

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/WRIT PETITION (PIL) NO. 225 of 2016****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2023****In R/WRIT PETITION (PIL) NO. 225 of 2016**=====
MANAV GARIMA**Versus****STATE OF GUJARAT & 5 other(s)**
=====**Appearance:****MR PANKAJ P ZAMPADIA(13484) for the Applicant(s) No. 1****MR SUBRAMANIAM IYER(2104) for the Applicant(s) No. 1****MR KM ANTANI, AGP for the Opponent(s) No. 1,4**
=====**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL****and****HONOURABLE MR. JUSTICE N.V.ANJARIA****Date : 09/08/2023****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

This Public Interest Litigation raises a serious concern about the instances of manual scavenging, by the State, Corporations, Municipalities and Panchayats in the State of Gujarat.

2. In the instant petition, an affidavit dated 30.04.2023, in compliance of the order dated 18.04.2023 has been filed by the Managing Director, Gujarat Safai Kamdar Nigam, Gandhinagar, to state that as on date, as far as the State, Corporations, Municipalities and the Panchayats are concerned, there is no activity whatsoever, in the nature of

manual scavenging or manhole cleaning, carried out contrary to the provisions of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. It is stated therein that all attempts are being made to make the Government Resolution dated 28.04.2021 issued by the Urban Development and Urban Housing Department, practically functional and operational. As far as the supply of equipment is concerned, they are being supplied to ensure that the guidelines are followed. Furthermore, steps would be taken to ensure that there is a proper supply of equipment.

3. Taking note of the said affidavit, an order dated 01.05.2023 has been passed by this Court noticing that the Government Resolution dated 21.06.2014 completely prohibits cleaning of sewerage manually. As far as 152 persons died out of some unfortunate incidents, instances of which were brought before this Court in this Public Interest Litigation, it was noted that legal heirs of 137 deceased had been given compensation. Today, when the matter was taken up, a statement has been made by learned Assistant Government Pleader Mr. K.M. Antani that after the order dated 01.05.2023, the legal representatives of 3 more deceased have received compensation.

4. Learned counsel for the petitioner however submits that the list of 152 persons comprises of

those who had lost their lives prior to the institution of this petition. However, there are other instances of death of workers during manual scavenging, during the pendency of the instant petition. The contention of the learned counsel for the petitioner is that, as on date, the legal representatives of 25 persons have not been compensated. We require the learned Assistant Government Pleader to file an affidavit of the Managing Director of Gujarat Safai Kamdar Nigam, Gandhinagar, with regard to the number of reported cases of death during manual scavenging and details with regard to compensation paid to the heirs and legal representatives.

5. As regards the contention of the petitioner about continuance of manual scavenging in contravention to the provisions of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, as also the Government Resolution dated 21.06.2014 and recurrence of the instances even till date, we require the Principal Secretary, Urban Development and Urban Housing Department, Government of Gujarat, Gandhinagar, to file his personal affidavit on the next date fixed, to demonstrate the steps/measures taken by him to ensure strict compliance of the provisions of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, as well as the Government Resolution dated 21.06.2014. The details

with regard to supply of equipment so as to ensure practical implementation of the provisions of Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and the Government Resolution dated 21.06.2014, to different panchayats, municipalities, corporations, shall be placed before us. The concerned Principal Secretary, Urban Development and Urban Housing Department, shall ensure that the equipment are procured/supplied by the concerned authorities/establishments/corporations in a time bound manner so as to remove all instances of manual scavenging. All efforts taken to ensure the strengthening of infrastructure at the ends of the different authorities shall be placed before this Court in the said affidavit on the next date fixed.

Matter is posted on 12.09.2023.

(SUNITA AGARWAL, CJ)

(N.V.ANJARIA, J)

BIJOY B. PILLAI