

ITEM NO.116

COURT NO.14

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition (Civil) No. 324/2020

DR. BALRAM SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

([FOR ORDERS] [TOP OF THE BOARD] ATTORNEY GENERAL FOR INDIA
IA No. 30602/2020-PERMISSION TO FILE ADDITIONAL DOCUMENTS/
FACTS/ANNEXURES)

Date : 22-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

For Petitioner(s) Petitioner-in-person

For Respondent(s) Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Shradha Deshmukh, Adv.
Ms. Swarupama Chaturvedi, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The petitioner in this case has been motivated by public interest litigation and has made several claims including the issuance of directions to implement provisions, inter alia, of the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 and the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013.

This Court had occasion to deal with the subject matter

in the case of "*Safai Karamchari Andolan And Others vs. Union of India And Others*" reported in (2014) 11 SCC 224. The Court had then dealt with the provisions of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013. The Court after noticing the provisions of the Act and issued directions which are extracted below :

"23. We have already noted various provisions of the 2013 Act and also in the light of various orders of this Court, we issue the following directions:-

23.1. The persons included in the final list of manual scavengers under Sections 11 and 12 of the 2013 Act, shall be rehabilitated as per the provisions of Part IV of the 2013 Act, in the following manner, namely:-

(a) such initial, one time, cash assistance, as may be prescribed;

(b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) they shall be allotted a residential plot and financial assistance for house construction, or a readybuilt house with financial assistance, subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;

(d) at least one member of their family, shall be given, subject to eligibility and willingness, training in livelihood skill and shall be paid a monthly stipend during such period;

(e) at least one adult member of their family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on sustainable basis, as per the provisions of the relevant scheme;

(f) shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

23.2. If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-

(a) Sewer deaths - entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.

(b) Railways - should take time bound strategy to end manual scavenging on the tracks.

(c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.

(d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.

23.3. Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.

23.4. Rehabilitation must be based on the principles of justice and transformation."

Having regard to the claim in these proceedings and also being of the opinion that the petitioner has sought directions in public interest, this Court deems it appropriate to issue the following directions; in the light of the judgment of this Court and to consider the steps taken towards enforcement of provisions of the two Acts:

(I) the respondent - Union shall place on record the steps taken pursuant to the judgment of this Court, viz.-a-viz. The Status of implementation of the 2013 Act i.e. Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act,

2013 including the steps towards rehabilitation of such persons falling within the definition of 'Manual Scavengers'.

(II) Steps taken towards abolition/demolition of Dry Latrines, statewise.

(III) Status of Dry Latrines and Safai Karamcharies in Cantonment Boards and Railways.

(IV) Employment of Safai Karamcharies in Railways and Cantonments Boards whether directly or indirectly i.e. through Contractors or otherwise.

(V) Statewise set up of Municipal Corporation and the nature of equipment (as well as the description of technical equipment), deployed by such bodies to mechanize sewage cleaning.

(VI) The feasibility of developing internet based solutions for real time tracking of sewage deaths and action taken by their concerned authorities including the appropriate Government towards payment of compensation and rehabilitation of families.

The Union of India through Secretary, Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi; The National Commission for Safai Karamchari through Chairperson, 'B' Wing, 4th Floor, Lok Nayak Bhawan, Khan Market, New Delhi; The National Commission for Scheduled Castes through Chairperson, 5th Floor, Lok Nayak Bhawan, Khan Market, New Delhi and The National Commission for Scheduled Tribes through Chairperson, 6th Floor, B-Wing, Lok Nayak Bhawan, Khan Market, New Delhi are hereby added as party respondents.

The Union of India shall file an affidavit through the Ministry of Social Justice & Empowerment. The Union Secretary, Ministry of Social Justice & Empowerment is directed to look into these aspects and place an affidavit on the record.

These directions shall be complied with within six weeks.

List this matter on 12.04.2023.

Mr. K. Parameshwar is appointed as Amicus Curiae in this matter to assist the Court.

(NEETA SAPRA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)