

14 June 2017

Sindh Human Rights Defenders Network

## Report on the death of Sanitary Worker Irfan Masih in Umerkot

### Fact Finding Visit to Umerkot, 10 June 2017

**Background:** On 1<sup>st</sup> June 2017, three sanitary workers, Yaqoob, Shaukat and Irfan Masih, fell unconscious while cleaning a deep manhole in Umerkot (Sindh). They were brought to the Civil Hospital Umerkot where Irfan Masih, a young sanitary worker died whereas two others were taken to Karachi for further treatment. Victim's family members claimed and media also reported that he died because the doctor(s) on the duty refused to treat him, asking to first wash his body as he was covered in sludge. The media highlighted the case and it has turned into a high-profile case, reported at national and international levels.

After protests by victims, an FIR was lodged against three doctors and the lower cadre of staff of the Municipal Committee (MC), Umerkot. Medical Superintendent (MS) of Civil/ District Headquarter Hospital of Umerkot was arrested but later released on bail. Civil Society condemned the incident and asked for justice. Minority members in the National Assembly boycotted the proceedings in protest. Sindh government has announced compensation and investigation into the case.

**Process:** Given the importance of the case, a team of Sindh Human Rights Defenders Network visited Umerkot on 10 June 2017. The aim of the visit was to offer condolences with the family of Irfan Masih, meet civil society, and other actors in the city to have a detailed account of the matter and get firsthand information on issue. As per plans, the report will be shared with the media and other stakeholders.

The team comprised of Senior Civil Society Activist Punhal Saryo, Advocate Ali Palh, Pirbhu Lal Satyani, Zulfiqar Shah, Ms Pushpa Kumari and Ms. Naghma Shaikh. Local activists, Ali Akbar Rahimon, Gul Muneer Walhari and others also joined the team.

#### Stakeholders Statements:

**Victim's family:** The team met victim's family including father and mother of deceased Irfan Masih and others and interviewed two close relatives, **Parvez and Liaquat**. Both had brought the victims to hospital and were eyewitness and party in the entire issue.

Witnesses said that all the three victims were brought to hospital alive. This fact was also verified by shop keepers at the site of incident who told the team that the three were alive when taken out from the manhole. According to Parvez and Liaquat, three doctors **Dr. Jam Kumbhar, MS, Dr. Yousuf, another senior doctor and also brother of MS and Dr. Allah Dad** were present. Bodies of the



SHRDN team visiting victims family in Umerkot

three victims were in sludge as they were directly taken out of gutter and brought to hospital.

According to Parvez, at first instance Dr. Yousuf came and when he saw filth on the bodies, he just went away. According to Liaquat, Dr. Jam asked to wash the body of Irfan first. According to Parvez, when he begged Dr. Allahdad to do something to save the patients, the reply was “*Ap hamara kam hamen batao gay?*” Parvez and Liaquat categorically claimed that Irfan was alive for at least 30-35 minutes inside the hospital. He could have survived if immediate medical treatment was provided. They said that same doctors later treated the victims but by then Irfan was dead, whereas two were referred to Karachi. Victims’ family members said that the hospital was in a bad shape with no oxygen was available. The oxygen cylinder, which hospital staff provided, was actually empty.

They said that they took the body and staged protest during which they were joined by many citizens of Umerkot for whom they are thankful. They wanted to lodge an FIR on the first day but it was lodged on second day only after support from civil society and media reporting. Since they are non literate, they do not know much about the importance of FIR but what they want is justice for the deceased and a punishment for all those who were responsible and whose negligence resulted in death.

**Doctors (accused of negligence):** The Fact Finding Team meet the three accused doctors. The MS categorically denied using the words “I am fasting and first wash the body then I will touch.” He rather said that Irfan was brought dead in the hospital and we treated the two alive and referred them to Karachi. He also alleged that those who accompanied the victims and some staff of the hospital created trouble and damaged the hospital. They also denied that there was no oxygen available at the hospital but failed to provide any details on how many cylinders etc. were available at that time. They also declined to provide budgetary details.

All the three doctors said that the hospital is short of facilities and they are trying to cater to the needs of a civil hospital with facilities of a Rural Health Centre. The MS complained about police attitude that they did not provide required security and did not stop enraged mob from damaging the hospital following Masih’s death.

**Police:** The Team met **SSP Umerkot Usman Ejaz Bajwa**. He explained that he was not present on the scene so do not know whether doctors declined to treat patients immediately or not. Police only knows what victims’ families are saying about doctors’ refusal to treat Irfan because of the sludge.

