

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****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2025****In****R/WRIT PETITION (PIL) NO. 225 of 2016****With****CIVIL APPLICATION (DIRECTION) NO. 2 of 2025****In****R/WRIT PETITION (PIL) NO. 225 of 2016**

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MANAV GARIMA

Versus

STATE OF GUJARAT & ORS.

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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

G H VIRK(7392) for the Opponent(s) No. 7

MS HETAL PATEL ASSISTANT GOVERNMENT PLEADER for the Opponent(s)
No. 1,4MR SHALIN MEHTA SR. ADVOCATE with MR MAHARSHI PATEL for HL PATEL
ADVOCATES(2034) for the Opponent(s) No. 8

MR ABHIJIT RATHOD(12976) for the Opponent(s) No. 9

MR MEHUL H RATHOD(701) for the Opponent(s) No. 9

MR SIMRANJITSINGH H VIRK(11607) for the Opponent(s) No. 7

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***CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL******and******HONOURABLE MR. JUSTICE PRANAV TRIVEDI*****Date : 23/04/2025****ORAL ORDER*****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)***

This petition filed in the nature of Public Interest Litigation highlights repeated incidents of death of persons engaged in manual scavenging by the contractors hired by different Nagar Palikas,

Municipal Corporations and other local bodies in the State of Gujarat.

2. On 05.03.2025, we have passed an order in Civil Application filed herein which brings on record the incident of death of two sanitary workers while engaged in manual scavenging for cleaning of septic tank in Patadi Town of District - Surendranagar. We have noted therein that Patadi Nagar Palika being the principal employer was required to supervise the working of the contractor, which has not been adhered to. On the larger issue of curbing repeated menace of manual scavenging resulting into the death of contract workers in the State, we require the Commissioner of Municipality (Administration) to hold a meeting with the Officers of local bodies, namely the Municipal Commissioners, Chief Officers of Nagar Palika, heads of the local governing bodies in the State to find out a permanent solution of the issues coming to this Court from time to time.

3. In compliance of this order, an affidavit of the Principal Secretary, Urban Development and Urban Housing Department, Government of Gujarat as also the affidavit of the Commissioner, Municipalities have been filed before us, which demonstrates that virtual meeting was held on 28.03.2025 with all six Regional

Commissioners of Municipalities and 17 Municipal Commissioners of Municipal Corporations in the State of Gujarat, wherein emphasis was laid to ensure strict implementation of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 by all Municipalities to eradicate the practice of manual scavenging across the State.

4. However, by another Civil Application dated 25.03.2025, the petitioner has brought on record another recent incident of death of a sanitary worker on 11.03.2025 in District Ahmedabad, while cleaning septic tank near 'Nayandeep Society, Behind Chief Justice's Bungalow, Judges Bungalow Road, Bodakdev, Ahmedabad. In the affidavit of Principal Secretary, Urban Development and Urban Housing Department, there is a reference of the incident occurred on 21.01.2025. However, there is no reference to the incident which had occurred in the District Ahmedabad resulting into the death of a contract worker during manual scavenging engaged by the contractor, deployed by the contractor hired by the Ahmedabad Municipal Corporation.

5. No positive action seems to have been taken by any of the competent authority to curb such incidents of death of manual scavengers engaged by the contractors hired by the local bodies.

Nothing has been brought before us.

6. It is pointed out by the learned counsel for the petitioner during the course of argument that two more deaths of such nature had occurred on 17.04.2025 in District Junagadh with respect to which a First Information Report has been lodged on 18.04.2025 under Section 9 of the Prohibition Employment as Manual Scavenger and their Rehabilitation Act read with other provisions of the Indian Penal Code and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

7. We are of the view that a proactive step of deterrent is required to be taken by the Commissioner Municipalities (Administration) by calling upon all heads of local bodies at each level, to report the action(s) taken by them in the matter of violation of the provisions of the Prohibition of Employment as Manual Scavenger and their Rehabilitation Act, 2013 by the contractors engaged by them. The action taken report shall be placed before the Court on the next date fixed by the Commissioner of Municipalities (Administration) by filing his personal affidavit.

Order in Civil Application (For Direction) No. 2 of 2025:

The learned counsel for the petitioner is directed to implead the Ahmedabad Municipal Corporation as one of the respondents in the present petition.

Notice of the Civil Application be given to the panel counsel appearing for the Ahmedabad Municipal Corporation, to file the response of the Municipal Commissioner, Ahmedabad Municipal Commissioner, with regard to death of a sanitary worker on 11.03.2025 engaged by the contractor, namely 'Anjali Valmiki Foundation', hired by the Corporation, as alleged by the petitioner, by the next date fixed.

Insofar as the response of the In-charge Chief Officer of Patadi Nagar Palika, we will examine his affidavit on the next date fixed.

Looking to the sensitivity of the matter, we are of the view that the matter be brought to the notice of the learned Advocate General who shall appear in the matter on the next date fixed.

As prayed put up on **05.05.2025** at **12:30 pm**.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

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