



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1570 OF 2023

1. Shramik Janata Sangh

(Registered Union with Regn. No. 5073, Through, Its General Secretary Shri Jagdish Khairaliya, Having its office at Haji Habib building, 'A' Wing, 1st Floor, 182, Naigaon Cross road, Dadar (East), Mumbai-400014;

2. Raju Prabhakar Madhve,

Aged about 50 years, R/o Shri Siddhi Apartment, Umberli Village, In front of Saidhara Tower, Manpada, Dombivili (East), Thane.

3. Shreyas Pande,

S/o Sanjay Pande, Aged 23 years, R/o 24/A Govind Vatsal Appartment, Tilak Nagar, Nagpur, Maharashtra.

.. Petitioners

Versus

1. State of Maharashtra

Through the Secretary, Department of Social Justice and Special Assistance, 1st Floor, Annex Building. Mantralaya, Madam Cama Road, Hutatma Rajguru Chowk, Nariman Point, Mumbai 400032

2. Thane Municipal Corporation, Through the Commissioner, New Administrative Building, Chandan Wadi, Pachpakhadi, Mahapalika Bhavan Rd, Thane West, Thane,

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Maharashtra 400602

3. District Magistrate, Collectorate,
Court Naka, Adv Prabhakar Hegde
Rd, Kharkar Alley, Thane West,
Thane, Maharashtra 400601

4. The Commissioner of Police,

Thane Police Commissioner Office,
Near Kalwa Bridge, Thane

5. Commissioner Social Welfare,
Commissionerate of Social Welfare,
3 Church Road, Agarkar Nagar,
Pune, Maharashtra - 411 001 .. Respondents

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Ms. Gayatri Singh, Senior Advocate a/w Ms. Sudha Bharadwaj
and Mr. Khalil Rehman, for the Petitioners.

Mr. A.S. Rao, for Respondent No.2-TMC.

Mr. O.A. Chandurkar - Addl. G.P. a/w Smt. S. A. Prabhune, AGP
for the Respondent-State

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

RESERVED ON : 01st APRIL, 2026

PRONOUNCED ON : 13th AUGUST, 2026

Judgment [Per Manjusha Deshpande, J.]:-

1. Rule. Rule made returnable forthwith and heard finally
with the consent of the parties.

2. In the 21st Century, we boast about reaching the other
side of the Moon, yet the hard reality that stares us in the face

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is that the social evil of the caste system is still followed in our country, which forces some of our citizens to do work that is below human dignity. Though the Constitution guarantees all its citizens, equality before the law and equal protection of the law, even after 75 years of adopting the Constitution, our Country is not free from the social evil that has haunted us for ages. Manual Scavenging is one such practice, which is still followed in our Country, which forces a particular class of community to undertake this inhumane practice for generations, inspite of prohibition imposed on it by various Judicial Pronouncements of the Hon'ble Supreme Court and statutes prohibiting such practice. One such Government Resolution issued by the State Government is the subject matter of the Present Writ Petition.

3. The Petitioners, in this Writ Petition are seeking directions to quash and set aside the Item No. 11 of the Government Resolution dated 12.12.2019, which determines the Competent Authorities for payment of compensation, and makes the private individuals/societies liable for payment of compensation on the death of manual scavengers instead of State/Local Authorities.

The Petitioners are the citizens of this country who are

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striving hard for the betterment of the deprived class of society, who are still forced to undertake the work of manual scavenging and cleaning of sewers. Petitioner No. 1 is the registered All India Trade Union, also operating in the State of Maharashtra. Petitioner No. 2 is the father of a Safai Worker, who lost his life while undertaking hazardous cleaning of a septic tank on 29.03.2022 at Grace Square Society, Kausa, Mumbra, Mumbai. Petitioner No. 3 is a writer by profession and also a volunteer of a Youth Organization working for social causes including human rights.

4. The Petitioners have filed this Writ Petition on the background of the failure of the State/Local Authorities to implement the provisions of “Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013” (for short “the Act of 2013”), which was adopted by the State of Maharashtra, which aims to prohibit the social evil of Manual Scavenging. The Union Government notified Rules under the said Act of 2013 on 12.12.2013. The said Rules are also applicable to the State of Maharashtra, since no separate rules are notified by the State of Maharashtra as mandated in Section 37(b) of the Act of 2013. Chapter II of the said Rules lay down safety procedures and safety equipment required to

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be used and maintained while engaging in hazardous cleaning. These Rules make it mandatory for the Local Authority to ensure that, the cleaning devices as mandated in the Rules, are used by persons engaged in cleaning sewers or septic tanks.