He said that it was sad that such incident has earned a bad name for the area. However, he said that police are investigating the case according to the FIR and a final report will be submitted in a few days. The FIR was lodged under section 319 PPC (*Qatle Khatta*) but we have also added section 322 PPC on the instruction of the honourable judge. When asked about doctor’s allegations of police not being supportive, he said that police performed duty according to law. “I am not responsible when oxygen is not available in the hospital or if patients are not treated.” He said that people were angry as they had lost one of their family members and two were injured, “You cannot use force in such circumstances.”

He said every citizen has a right to lodge an FIR or register a complaint. However, he does not see any point that doctors’ application against people from victim’s families is accepted. “These are very poor people and we cannot further victimize them. They were sitting on protest with body in this sizzling heat for eight hours. I urged them to end this protest. After some time they agreed to end the protest and bury the body. You cannot control such protests by lathi charge.”

**Municipal Committee Chairman:** The team also met Municipal Committee Chairman, **Khalid Siraj Soomro** who had also been head of the Taluka Municipal Committee Umerkot previously. While giving account of the incident, he said that there was a team of four sanitary workers lead by Irfan Masih who was “*Jamadar*” to open the gutter in the early morning of 1<sup>st</sup> June. According to him, Irfan was expert in opening such gutters. He was not the first who went inside but he just went to rescue the other two. All three were taken to the hospital. He said according to victims’ relatives and staff, all three were alive when brought to hospital. He said he did not know exactly if doctors declined to treat patients or not. But he agreed that the hospital is in a bad shape and many deaths have occurred due to negligence and shortage of facilities. He said there is no concept of any health and safety equipment in the sanitary work and the municipal committee is responsible to provide two dresses to each worker every year. He said that he is considering to do away with the underground sewerage systems in the city and go for open drain, which is easy to clean.



One victim is being taken to hospital

Municipal Committee Chairman, Khalid Siraj said he could not visit victims’ family immediately because he went with the injured workers to Karachi and then stayed there for two more days for important meetings. When he came back to the city on third day, he went and offered condolences. According to MC Chairman, 50-60 sanitary workers are appointed on daily wages and have not been regularized because of ban on permanent jobs. He also accepted that many people appointed against sanitary workers’ positions are not willing to do the job of cleaning so have been assigned other duties. He said he has recommended a compensation for the victim’s family but did not give details of amount. However, MC is taking care of

injured persons’ treatment in Karachi.

**Journalists:** Journalist stand divided on the issue. A group of journalists who first broke the news and said were eyewitness as they immediately arrived in the hospital shared that the doctors’ attitude was not good, as they misbehaved with victim’s relatives. They said they reported what they heard and saw and were not bothered if someone changed his words afterwards. They also verified the victim’s family’s claims that doctors used words like “wash the body first”. They said words like: “I am fasting and wash body so I can treat”; “Don’t tell us what we are supposed to do etc.”. But they cannot say with certainty, which doctor said this because there was rush and it was very noisy in the ward because of the crowd.

Another group of journalists who were not present at the scene said that their colleagues did report in haste and sensationalized the issue. They said that journalists should have avoided such reporting and waited for some more facts to come. Another group of journalists blamed the hospital and doctors for the entire mess and some others said MC is the main responsible.

**Civil Society:** Civil society members clearly pointed to the poor treatment of sanitary workers by MC and poor conditions and negligence of doctors at the hospital that resulted in Masih’s death. They said that the city has become “*la’waris*” as roads are damaged, and the hospitals are in a shambles. Given such a

situation, deaths due to negligence is a routine matter. They could not verify the victim's family's claim that doctor (s) refused treatment and there was any religious factor involved in this matter.

A reliable civil society member who was an eyewitness said that he himself saw that an oxygen cylinder was removed from the mouth of a girl child to be put on victim's mouth in this emergency and father of that child cried saying that "My daughter will die". He said that "then I saw the father took his daughter and ran out of hospital". Since then it is unknown that whether the child died or was taken to any private hospital. He said when the same oxygen cylinder was given to one of the three victims, it turned out that it was empty of gas. "I cannot say that whether doctor asked the victims' relatives to wash his body, but I can say that there was no oxygen in the cylinder that were provided to the victim. This was a clear issue of absence of required facilities."

Civil society members also urged for improvement in working conditions and employments conditions of sanitary workers and reminded that nothing has changed since the last incident in 2012 in which two sanitary workers lost their lives.

They also expressed dissatisfaction on the inquiry being conducted by an Assistant Commissioner and instead demanded a judicial inquiry.

