressed the Court and gave various suggestions in his affidavit. In the affidavit it has been stated that CMWSS Board is a statutory body and is maintaining the water supply and sewerage system in the Chennai City. The system has been divided into 5 Zones, and each zone has independent zonal sewerage collection, conveyance, treatment and disposal facilities. There are different sizes of sewer main varying from 150 mm to 1000 mm and the total length of sewer main in the city is 2671 km, and there are about 78,861 manholes in the sewerage system, and the total number of house connections in the system are 5,63,094. In all there are 188 Sewerage Pumping Stations in the sewerage system. The CMWSS Board is engaged in the removal of obstruction/blocks in the sewerage canal and desilting at regular intervals.

8. Various modes of removal of sewerage obstruction have been indicated in the said affidavit. It has been stated that the obstruction or blocks in the house sewer and main sewers of shallow depth is done by rodding equipments and jet rodding machines. But for removal of silt the normal methods adopted for desilting are (a) Ball passing method (b) Grab Bucket machines (c) Drag bucket machines and (d) Desilting man machines, which are hydraulically operated.

9. Details of such removal of sewer have been given by saying that there about 100 numbers of sewer cleaning rods are available, and there are 161 Depot Offices for

removal of sewer, totally 175 Grab Bucket machines are available and 13 numbers of Drag Bucket Machines are in use for removal of obstruction/blocks in the main sewers.

10. It has been stated that there are 3 scientifically designed and hydraulically operated desilting machines which have been recently procured and in use, for removal of silt from the manholes. Order has also been placed for procurement of additional 11 hydraulically operated desilting machines to strengthen the existing position. It has also been stated that steps have been taken to procure additional 36 numbers of hydraulically operated desilting machines for effective desilting operations in the sewerage system. About 9137 manholes have been identified as problematic and prone to silting.

11. In the said affidavit a clear stand has been taken that CMWSS Board is committed to ensure that no manual labourer is either engaged or allowed to enter into the sewerage system for cleaning purpose as mechanizing the sewer system cleaning is progressively taking place.

12. Coming to the system of waste water management for the city the deponent submitted that the city has been divided into 5 drainage zones, and the number of households having sewer connections are 5,63,094 and 78,861 manholes are available in the sewerage collection system. The sewerage generated from the houses, offices and other buildings are collected from 176 sq. km area of Chennai city and 8 sq. km of adjacent Urban Area through 2,671 km length of sewer mains at the 188 numbers of sewerage pumping stations and then transmitted to 5 treatment plants having capacity of 486 MLD for treatment and the secondary treated effluent is disposed into the city waterways as per the effluent quality norms stipulated by Tamil Nadu Pollution Control Board. Presently, 99% of the Chennai city is covered by sewerage system, and in the system sewers of various sizes from 150 mm to 1000 mm are laid below the road surface and manholes are provided at an interval of every 30m/45m, at the road junctions, turning points and wherever change in gradient and pipe sizes occurs. These manhole chambers are provided for inspection and maintenance of the sewers like removal of silt deposited in the sewers and also the sewer blocks. CMWSS Board employs 494 of its own sanitary workers for maintenance of sewer system including removal of sewer obstructions/blocks in the sewerage system and for removal of silt accumulated in the manholes of the sewerage system, in addition to 259 labourers engaged through contract for the same purpose.

13. In the said affidavit it has been stated in paragraph - 8 that at present the workers engaged by the CMWSS Board and also the workers engaged on contract basis are carrying out the operation of removal of sewer blocks or desilting of the manholes in the sewerage system by mechanical instruments, and it has further been stated that the Board has given strict instructions to prevent entry of human beings into the manholes of the sewerage system, and strict instructions have been given to comply with the High Court's order. It has been stated that in order to mechanize the system of clearing the blocks various equipments have been purchased at a cost of about 284 lakhs, and those equipments are as follows:

Sl. No.	Type of Safety Equipment	Quantity in No.
1.	Safety Body Harness/Safety Belt	348
2.	Normal Face Mask for any gas or Canister	16
3.	Safety Torch	66
4.	Hand Gloves (PVC, Leather, Rubber, Satin)	334
5.	Safety Goggles	66
6.	Safety Helmet	132
7.	Emergency Medical Oxygen Resuscitator Kit	12
8.	Gas Monitor (4 gases)	66
9.	Safety Showers	28
10.	Head Lamp	66
11.	Reflecting Jacket	800
12.	Guide Pipe Set	160
13.	Safety Tripod (set)	66
14.	Wadder Suit	320
15.	Breathing Apparatus	66
16.	Chlorine Mask	28
17.	Air Compressor for Blower	24
18.	Modular Airlines Supply Trolley System	12
19.	Full Face Mask	173
20.	Safety Gumboots	78

