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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.1570 OF 2023

Shramik Janata Sangh through its .. Petitioners
 General Secretary & Ors.

Versus

State of Maharashtra through the .. Respondents
 Secretary, Department of Social
 Justice and Special Assistance & Ors.

...

Ms.Sudha Bhardwaj i/b Ms.Deepali Kasul for the Petitioners.

Mr.O.A.Chandurkar, Addl.G.P. with Mr.V.G.Badgujar, A.G.P. for
 the State/Respondent.

**CORAM: BHARATI DANGRE &
 MANJUSHA DESHPANDE, JJ.**

DATE : 14th JANUARY, 2026

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P.C:-

1. The Petition filed by Shramik Janata Sangh, has espoused a cause of manual scavenging workers and it specifically make reference to the death of three persons, while they were engaged in manual scavenging. By way of an interim order, the compensation was directed to be paid to the family members and we are also informed that the final compensation is also received.

2. Time and again, this Court took cognizance of the said issue and passed detailed orders in the backdrop of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 (for short, "**PEMSR Act, 2013**"),

which prohibited employment of manual scavengers and also provide for their rehabilitation.

The Act contemplates constitution of State Monitoring Committee, which is responsible for monitoring and advising the State Government for effective implementation of the Act. It was noted by us that the State of Maharashtra has not framed any Rules, but the Rules framed by the Ministry of Social Justice and Empowerment (Department of Social Justice and Empowerment), Central Government in form of Prohibition of Employment as Manual Scavengers and Their Rehabilitation Rules, 2013 were being implemented.

From time to time, when directions were issued by this Court, the compliance affidavits are filed.

This Court also received suggestion from Ms. Gayatri Singh, learned senior counsel, representing the Petitioners and the Court has taken note of the same.

3. During the pendency of the Petition, the General Secretary of Petitioner No.1, has filed an affidavit in the wake of the death of one Ritik Kurkute, who succumbed to death while he was engaged in manual scavenging, engaged by M/s Pawani Enterprises, working for Kalyan Dombivali Municipal Corporation ("**KDMC**").

In the affidavit filed by Jagdish Khairaliya, the General Secretary of the Petitioner No.1 on 11/03/2024, he raised an issue about lack of safety equipments/safety gears being furnished to these workers as well as no safety tests being conducted by the Contractor, before they are asked to enter the nullah to perform the assigned work.

Narrating that the incident that shocked to the community once again, when Ritik came in contact with the metal sheet abutting into the nullah, from the adjacent construction site and when he was repelled away by current, it is alleged that no immediate help could be arranged for him, as no representative of the Contractor was present.

He was taken to hospital, where he was declared dead and the incident lead into investigation by Kolsewadi Police Station and an Accidental Death Report was filed and subsequently upon lot of persuasion, an F.I.R. has been filed under PEMSR Act, 2013.

4. It is the contention of the Petitioners that incidents like this bring to the fore the safety of the manual scavengers and implementation of the Act of the Parliament enacted in 2013, prohibiting employment of manual scavengers and their rehabilitation. The affidavit, therefore, sought directions to the authorities to rehabilitate and compensate the family of Ritik Kurkute in terms of the decision of the Apex Court in the case of *Dr.Balram Singh Vs.Union of India & Ors.*, including payment of compensation of Rs.30,00,000/-. It is also prayed that an FIR be registered into the incident of his death and enquiry be conducted into the violations of the provisions of the PEMSR Act, 2013 by the officials of the KDMC and also the Contractor-M/s Pawani Enterprises.

5. The learned Government Advocate, Mr.Omkar Chandurkar, has placed before us a report presented by the Under Secretary of the Government of Maharashtra to the Sr. Economic Advisor, Ministry of Social Justice and

Empowerment, Government of India, which is supervising the work of rehabilitation and grant of compensation to the manual scavengers, and according to the Report dated 18/11/2025, in the State of Maharashtra, 12 cases are pending for compensation and the said Report offers the details of the stage at which the cases are pending. The said communication is taken on record and marked '**X-1**' for identification. Amongst the 12 cases, it is noted that in 2 cases, the legal heirs are not traceable, whereas in other cases, the compensation has been paid to the legal heirs on different dates.

Mr.Chandurkar has also placed reliance upon the observations of the Apex Court in the case of *Dr.Balram Singh* in its order dated 29/10/2025 and he would submit that the proceedings are still pending before the Apex Court. He has placed before us a document showing the State-wise details of deaths and compensation in Sewers and Septic Tanks from 1993 to 31/10/2025 and as far as the State of Maharashtra is concerned, the total pending cases for compensation are shown to be 12, whereas it has a reference to 11 cases where no compensation is paid.

The said annexure giving the details of deaths and compensation in Sewers and Septic Tanks throughout the country with reference to 1327 deaths is taken on record and marked '**X-2**' for identification.

6. When we specifically enquired with Mr.Chandurkar, whether the family of Ritik Kurkute has been paid a compensation, he seeks some time to obtain the appropriate instructions, so as to make the statement before the Court.

We have also noted that there are various directives issued by the Apex Court from time to time and the State has filed the affidavits, placing before us the compliance of the said directives, as it has constituted various committees for effective implementation of the provisions of the PEMSR Act, 2013 as well as the directives issued by the Apex Court from time to time.

It is quite possible that the Petitioners are in a position to offer some more suggestions, which would ultimately protect the interest of the members of the Petitioners Association as well as the scavengers working in the entire country, though not restricting their activities only to the State of Maharashtra.

For this purpose, we request Ms. Gayatri Singh, learned senior counsel, to place before us her suggestions in writing, which she may offer in light of the lacunae noticed in the statute as well as its implementation and also considering the practical implementation of the guidelines regarding preventing the scavenging work manually and considering rehabilitation of the injured and payment of compensation to family of persons like Ritik Kurkute, who had lost their lives while they were undertaking the work of manual scavenging, as we find that the conundrum is not as to who will pay the compensation, as it is now clear that the State Government will bear the compensation, and it is entitled to recover it from the erring Contractor, but what is most important is the award of timely compensation to the legal heirs of the scavengers, who have lost their lives.

We record the statement of Mr.Chandurkar, the learned Government Advocate to the effect that the State is not taking this litigation as adversarial litigation and shall render all necessary co-operation, and if some suggestions come from the counsel for the Petitioners and the Court finds the suggestions to be fit for their implementation, so as to bring up the issue that is highlighted in the statute in the interest of the manual scavengers.

We direct the Petition to be listed on **5th February, 2026.**

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)