

W.P.(MD)No.4504 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.P.(MD)No.4504 of 2018

Aam Aadmi Party,
Represented by its District Secretary,
C.Thirugnanam,
S/o.R.Chandran,
KVC tower, College Road,
Near Income Tax Office,
Karaikudi,
Sivagangai District.

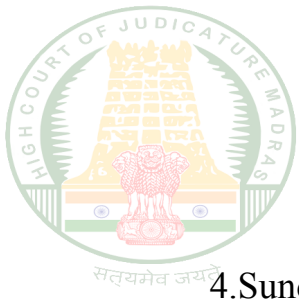
... Petitioner

Vs.

1. The Commissioner of Municipal Administration,
Ezhilagam, Chepauk,
Chennai 600 005.

2.The District Collector,
Sivagangai District.

3.The Commissioner,
Karaikudi Selection Grade Municipality,
Karaikudi.



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4.Sundarambal,
The Commissioner,
Karaikudi Selection Grade Municipality,
Karaikudi.

5.The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai 09.

... Respondents

[R5 is suo motu impleaded vide Court order dated 02/03/2018 in
WP(MD)No.4504/2018]

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to take penal action against the 4th respondent herein under the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and consequently direct the respondent Nos.1 to 3 to strictly adhere the provisions stipulated in the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and precedents laid down by this Court and the Apex Court in all local bodies in the State of Tamil Nadu.

For Petitioner : Mr.RM.Arun Swaminathan

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1, R2 & R5



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Mr.E.P.Venkateshwar
Standing Counsel for R3 & R4

ORDER

(Order of the Court was made by **DR.ANITA SUMANTH, J.**)

The prayer is for a mandamus directing R1 and R2 to take penal action against R4 for employing manual scavengers in contravention of the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (Act). Consequently, a direction is sought to respondents 1 to 3 to adhere strictly to the provisions of the aforesaid enactment as well as the precedents of the Supreme Court and other Courts in this regard.

2. A status report has been filed by the Commissioner of Municipal Administration, Chennai / R1, wherein, they say that manual scavenging has been completely eliminated and modern equipments and machines have been provided for cleaning of sewage.

3. However, the petitioner would reiterate that the practice still persists in some areas, and draws attention to the photographs that support his contention.



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4. In fact, this very issue has been considered in W.P.(MD)No. 17380 of 2017 and the First Bench of this Court, by order dated 29.04.2024, has issued the following guidelines to ensure not just sensitization of the authorities, but strict and scrupulous compliance of the Act. Those directions are extracted below:-

- (i) Take stringent action against those engaging or employing persons for manual scavenging.*
- (ii) Provide protective and safety equipments, in accordance with the Act, in case of using the manual scavengers for sanitary works.*
- (iii) Ensure the clearing of sewer, septic tank, storm water drains etc. is completely mechanized.*
- (iv) Ensure the strict implementation and compliance of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.*
- (v) Sensitize sanitary workers and manual scavengers on the perils of manual scavenging.*
- (vi) Sensitize sanitary workers and manual scavengers about the prohibition, legislative provisions and various schemes/initiates available for their rehabilitation and skill development for alternative employment.*
- (vii) The compensation for the death fixed at Rs.30 lakh under G.O.Ms.No.5, Municipal Administration and Water Supply Department, dated 23.1.2024 may be increased once in three years.*
- (viii) The compensation for the persons, who died pending the present public interest litigation i.e. from the year 2017 may be enhanced from Rs.10 lakh to Rs.20 lakh depending upon the injury and the same to be paid to the legal heirs of the person, who died as per the list*



provided in the affidavit filed in support of W.M.P.No. 6849 of 2021.

(ix)The compensation to the injury suffered by the person is fixed at Rs.10 lakh in G.O.Ms.No.5, Municipal Administration and Water Supply Department, dated 23.1.2024 (or) Rs.20 lakh in the case of permanent disability.

(x)The above payment of injury compensation shall be paid to the persons, who suffered injuries/scavenging related ailments disabilities pending the present public interest litigation.

(xi)The State Government is directed to frame a scheme for offering compassionate appointment to one member of the family of the deceased scavenger and the same is applicable only from the year 2017 when the present public interest litigation is filed.

(xii)The manual scavenging must be fully eradicated at least in a phased manner may be by the year 2026.