14. It has also been stated that those equipments have been distributed to the sanitary workers through Area Officers of the CMWSS Board, and training has also been imparted to the sanitary workers, and after orders have been passed by the High Court another round of training would be given to the workers for use of those equipments. It has been stated that normally the CMWSS Board employs mechanical equipments for removal of silt and blocks in the sewer system. However, when the mechanical equipments available are not able to clear the obstructions/blocks, then only, the Board permits the sanitary workers to enter into a manhole with safety gadgets. Such entry in the manhole is permitted only in the following situations:

(i) If the concrete/FRP manhole door gets damaged due to the heavy vehicular traffic and falls inside the manhole, it causes obstruction/block in the sewer system. At times, the mechanical instruments available with the Board may not be able to handle such heavy weights. On such occasions a sanitary worker has to enter the manhole and help those on the top to lift the concrete door for bringing it out.

(ii) When a newly laid sewer main has to be interlinked with the existing sewer main, then the existing sewer main has to be blocked, which cannot be done from the top of the servicing manhole, then necessarily the sanitary worker has to enter the manhole with necessary safety gadgets for blocking the sewer temporarily.

(iii) Sometimes the submersible pump sets fixed at the bottom of the suction wells in the sewerage pumping stations go out of order. In such a situation, after emptying the sewerage from the well, in order to remove the pump set, a sanitary worker has to enter the well. But, in this kind of situation the worker is not getting submerged in the sewerage as the sewerage has already been pumped out.

(iv) Sometimes the sewer pipeline in the sewerage system sinks due to various reasons, and because of that the sewerage flow gets affected. In such an event, it is essential to block the manholes in the system on either side of the damaged manhole, in that situation entry of a sanitary worker into the manhole with necessary safety gadgets is required.

15. In paragraph - 12 of the affidavit it is stated that the following steps have been taken to ensure compliance of the orders of this Court dated 15.10.2008.

(i) Meetings have been conducted inviting all the 161 Depot Engineers, 38 Deputy Area Engineers and 12 Area Engineers, and in those meetings non-entry of sanitary workers into the sewerage system was pressed, and the engineers were instructed to take preventive steps to avoid silting of manholes and blocks in the connecting pipes. They were also told to use mechanical devices available to clear the blocks, and to avoid entry of sanitary workers into the system.

(ii) 9,137 manholes, which are prone to silting, have been identified. The Area Engineers, under whose limits, these manholes are coming are given instructions to take preventive steps for avoiding silting in these manholes. They have also been asked to take up periodical de-silting of these manholes using mechanical devices.

(iii) Instructions have also been given to maintain low level (sewage level in the collection well) at the 188 pumping stations, so that silting of the sewerage system can be reduced.

(iv) It has been decided to provide one De-silt Man Machine to each of the Deputy Area Engineers, by purchasing 36 more such machines, and the 12 Deputy Area Engineers among them, who have bigger limits, would be provided with 2 De-silt Man Machines.

(v) It is under the active consideration of the CMWSS Board to improve the guide pipe, which is used to guide the hose of jet rodding machine to the blocked pipe from above, like reducing its weight.

(vi) In an intensive drive made by the CMWSS Board 743 hotels, 292 marriage halls, 210 hospitals, 5 slaughter house, 90 cattle yards and 108 other establishments have been identified that they are functioning without making provision for diaphragm chamber. Notices have been issued to the owners of such establishments asking them to construct the diaphragm chambers within 15 days in order to arrest the solid waste entering into the sewerage system.

(vii) Public have also been requested not to dump solid wastes into the sewerage system by issuing leaflets.

16. So far as the payment of compensation by the CMWSS Board is concerned, it has been stated that compensation has been paid to the workers. It has been stated that under Section 3 of the Workmen's Compensation Act, if any personal injury is caused to a workman, his employer is liable to pay compensation and where the contractor is not making the payment, the principal employer is liable to make the compensation as provided under the Act, and the principal employer can deduct the amount from the payment to the contractor. Accordingly, the compensation amount awarded by the Deputy Commissioner of Labour is deposited before the authority for disbursement. It has been stated that in this regard no violation or refusal to pay the compensation has been made by the CMWSS Board. It is stated that from 2003 till date 17 accidental deaths had been taken place, out of which 6 of them were Board employees, for whom compensation has been paid, and out of the remaining 11, who are employees of the contractor, 2 have been paid compensation as determined by the Deputy Commissioner of Labour. In respect of 2 other employees compensation has been paid by the CMWSS Board and the amount had been recovered from the contractor. Three cases are pending before the Deputy Commissioner of Labour for orders. In respect of the remaining 4 cases, though case is yet to be filed before the Deputy Commissioner of Labour, contractor is taking action to claim the insurance amount by depositing the same before the Commissioner of Labour. Therefore, no case for payment of compensation is pending after the orders passed by the Deputy Commissioner of Labour for settlement.