5. The Hon'ble Supreme Court, while pronouncing on the said issue has passed a detailed judgment on 27.03.2014 in the case of *Safai Karamchari Andolan & Ors. Vs. Union of India & Ors.*¹. During the pendency of the said Writ Petition, before the Hon'ble Supreme Court, the Act of 2013 was enacted. Taking into consideration that the Act of 2013 was sufficient to take care of the issue pending before it, the Hon'ble Supreme Court after appreciating the provisions of the said Act, issued directions to all the State Governments and Union Territories to fully implement the Scheme under the Act of 2013, and take appropriate action against, the non-implementation as well as violation of the provisions contained in the Act of 2013. It is observed in the said order that, since the Act occupies the entire field, no further monitoring is required by the Court.

Thereafter, the Ministry of Housing and Urban Affairs, Government of India has issued a "Standard Operating Procedure for the Cleaning of Sewers and Septic Tanks"

¹ (2014) 11 SCC 224
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("SOP"), wherein the responsibility of the Urban Local Bodies has been set out. The SOP provides that only Registered Agencies/Contractors/Employers with certain eligibility, requirements and responsibilities may carry out such work; and where both the mechanical and manual process are delineated in great detail including methods, use of protective gear and safety devices, precautions to be taken and emergency preparedness.

6. It is the grievance of the Petitioners that, the Respondent Authorities - the contractors/employers are not following this SOP, thereby subjecting Sanitation Workers to fatal risks of hazardous cleaning. The Respondent Authorities have failed to implement the provisions of the Act, Rules made thereunder, as well as the SOP, and they continue to engage workers in hazardous cleaning of tanks and sewers which has resulted in death of number of workers. When the information regarding the list of contracts, contractors and workers employed by the Respondents for manual scavenging was called under the Right to Information Act, 2005, it is informed vide letter dated 20.04.2021, that no contractor has been employed for manual scavenging, however, a list of 18 Sewer Work Contracts has been provided, which, according to the Petitioners, is sufficient

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to establish that Respondent No. 2 Municipal Corporation engages in manual scavenging.

7. Heard learned Senior Counsel, Ms Gayatri Singh, representing the Petitioners, Mr. A. S. Rao, learned counsel representing Respondent No. 2- Municipal Corporation and Mr. O. A. Chandurkar, learned Addl.G.P. representing the State.

Learned Senior Counsel, Ms Gayatri Singh appearing for the Petitioners submits that, on the aforementioned background, an incident is reported within the jurisdiction of Respondent No. 2- Municipal Corporation on 09.05.2019. While carrying out cleaning of an STP tank (sewers and septic tank) in Pride Presidency Luxuria Housing Society, Thane (West), three workers, namely, Amit Puhal, Aman Badal and Ajay Bumbak died due to asphyxiation from inhaling poisonous gases. Out of eight sanitation workers employed for the work, three succumbed to the poisonous gases. Enquiry revealed that permission of the Respondent No. 2 was not obtained for the said work, nor information about the said works was given; no protective gear or safety equipment was provided by the employer to the workers for execution of the work. In spite of best of the efforts made by the family members of the deceased sanitation workers, who lost their

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lives and who were their only breadwinner, they were unable to secure any compensation, rehabilitation or jobs, as provided under 'the Act of 2013'.

The representatives of Petitioner No. 1 - Union met the Collector, Thane and brought to his notice the judgment of the Hon'ble Supreme Court dated 27.03.2014 in *Safai Karamchari Andolan & Ors (supra)*. Since the Petitioners' efforts did not prove to be successful, Petitioner No. 1 and other social organizations held a peaceful Dharana at Thane Collectorate on 13.08.2019, and handed over the memorandum addressed to the Chief Minister of Maharashtra, for their demand to issue appropriate Government Resolution for implementation of the judgment of the Hon'ble Supreme Court dated 27.03.2014. Consequently, the Government Resolution dated 12.12.2019 was issued, whereby the Authorities for making payment of compensation to the dependants of sanitation workers who died while engaged in hazardous cleaning of sewers/septic tanks is notified.