#### **Key Findings:**

- 1) **We believe that what happened with** three sanitary workers on 1<sup>st</sup> June 2017 in Umerkot was not a mere accident but a result of a series of lapses and negligence on the part of the Municipal Committee for which the Chairman and Chief Municipal Officer are responsible. Negligence inside Civil Hospital, Umerkot also has a role in the tragedy, for which MS, senior doctors and relevant officials of health department are responsible.
- 2) **Testimonies of people we met suggest that** doctor (s) expressed displeasure/declined to immediately treat sanitary worker(s) when they were brought to the hospital as their bodies were covered in sludge. They were directly taken from gutter and brought to hospital. Similar attitude was faced at the scene of the incident, as at least two rickshaw-walabs also refused to take the injured/ unconscious to the hospital as they were full of filth. It was the third rickshaw-walah (a flat ricksha) who took the first recovered person. Many actors we meet also accepted that there is general discriminatory attitude towards sanitary workers because of their work and their low status in the society. For example, their crockery is separate in Municipal Committee. Therefore, the team believes that there is a weight in the claim of relatives of the deceased that the doctors initially refused to treat Irfan and asked first to wash the body. However, which doctor had said that is not clear as three doctors were accused in the case.

- 3) **District hospital in Umerkot is in poor condition** and lacks facilities, human resources and management required to deal with emergencies. Therefore, the claim of victims that Irfan Masih died because of delay in treatment and non-availability of required facilities including Oxygen also carries a heavy weight. Even doctors accepted that many lives could have been saved had the hospital carried required facilities. “Deaths due to lack of facilities and non-availability of the required staff is a routine matter but they are just not reported,” said one of the doctors.



The team interviewing the MS Civil Hospital Umerkot

Family members of Irfan claim that there were no Oxygen supplies in the hospitals and gas cylinder was empty. Doctors denied this. However, a reliable eyewitness told a horrible story saying that the hospital staff removed gas from a small child to meet the emergency and he himself saw the father of small child yelling that if you removed gas from child, she will die. “Nobody listened to him and nobody knows what happened to that child.” According to him there were two gas cylinders and one was put on a victim being shifted to Karachi while the other was removed from the girl child, that turned out to be empty.

Current MS as well as a former MS of the hospital agreed that though the hospital is District Hospital in the documents, it qualifies only as a basic health unit because of lack of facilities. There are average 100 patients admitted against the capacity of 50 beds. Only 19 doctors are working against the sanctioned strength of 80. Add to the injury is that senior doctors do private practices at a private facility with a distance of few hundred meters and there is no mechanism to monitor their workings at the hospital.

- 4) **Major responsibility lies with the Municipal Committee (MC) Umerkot.** It failed to provide any health and safety equipment to its employees and failed to play any constructive role while this incident happened. The Committee is also responsible for poor working conditions of its sanitary staff particularly who are engaged in hazardous work without any health and safety measures. All actors the team met pointed to the negligence of the MC in letting sanitary workers enter in such a deep and dangerous manhole and then not reaching for immediate rescue. The team also visited the site of incident and found that a long queue of shops has been constructed on the drain and this manhole was almost inside a shop. MC is also responsible for removing encroachments and stopping illegal constructions in the city. It is also important to note that two sanitary workers had died in a similar incident in 2012 but no precursory measures were taken after that incident. The team met the Chairman of MC Umerkot and the only solution he offered was that the MC is considering to do away with the underground sewerage system. He said that he is not aware of any health and safety equipment available for cleaning gutters. They insisted that the deceased Irfan who was an “expert” in cleaning such blocked gutters should have taken care on his own.

MC was also not clear on compensation amount for the deceased but the Chairman said that the Committee is taking care of medical expenses of the injured at Liaquat National Hospital Karachi.

5) **Mishandling by local administration:** After the incident happened on 1<sup>st</sup> June morning, victim family members along with a number of citizens took the body and staged a sit-in for more than 8 hours, seeking justice. The first demand they made was that the MC Chairman should come and listen to their call. The Chairman did not go to them for the obvious reasons. He only visited and offered condolences three days after Irfan's death. Multiple sources confirmed that the Chairman did not give it serious attention until the case was highlighted by the media and drew national level attention. The explanation offered by Chairman MC to the visiting Fact Finding team was that "I went with injured people to Karachi." This explanation is not enough to justify his absence from the city for which he is a custodian and where there was an agitation and emergency.