17. It has also been stated that the Contract Labour (regulation & Abolition) Act is applicable to all the Government Departments as well as Public Sector Undertakings. Section 7 of the said Act makes it mandatory on the part of every principal employer to register himself with the Registering Authority appointed under the Act. The contract labourers engaged by the contractor are licenced under the Act. Following the provisions of the said Act, CMWSS Board has registered itself as a principal employer and the contractors have also obtained licence for engaging workers from the Inspector of Labour. The CMWSS Board as Principal Employer obtained the Certificate of Registration in Form II No. 86/05/CNI, dated 27.12.2005 to 97/05/CNI,

dated 27.12.2005 and the contractors have obtained licences in Licence Nos.4/2008, dated 26.05.2008, 677/CNT, dated 29.05.2008 and 173, dated 22.05.2008.

18. It has been stated that after the orders of this Court dated 15.10.2008 entry of sanitary workers into the manholes in the sewerage system had been completely stopped and steps have been taken to procure additional equipments. So far as creating of awareness among the citizens about not throwing everything into the sewerage line is concerned the CMWSS Board has issued leaflets. Steps have also been taken for publicity through newspapers. In this connection, the CMWSS Board and the Chennai City Municipal Corporation are acting in co-ordination to identify the illegal sewerage connection given to the Storm Water drains so as to take action against the offenders and connect their sewer lines into CMWSS Board's sewer system. About 4,110 illegal sewer connections given to the storm water drains have been identified, and action is being taken to plug those illegal connections, so that they take proper sewerage connection. The CMWSS Board is also proposing to procure about 50 De-silt Man Machines for desilting the manholes in the sewerage system, and the Board plans to provide one such machine to each of the 37 Deputy Area Engineers, and two machines to 12 Deputy Area Engineers among them having bigger jurisdiction. The CMWSS Board is also planning to procure various other equipments.

19. In the affidavit it is denied that workers are allowed to consume alcohol during duty hours. It has been admitted that only some rare situation the sanitary workers were allowed to enter the manholes with safety gadgets. This is only because the city's sewerage system is very old one (about 90 years old), and the improvements cannot be carried out over night. It has been stated that the officers of the Board are ensuring that whenever a worker has to go inside a manhole, he is equipped with proper mechanized gadgets and uniform.

20. In the affidavit 6 months time has been prayed for from this Court for procuring the required additional machineries for the entry of field workers into the system with safety gadgets for removal of broken manhole doors from the manholes or for carrying out the reconstruction of the manholes or removal of pump sets from the well in the sewerage pumping stations and integrating the new sewer with the existing sewer. Time is also prayed for training the existing sanitary workers presently engaged in sewerage cleaning operation to perform their duty with the help of mechanical equipments.

21. We have heard Mr. Narayanan in person, the learned Government Pleader and also the suggestions which were made by the Managing Director Mr. Sunil Paliwal. While passing orders in this writ petition, we also wish to express our anguish to note that the menace of allowing human being to clean manholes without any mechanized device is going on in other places in Tamil Nadu where the common drainage system is not prevalent. In fact, after our order dated 13.10.2008, it was widely reported in the newspapers about the tragic demise of two persons who entered the septic tank in the process of its construction and lost their lives instantaneously due to asphyxia. Again on 17.11.2008, it was reported that two other persons who were directed to clean the septic tank, within the jurisdiction of Sriperumbudur Municipality, lost their lives due to asphyxia. It is really shocking to note that in spite of our orders on 13.10.2008, specifically prohibiting manual scavenging, these two incidents have taken place, which only discloses that the concerned authorities, apart from the CMWSSB, the

Local Authorities, who were in charge of maintaining the drainage system, are unmindful of the value of human lives, and have allowed the scavengers to undertake the work of manually cleaning the septic tank knowing fully well the high amount of risk involved in undertaking such jobs. Submissions attempting to justify such action can never be countenanced.

22. In order to put an end to these menace once for and all, we wish to pass orders for strict compliance by CMWSSB as well as the second respondent herein namely, the Secretary to Government, Municipal Administration & Water Supply Department, Chennai to ensure that manual scavenging is totally prohibited in the State and that no case of such unwarranted deaths takes place by permitting the gullible employees to enter the drainage system in the Metropolitan Cities and cleaning of septic tank in other places.

23. In this context, we take note of the suggestions which fell from the Chairman and Managing Director of CMWSSB, apart from permitting the petitioner to approach the authorities under the Workmen Compensation Act for redressal of the grievance of the dependants of those employees who lost their lives on various dates between 2001 and 2008.