The learned Senior Counsel submits that, the Government Resolution dated 12.12.2019, while fixing the responsibility on the officers responsible for making payment of compensation, a chart is provided wherein the sanitation

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workers are categorized according to the jurisdiction where the accident has occurred, while executing the work of cleaning sewers. This categorization is also based on the employer, who appointed them and the responsibility of making payment of Compensation of Rs.10,00,000/- has been fixed on the Competent Authority given in the third column of the said chart. The responsibility in case of a workman, who is employed by the Municipal Corporation on their regular establishment on contract basis, daily wages etc. The Commissioner of Municipal Corporation, has been made responsible for making such payment. Similarly, in case of Municipal Councils, the Chief Officer is responsible. In case of Zilla Parishad/Panchayat Samiti/Gram Panchayat, it is the responsibility of the Chief Officer, Zilla Parishad to make payment from the funds of Zilla Parishad. Similar is the case with the Government establishment/Government undertakings/semi Government Organization, in all the cases, the respective Heads of the department have been made responsible for making such payment, which facilitates the victim for early disbursement of the compensation. Exception is Item No. 11 of the said chart, which governs the 'sanitation worker' employed by private Individual/Society/Institutions. It fastens the responsibility on the collector of district to ensure

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that, the dependants of victim receive compensation which shall be paid from the funds of private employer.

8. The Petitioners are therefore taking exception to Item No. 11 of the chart, of the said Government Resolution, which according to the learned Senior Counsel, is contrary to the directions issued by the Hon'ble Supreme Court. This clause does not come to the aid of the sanitation workers engaged by the private contractors in any manner, and it does not facilitate the family members of the victim of sewer deaths, in availing the prompt and effective relief and rehabilitation.

According to the learned Senior Counsel, the Hon'ble Supreme Court has fixed the responsibility on the Union, Union Territories and State Government, which is done away with by fastening responsibility on the private contractors/employers, by including Item - 11 in the said Government Resolution.

It is submitted that the State Government has also issued Government Resolution dated 30.01.2020, issuing directions for the effective implementation of the 'Act of 2013'. Directions have been issued to all the Local Bodies to scrupulously follow the mandate of Act of 2013, alongwith the directions issued by the Hon'ble Supreme Court in Writ Petition No. 583 of 2003. This very Government Resolution contains directions to the

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Local Bodies, to identify the families of all the persons who have died in sewage work (manholes/septic tanks) since 1993 onwards and make payment of compensation of Rs.10,00,000/- each to the dependants of such sanitation worker. Similarly, directions are issued to scrupulously follow the SOP issued for use of safety gears while cleaning the manholes and the septic tanks. It also mandates establishment of the “Emergency Response Sanitation Unit” (“ERSU”). This ERSU would be responsible for ensuring the implementation of SOP and filing of criminal complaints against the responsible person in case of death of a sanitation worker. The Local Authority is also bound to ensure that the workers doing such work are insured to the extent of Rs.10,00,000/- for which the premium shall be paid by the employer.

9. The learned Senior Counsel submits that, irrespective of aforementioned directions issued by the Hon’ble Supreme Court and Policy decision taken vide Government Resolution dated 12.12.2019, there are continuing incidents of death of the sanitation workers, while carrying out the hazardous cleaning in septic tanks within the jurisdiction of Respondent No. 2. Pursuant to the death of two sanitation workers, FIR No. 288 was lodged in the Police Station at Mumbra on

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01.04.2022. Neither the contractor nor the concerned officials of the Respondent No. 2 - Thane Municipal Corporation, have been arraigned as accused in the FIR, despite the fact that, due to failure of their statutory duties, the incident resulting in death of these two sanitation workers had occurred. It is submitted that consistent efforts were made through Petitioner Nos. 1 and 3 alongwith other social organizations to secure Compensation and Rehabilitation to the dependants of the Victim Sanitation Workers and strict compliance and implementation of the "Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013", as well as the SOP issued in November 2018, with a request to immediately sanction Rs.10,00,000/- to each of the families and their Rehabilitation as per the judicial pronouncement of the Apex Court but in vain.

10. It is further submitted that on 20.04.2022, the Petitioners have prepared a comprehensive representation enclosing the list of 14 manual scavengers, who died in the sewers between 2016 to 2019, amongst whom, only four have received compensation of Rs.10,00,000/- as directed by the Hon'ble Supreme Court, and none of the family members have been rehabilitated. A demand is made for conducting survey of

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manual scavengers in the jurisdiction of the Respondent No. 2 - Corporation and to constitute District and Sub-Divisional Level Vigilance Committees as contemplated in the 'Act of 2013'. In response to this representation of the Petitioners dated 20.04.2022, Respondent No. 2-Corporation has replied *inter-alia* stating that, the incident of death of three sanitation workers has occurred in a private housing society due to inhalation of noxious gases, since the workers were engaged through a private contractor, the liability of payment of compensation of Rs.10,00,000/- to the dependants of workers would rest with the society. Since this compensation has not been paid within 30 days, Respondent No. 2-Corporation has passed a resolution to pay compensation and recover it from the concerned society.

