

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

GOVERNMENT PLEADER for the Opponent(s) No. 1,4

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 D.N.RAY

Date : 07/07/2025**ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE
MRS. JUSTICE SUNITA AGARWAL)**

1. The present Public Interest Litigation highlights repeated incidents of death of persons engaged in manual scavenging by the contractor hired by the Nagarpalikas and Municipal Corporations as also other local bodies across the State of Gujarat.

2. In the order dated 23.04.2025, we have noted the incident of death of two sanitary workers while engaging in manual scavenging for cleaning of septic tank in Patdi town of District Surendranagar.

3. A recent incident of death of a sanitary worker on 11.03.2025 in Ahmedabad District while cleaning of septic tank in a posh area of Bodakdev, Ahmedabad has been brought on record. Two more deaths of such nature had occurred on 17.04.2025 in District Junagadh.

4. With respect to these incidents, though action has been taken by the Nagarpalikas / Municipal Corporations concerned, of cancellation of the contract, black listing of the contractor and filing of first information report under Section 9 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (for short, "the Act' 2013") along with the other provisions of Indian Penal Code and the Scheduled Castes and Schedules Tribes (Prevention of Atrocities) Act, 1989. However, all these steps are subsequent to the occurrence, which itself should be curbed at the very inception.

5. In the order dated 23.04.2025, taking note of the affidavit of the Principal Secretary, Urban Development and Urban Housing Department as also the Commissioner, Municipalities (Administration), we have observed that pro-active steps 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 action(s) taken by them in the matter of violation of the provisions of the Act' 2013. The action taken report was required to be filed by the Commissioner, Municipalities (Administration) by filing his personal affidavit.

6. The affidavit of Commissioner of Municipalities dated 03.05.2025 has been filed in compliance of the order dated 23.04.2025, wherein it is stated that a virtual meeting was convened on 30.04.2025 with the Regional Commissioners of Municipalities of six zones, Mission Director, Swachchh Bharat Mission and Deputy Commissioner (Administration) by the Commissioner of Municipalities (Administration), Gandhinagar, wherein they have been directed to strictly adhere to the guidelines issued by the State Government, through its Urban Housing and Urban Development Department to all local bodies by the Government Resolution dated 03.04.2025, whereby it has been resolved to absolute eradication of manual sewer cleaning in the State of Gujarat by ensuring strict compliance of the provisions of the Act' 2013. A copy of the said guidelines is appended at Annexure '2' to the said affidavit.

7. A perusal thereof indicates that the guidelines required for procurement of certain machineries (equipments) for cleaning of drains so that the safety of *safai karmi* of the local bodies can be ensured. It is categorically directed therein that for cleaning of manholes, machines shall be utilized. The required procurement of the machines for cleaning of drains,

manholes, etc. sd indicates in the Government resolution dated 03.04.2025 reads as under:-

"(1) Jetting machine and gully emptier (as per specifications of drainage line and manhole)

(2) Set of rods (90 pieces), bent (3 pieces), strips, set of required equipments.

(3) Large torch

(4) Oxygen mask with cylinder (2 pcs)

(5) Grab Bucket (Manual) (4 pcs.)

(6) Hydraulic grab bucket with pedal rickshaw (2 pcs)

(7) 5 HP Fighter (3 pcs.)

(8) Camphor balls, soap

(9) Rickshaw/tractor/dumper for carrying silt

(10) Litmus paper

(11) Other mechanical equipment/items as may be deemed necessary by the Municipal Corporation/Municipality."

8. As there is a mandate for cleaning of drains and manholes in a particular manner, there is a requirement to equip the Nagarpalika, Municipal Corporations and other local bodies with these equipments. There is a requirement to make an inquiry as to whether the local bodies in the State are equipped to carry out the mandate of the Government Resolution dated 03.04.2025, reiterated by the Commissioner of Municipalities in the virtual meeting held on 30.04.2025 held with the Regional Commissioners of Municipalities of six zones and other officers in-charge of overseeing the operations and strict implementation of the guidelines.

9. We say so, as according to us, payment of compensation, termination of contract, black listing of contractor and lodging of first information report against the contractor and erring officers is not a complete answer to the problem. The main issue is about absolute eradication of manual scavenging or manual sewer cleaning in the State of Gujarat by ensuring strict compliance of the provisions of the Act' 2013. Once manual scavenging is completely banned, any engagement of a single person as manual scavenger is violation of the legislative prohibition. It is the duty of the executive to ensure strict implementation of the legislative provisions and in this direction, it is incumbent that all local bodies are equipped with necessary infrastructure either on their own or by engaging a contractor who must be equipped with the necessary machines and equipments to be used by *safai karmi*, engaged by the Nagarpalika or the Contractor.

10. We, therefore, require the Commissioner of Municipalities (Administration), Gandhinagar to get a specific report from each of the local bodies through the concerned officer such as Regional Commissioners of Municipalities of six zones, Mission Director, Swachchh Bharat Mission and Deputy Commissioner (Administration), whomsoever is in direct supervision of the local bodies to ensure that all local bodies in the State are equipped with the equipments / machineries as mandated in the Government Resolution dated 03.04.2025.

11. After receipt of the reports from different officers, the Office of the Commissioner of Municipalities shall compile the same and place it before the Court along with the personal affidavit of the Commissioner of Municipalities.

12. We also require the Principal Secretary, Urban Housing and Urban Development Department, who is the head of the department in the State to supervise the process by being engaged with the Commissioner of Municipalities (Administration) and submit his independent report about strict implementation of the Government Resolution dated 03.04.2025 issued by his own department, by filing his personal affidavit. Both the affidavits shall be filed by the officers concerned on the next date fixed.

13. Looking to the seriousness of the issue, we find that the learned Advocate General of the State shall be engaged to assist the Court in this matter.

Put up the matter on ***11.08.2025*** at ***12:30 Hours***.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

BIJOY B. PILLAI