

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

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MANAV GARIMA

Versus

STATE OF GUJARAT & 5 other(s)

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Appearance:

MR PANKAJ P ZAMPADIA(13484) for the Applicant(s) No. 1
 MR SUBRAMANIAM IYER(2104) for the Applicant(s) No. 1
 MR UTKARSH SHARMA, ASST.GOVERNMENT PLEADER for Opponent No.1,4

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL
and
HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 27/09/2023

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. From the affidavit dated 12.09.2023 filed by the Principal Secretary, Urban Development and Urban Housing Department, it can be seen that a policy dated 16.12.2016 has been promulgated providing guidelines for urban areas, giving clear instructions to the subordinate Heads of Department and other officers namely Municipal Corporations, Commissioner of the Municipalities Administration, Regional Commissioner of Municipalities, Nagarpalika etc. to ensure strict implementation of the provisions of

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. A Circular dated 10.05.2019 has been issued designating Nodal Officers and also issuing guidelines with regard to fastening of responsibilities, registering complaints, taking steps against those responsible and to ensure minimum instances of choking up of drainage. The statement is that the department has framed a policy dated 28.04.2021 with regard to Emergency Response Sanitation Unit for the issues with regard to drainage chocking etc. Apart from that, helpline number of the Corporation is made active and complaints are being received and resolved on such helpline numbers. A communication dated 29.04.2023 has been issued to all Municipal Commissioners, Commissioners of Municipalities Administration, Gujarat Urban Development Company, to curb the menace of manual cleaning of manholes and that any act in contravention of the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 or the guidelines issued by the State would be viewed seriously. Another Circular

dated 06.09.2023 has been issued to Urban Local Authorities in order to curb the menace of manual cleaning of manholes. It was further stated therein that while issuing contracts for such manhole cleaning, it should be ensured that the contractors have all the facilities, which are required to be provided to the workers for the purpose of manhole cleaning and it is strictly directed that the said exercise shall be carried out only by trained staff. Numerous programmes and training sessions for such individuals who are engaged in the job of manholes cleaning has been carried out. A scheme known as National Action for Mechanized Sanitation Ecosystem for ensuring zero death in hazardous cleaning of sewer and septic tank has been formulated by the State Government, details of which has been given in paragraph-12 of the said affidavit. It is thus submitted that numerous awareness programmes are also being undertaken through newspaper banner and video conferencing to sensitize the office-bearers and the workers in the matter of prohibition of manual scavenging and ensuring the implementation of

mechanized sanitation ecosystem. It is further stated that certain equipments are to be utilized once or twice at few instances in a year for the purpose of maintenance, so a decision is taken that instead of procuring such instruments services of outsource agency be taken. A detail with regard to the equipments procured and provided to different districts, municipalities in different zone with the bifurcation thereof is appended as Annexure-VIII of the said affidavit. It is thus submitted by means of the affidavit of the Principal Secretary, Urban Development and Urban Housing Department, that the State Government is taking the matter very seriously and ensuring strict compliance of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and they will leave no stone unturned in ensuring the strict compliance.

2. The learned counsel for the petitioner prays for and is granted adjournment for the day to enable him to file response to the same. Specific instances of the compliance with regard to procurement of equipments and supply thereof to different

municipalities /districts, is required to be worked out and answered by the petitioner by making a proper research in the field.

3. As regards the dispute with regard to non-payment of compensation to the dependents of persons died due to manual scavenging, the contention of the learned counsel for the petitioner is that out of twenty five, dependents of seven deceased persons have been paid after the last order dated 09.08.2023 passed by this Court. However, dependents of eighteen deceased persons are still waiting for the compensation. There is no detail with regard to eighteen persons who according to the learned counsel for the petitioner had died due to manual scavenging and whose dependents have not been paid compensation. Learned counsel for the petitioner is directed to file an affidavit giving the details in that regard on the next date of listing. Put up this matter on 26.10.2023.

(SUNITA AGARWAL, CJ)

(ANIRUDDHA P. MAYEE, J.)

GAURAV J THAKER