6) **Sanitary Workers Conditions:** There are over 200 people appointed on sanitary workers positions for Umerkot city. A large number of them known as "white color" are deputed on some other tasks. We were told that these people either do work at the personal places of the influential people of the city or do not do any job at all but are paid regular salaries. The entire cleaning work is done by around 90 Christian, Gujrati and Marwari sanitary workers which are called "Bhungi". A majority of them are appointed on daily wages basis for years. The MC Chairman accepted that no person from other castes is willing to do cleaning work so only Christians and "Bhungi" are doing it. However, to the question that why people appointed as sanitary workers are not willing to do job were, he has no satisfactory answer and shifted the responsibility to his predecessors for appointing the wrong people. All actors we met highlighted the issue of those appointed as sanitary workers but not doing sanitary workers job and demanded that either they be removed or made to do the job for which they have been appointed. They also agreed that the conditions of sanitary workers are very poor and exploitative in nature as they are compelled to do hazardous work on daily wages without any health and safety measures etc.

7) **Police's Role:** In a sharp contrast of the general perception, police was observed to have played a



The team in meeting with SSP Umerkot

positive role. The victims expressed confidence in police investigation and measures taken by the police for security. The role played by the SSP in negotiations during the protest, registration of FIR, as desired by victim's family, and the arrest of the MS (now released on bail). The police have not yet submitted its final challan and investigation reports, so far victims are satisfied with the progress. The visiting team was told that various quarters tried to influence the police to break the protest by force or use force when some enraged members of victims'

families tried to damage the hospital equipment. The SSP said that it would have been

inappropriate to use force in such conditions. “When people did not find medicines in hospital refrigerator and a person has died, anger is natural. We cannot use force in such circumstances.” He assured that police would act according to the law.

- 8) Sharp Divisions:** It is interesting to note that people are divided on the basis of parties and also on the basis of caste. For example, people from a particular caste were in favor of the accused doctor and said they will stand for him because he is from same caste. Obviously, they gave the justification that he is innocent. Similarly, people even working in social sector from a particular caste advocated for the innocence of MC Chairman saying that he did not ask sanitary workers to go inside the manhole. However, this should not be seen as a division on the basis of religion as victim families said that many citizens regardless of religion have stood with them.

### **Recommendations**

- 1)** Since the victims as well as civil society activists have rejected inquiry under an Assistant Commissioner, a judicial inquiry by a **District and Session Judge** may be ordered to fix the responsibility of negligence that led to the death of Irfan Masih, including alleged refusal of doctor (s) at District Hospital Umerkot.
- 2)** Same inquiry should look into the alleged negligence and lapses of the Municipal Committee, Umerkot, particularly with reference to compelling sanitary workers to do hazardous work without health and safety measures, negligence in providing immediate rescue and alleged discriminatory and exploitative treatment of sanitary workers (Christian, Gujrati and Marwari).
- 3)** There are serious allegations of negligence against senior doctors of Civil Hospital Umerkot including M S. All the three doctors accused by the victim family and media, may be put under suspension till a judicial inquiry is completed.
- 4)** A separate departmental inquiry in matters related to Civil Hospital Umerkot may be conducted to ascertain the poor conditions at the hospital and necessary corrective measures are taken to save lives on a daily basis.
- 5)** Private practice by doctors must be discouraged and banned. There was general complaint against the doctors of conducting private practice, which has resulted in compromise on their performance at the government hospital.
- 6)** MC of Umerkot should clearly declare sanctioned posts of sanitary workers and make appointments of only those willing to do this job. Rest should be immediately removed. All current daily wage sanitary workers should be made permanent.
- 7)** MC must ensure that proper health and safety measures, including safety gears are in place before sanitary workers venture on the hazardous job of cleaning sewerage manholes. Deep holes should be pumped through machines, not by manually.

- 8) Instead of doing away with underground sewerage systems, MC should remove encroachments of the markets built on gutter line and sewerage system.
- 9) Deceased victim's family may be paid a compensation of Rs. 5 million and jobs should be offered to family members. These jobs must be regular, not three month temporary jobs. Rs. 1 million already announced by the Sindh Government should immediately be disbursed.
- 10) The Sindh Government may consider uniform policy guidelines, prohibiting discriminatory behaviors with cleaning staff which include keeping separate crockery for them in the offices. GoS should also regularize all sanitary workers in the province.
- 11) Federal and provincial government may consider launching a campaign seeking behavioral change towards those discriminated against on the basis of their social status, such as sanitary workers. Use of words such as "Bhungi" should be banned.
- 12) There is also need to seriously look into why cities like Umerkot are so under developed despite the fact that there have been reasonable budgetary allocations and the district has representation in the Sindh cabinet as well, since the last tenure of PPP government. The entire city is in a shambles. Road infrastructure, hospitals, schools, almost all public infrastructure is in very poor condition and common citizens are paying the price.
- 13) It is also important for the civil society including NGOs, bar councils, journalists associations and human rights defenders to join hands and build alliances at the district level to operate as watchdog aimed at improved public services and play role of active citizens.

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