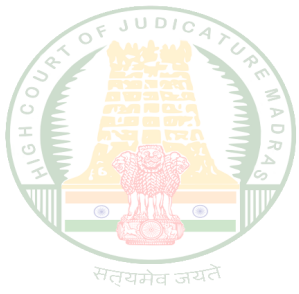
(xiii)In order to rehabilitate, the manual scavengers must be provided employment in the Group-IV posts according to their qualification by the Government.

(xiv)The authorities may verify the list of manual scavengers provided by the petitioners and issue identification cards, as permissible under the relevant statute.

(xv)More deterrent action in respect of cases of manual scavenging should be taken:

(a) Filing FIRs only against the contractors is not sufficient. The FIR should be lodged against the head of the local body in question may be the Panchayat, Municipality, Municipal Corporation etc.

(b) Currently, FIRs are being filed only in cases of deaths. That too, it is done by identifying a convenient scapegoat, typically a lowly employee of the contractor. The heads of the local bodies get away scot-free. There is



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no disincentive for such persons.

(c) In the event any death or disability occurs in the course of manual scavenging, in deserving cases, the FIR must be lodged against the following persons:

Commissioner-Death within a City Municipal Corporation. (In cases arising in Chennai, the Senior Officers of the Chennai Metropolitan Water Supply and Sewerage Board must also be arrayed as accused)

Municipal Commissioner – Death within a Municipality.

Commissioner of Panchayat Union – Death within a Panchayat.

The status report to be filed in relation to all the FIRs said to have been lodged.

(xvi) The manual scavengers should be given free health check ups in the Primary Health Centres (PHC's) or in the Government Hospital (GH) at the District Head Quarters or at the Revenue Divisional levels.

(xvii) The adequacy of equipment for clearing of sewers must be ensured by the State Government. To be placed before a Committee having expertise in urban planning so that a scientific ratio of equipments required per kilometre of sewer can be arrived/determined.

(xviii) Septic tanks:

(i) Provisions of Combined Building and Development Rules to provide for septic tanks, both future and legacy septic tanks.

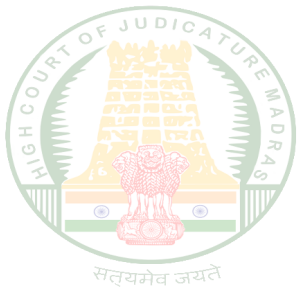
(ii) Every local body must have a dedicated officer to attend to septic tank cleaning.

(iii) All septic tank cleaning must be only through the local body.

(iv) All septic tanks must be cleaned once every year and the local body must maintain a record and find household and premises that do not empty every year.

(xix) Educational facilities and scholarships:

(i) The scheme, if any, must be widely published so that



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families of manual scavengers will come forward to claim the benefits.

(ii) The details of the scheme may be provided so that the petitioner can respond on the adequacy of coverage.

5. It is hence clear that despite the mandate of the Act to eliminate manual scavenging and strict directions to implement the same, there continues a need and necessity for close overseeing of the measures.

6. We thus close this writ petition reiterating the directions that had been passed in W.P.(MD)No.17380 of 2017, held as a continuing mandamus. We direct the authorities to strictly implement the directions as above, and file a compliance report in two months.

7. This writ petition is closed in light of this order. No costs.

8. List on 20.01.2026 for receipt of compliance report.

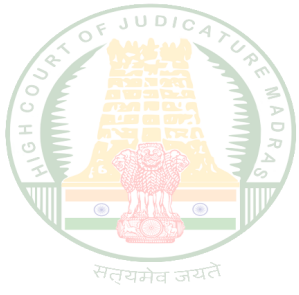
[A.S.M., J.] & [C.K., J.]

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*Note: Registry to appraise us in chambers on 20.01.2026
as to receipt of Compliance Report.*



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To

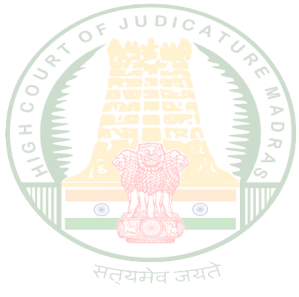
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Karaikudi.

4. The Secretary to Government,
Municipal Administration and
Water Supply Department,
Secretariat, Chennai 09.

5. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.



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DR.ANITA SUMANTH, J.
AND
C.KUMARAPPAN, J.

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