24. Accordingly, we pass the following order:

- (i) It is directed that entry of sanitary workers into the sewerage system under the guise of removing the blocks should be prohibited, except under exceptional circumstances mentioned in this order. Such exceptional circumstances may be for the following: -
 - a) 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.
 - b) 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, inasmuch as it is stated that large size sewer i.e., where the dia 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.
 - c) 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.
 - d) 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.

- (ii) The second respondent herein should issue appropriate directions to all the Local Bodies prohibiting the entry of sanitary workers in the sewage line wherever it is available in the Metropolitan Cities and other cities or septic tanks in other places. The instructions to be issued by the second respondent should make it clear that under no circumstances, no sanitary workers should be permitted to enter the septic tanks of private parties or even in the residential accommodation of the officers of the State Government or any other public authority for the purpose of cleaning such septic tanks. Clearing of filled septic tanks should be carried out only by using mobile mechanical pumps or some other devices and not by allowing any sanitary workers for that purpose. In this context, it is needless to state 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 the strict penal provisions should be enforced wherever such violations take place flouting the directions to be issued by the second respondent.
- (iii) The third respondent-CMWSSB shall arrange for the provision of safety gadgets to all the sanitary workers whose services are availed by the third respondent either directly or through its contractors whenever and wherever, they are directed to enter the sewage lines for those permissible occasions as directed in this order. The third respondent is also directed to ensure that the institutions and enterprises like hotels, marriage halls, cattle yard, educational institutions and other establishments construct diaphragm chambers to prevent entry of solid waste into the sewage system. Such construction of diaphragm chambers should be directed to be made within one month from the date of issue of a copy of this order. It is made clear that violation of the above directions would lead to taking severe penal action, both as against the concerned enterprises and institutions, as well as against the third respondent.
- (iv) The third respondent shall also take necessary steps for identifying 4110 sewage lines which have been unauthorisedly connected with the storm water drains and reconnect the same to the sewage system. The third respondent shall also take necessary action against those violators as per law.
- (v) The third respondent shall also arrange for propagation of the evil practice that is being adopted all these days, apart from creating awareness among the public against throwing of solid waste into the sewerage system. The third respondent shall carry out such programmes on a war footing to ensure that the public are made aware of the consequences of such evil practices which result in grave

consequences of even loss of lives of such sanitary workers in the process of clearing the blocks.

- (vi) Apart from the above directions to the second and third respondent, in order to redress the grievance of those employees who lost their lives in the process of clearing the septic tanks or sewerage system, we are of the considered view that the proper course would be to allow the dependants of such victims to approach the concerned authorities constituted under the provisions of the Workmen Compensation Act. In fact, the statement furnished by the third respondent in the typed set of papers discloses that six of its own employees, as well as 11 of the contract employees who lost their lives between 2003 and 2008 have either been paid compensation under the provisions of the Workmen Compensation Act or their claims under the provisions of the Workmen Compensation Act are being processed or settled. The third respondent himself has stated before us that by virtue of Section 12 of the Act, as a principal employer they are bound to pay compensation even in respect of the contract employees and get themselves indemnified by the contractors. The third respondent has fairly stated before us that it had never hesitated to meet the claim of compensation of the dependants of those victims. That apart, we only direct that in respect of the employees referred to in the said statement and whose services were availed through the contractors, and in respect of whom the compensation is yet to be disbursed, the third respondent shall expedite the process and deposit the compensation with the concerned workmen compensation commissioner expeditiously preferably within a period of three months from the date of receipt of a copy of this order.
- (vii) Apart from the above cases reported by the third respondent themselves, Mr.Narayanan, the petitioner, in his statement has stated that there are very many cases where the loss of human lives as well as personal injuries which have been caused in accidents arising out of employment of sanitary workers in the cleaning of sewerage line, no compensation has been paid so far. In one of the statement we find that such incident had taken place in the year 2001, and according to the petitioner, the dependants of such victim have not been paid any compensation so far.
- (viii) In such cases, we permit the petitioner or any other authorized representative to prefer appropriate claims before the concerned workmen compensation commissioner within whose jurisdiction such incident had taken place. Such claims should be filed along with appropriate application seeking condonation of delay and in the event of such claims being preferred by the petitioner or any other authorized representative, we only direct that the concerned workmen compensation commissioner shall consider the application for condonation of delay by taking note of the helpless situation in which the claimants were placed due to lack of knowledge in approaching the said authority. Delay should be condoned and the claims be decided on merits and appropriate orders be passed in accordance with law as early as possible.

25. With the above directions, this writ petition is disposed of. The second and third respondents are directed to file affidavits in the Registry within six weeks confirming the compliance of the directions issued to them in this order with a copy to the petitioner and the learned Government Pleader. No costs.