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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 841/1998**

ASHOK AGARWAL

..... Petitioner

versus

UOI & ORS

..... Respondents

+ **W.P.(C) 5232/2007 & CM APPL. 20465/2016, 18087-18088/2018, 23354/2018 & 23357/2018**

NATIONAL CAMPAIGN FOR DIGNITY & RIGHTS OF
SEWERAGE & ALLIED WORKERS THR. HEMLATA
KANSOTIA

..... Petitioner

versus

M.C.D. & ORS.

..... Respondents

Through: Ms. Nabila Hasan, Advocate, for
petitioner, in PIL.

Sh. Sanjay Poddar, Sr. Advocate/*amicus curiae*
with Sh. Sharaf Habibullah, Advocate.

Sh. Anil Dabas with Sh. Praveen Kumar,
Advocates, for Respondent No.4, in Item No.46.

Sh. Ajay Verma, Sr. Standing Counsel, for DDA,
in Item No.45.

Sh. Sanjeev Ralli with Sh. Bibhash Kumar,
Advocates, for DPCC, in Item No.45.

Sh. Ajjay Arora and Sh. Kapil Dutta, Advocates,
for SDMC, in Item Nos. 45 and 46.

Ms. Meera Bhatia, Advocate, for UOI, in Item
Nos. 45 and 46.

Sh. Anchit Sharma, Sh. Ankur Mishra and Sh.
Rahul Singhal, Advocates, for DCB, in Item Nos.
45 and 46.

Sh. Parvinder Chauhan and Sh. Nitin Jain,
Advocates, for DUSIB, in Item Nos. 45 and 46.

Ms. Deepali Gupta, Advocate, for DSIIDC, in
Item No. 45.

Sh. Sanjoy Ghose with Sh. Siddharth Dutta,
Advocates along with SI Amit Grewal, PS IP

Estate, in Item No.46.

Sh. Sumeet Pushkarna, Standing Counsel with Sh. Devanshu, Advocates, for DJB, in Item No.46 along with Sh. S.K. Chawla, Joint Director/Drainage.

Sh. Anil Grover, Standing Counsel with Ms. Noopur Singhal, Advocates, for NDMC, in Item Nos. 45 and 46.

Sh. Kamlesh Kumar Mishra, Sh. Rohit Kalra and Sh. Ashish Pal, Advocates, for interveners, in Item Nos. 45 and 46.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

% **04.10.2018**

Learned counsel addressed the Court further to the previous orders made in this proceeding, and in the light of this hearing, the following directions are issued:

- (a) The steps in accordance with Section 11 of the *Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013* [hereafter “the 2013 Act”] notifying the names of the 45 identified individuals [mentioned in the minutes of the meeting of the Govt. of NCT of Delhi (GNCTD) dated 24.09.2018] who are performing the manual scavenging tasks should be taken up forthwith and the concerned notification issued within two weeks from today;
- (b) The steps towards rehabilitation in terms of Section 13(1) of the 2013 Act should be taken up. One time assistance, assistance towards housing etc. should be immediately provided for within the next four weeks. Immediate steps towards disbursement of scholarships to the

children of all these 45 individuals too is directed to be taken by the concerned agencies. An Action Taken Report by way of an affidavit outlining the names of the beneficiaries/recipients, including the names of children etc. who are to be given assistance on continuous basis as well as the skills training imparted and the number of description of such training shall be disclosed, before the next date of hearing (details of such training shall be disclosed).

(c) It was submitted on behalf of the GNCTD that the survey ordered by the Chief Minister in terms of the 2013 Act is underway and would be completed within eight weeks in terms of the meeting dated 24.09.2018. The result of the survey and the names as well as the identities of the individuals who are found to have been performing manual scavenging tasks should also be disclosed in the Action Taken Report. Furthermore, the Action Taken Report shall state the timeframe within which steps towards rehabilitation, including education for children under Section 13 of the 2013 Act would be taken.

(d) The Action Taken Report shall outline the progress of the steps taken for rehabilitation of the children and members of the family who have expired – and whose record is available for the past five years. In this regard, the Government's stated position is that compensation was disbursed to several victims of the practice. The widows and children, to the extent they are entitled to the benefits under Section 13 of the 2013 Act, have to be extended such entitled benefits. In this regard as to how many children of such victims are

recipients of scholarships as well as any other rehabilitation measure in respect of the widows, (such as compassionate appointment etc.) shall be disclosed to the Court;

(e) The survey – which is to be completed by 24.11.2018 shall take into account the list of names enclosed along with the report of the Delhi State Legal Services Authority (which is at page no. 2943 of W.P.(C) 5232/2007). This list contains 233 names. The identities as well as the vocation of these individuals shall be ascertained while completing the survey to verify whether they indeed perform the manual scavenging task;

(f) The Delhi Jal Board's affidavit indicates that it undertakes up to 900 MGD of sewage waste processing daily and administers 6348 kms of sewage network in Delhi; and in addition, it treats waste flows from 1342 kms peripheral network. The affidavit further states that 140 suction-cum-jetting machines are employed by the DJB in addition to 10 recycler machines. During the hearing, it was contended on behalf of the PIL petitioners that in reply to queries under the Right to Information Act, the DJB have disclosed no or practically negligible amounts of expenditure towards procurement of protective gears and medical assistance to those employed to perform the manual scavenging tasks. To clarify this situation, the DJB is directed to disclose the number of protective gears (with full description, including the total number and class or categories – such as masks, boots, gloves etc.) which it procured in the last three years and the number of individuals it sought to equip for this purpose

together with the expenditure incurred by it.

(g) The DJB shall take-up— on priority and district-wise basis, the review of its practices, with regard to use of contractual employees who might be performing the tasks that are essentially those of the manual scavengers. In this regard, DJB is directed to take-up the East District areas and localities, for the purpose of making a beginning. The details of such employees and other related particulars shall be furnished to the Court. In addition to the above, the DJB shall also indicate the extent of solid waste it has to deal with, in the city of Delhi on a daily basis.

(h) All the local authorities, i.e. the three municipal corporations; the New Delhi Municipal Council (NDMC); the Delhi Cantonment Board (DCB), the Delhi State Industrial and Infrastructure Development Corporation Ltd. (DSIIDC); the Irrigation and Flood Control Department (I&FC) of the GNCTD; Delhi Development Authority and the Indian Railways are hereby directed to file affidavits with respect to the open/partially open drain network (either maintained by them or existing in their jurisdiction) in both authorised and unauthorised areas.

List on 26.11.2018.

Order *dasti* under the signatures of Court Master.

S. RAVINDRA BHAT, J

A. K. CHAWLA, J

OCTOBER 04, 2018/ajk