A similar incident has also occurred in another private society resulting into death of two more workers, when a demand is raised for the compensation from Respondent No. 2, the dependants have been informed that, they should obtain heirship certificate, so as to process their demand for the compensation. This conduct of Respondent No. 2, according to the Petitioners, is contrary to the directions issued by the Hon'ble Supreme Court, in its judgment dated 27.03.2014. Due

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to such callous attitude of the Municipal Corporation, the families of the victims are made to run from pillar to post, to obtain succession certificates and incur expenses by engaging lawyers, which is beyond their means. On the aforementioned background, the Petitioners have approached this Court seeking following reliefs:

“A. That this Hon'ble Court be pleased to quash and set aside that part of the GR dated 12.12.2019, namely Item No. 11 of the Chart which determines the Competent Authorities for payment of compensation, which makes private societies liable for compensation for the death of manual scavengers instead of state local authorities,

Or

In the alternative, to read down the said Item No. 11 to hold the State/ Local authorities liable for compensation for the death of manual scavengers.

B. That this Hon'ble Court be pleased to issue a writ of mandamus or writ, order or direction in the nature of mandamus directing Respondent No.1 /No.2 to pay compensation of Rs. 10 lakhs along with interest to the families of the deceased workers mentioned at Exhibits A and Band to rehabilitate the families of the deceased;

C. That this Hon'ble Court be pleased to issue a writ of mandamus directing the Respondents No. 1, 2 and 3 to identify all persons who have died in the State of Maharashtra while engaged in hazardous cleaning of sewers/ septic tanks since 1993 within a period of 6 months and proceed to pay cash compensation of Rs. 10

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lakhs to their families in a time bound manner;

D. That this Hon'ble Court be pleased to issue a writ of mandamus directing Respondent No. 1 to notify and constitute a Vigilance Committee for each district and Sub Division consisting of four social workers including from SC/ST working for the prohibition of manual scavenging and rehabilitation of manual scavengers, or representing the scavenging community of whom two would be women;

E. That this Hon'ble Court issue a writ of mandamus, or writ, order or direction in the nature of mandamus directing Respondent No. 4 to issue guidelines to institute FIRs by ensuring that the officials of statutory bodies responsible for ensuring implementation of the provisions of the Act are also implicated, and action, both civil and criminal is taken against them;

F. That this Hon'ble Court be pleased to direct the Respondent No. 2 to submit mit a time-bound plan for surveying, and subsequently ensuring the appropriate upgradation of all existing sewerage systems including sewers/ septic tanks/ gutters and nullahs within its jurisdiction, within a period of 3 years, in such a manner that all cleaning can take place mechanically and the very necessity of sanitation workers entering sewers/ septic tanks/ gutters and nullahs to engage in hazardous cleaning or manual scavenging does not at all arise.

G. That this Hon'ble Court be pleased to issue a writ of mandamus or writ, order or direction in the nature of mandamus directing the Respondent No.2 to stop, with immediate effect, engaging or employing, directly or

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indirectly, including by any private occupier or society, any person for the hazardous cleaning of a sewer or septic tank, except unless the following conditions are complied with:

- i. Permission has been granted by the Respondent Corporation by recording the specific and valid reasons for the same in writing;*
- ii. The Employer provides the mandatory safety gear prescribed in Chapter II of Rules under the 2013 Act to the person entering the sewer/ septic tank/ gutter or nullah;*
- iii. The Employer has conducted all the mandatory tests prescribed in Chapter II of the Rules under the 2013 Act to be carried out, prior to any person entering a sewer or septic tank;*
- iv. and the Employer has all the mandatory safety equipment and emergency services prescribed in Chapter II of the Rules under the 2013 Act, ready and available, whenever any person enters a sewer or septic tank.”*

11. After filing of the Writ Petition and its hearing before this Court from time to time, various documents have been placed on record by the respective parties. However, the core issue in the present Writ Petition remains to be Item - 11 of the Government Resolution dated 12.12.2019, which fastens responsibility on the private Contractor/Employer to make payment of compensation to dependants of sanitation workers

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who were engaged through the private contractors.

The Respondent No. 2 - Corporation has filed reply affidavit through Mr. Vikas Dhole, Deputy City Engineer, Sewerage Department, Thane Municipal Corporation. Mr. A.S Rao Counsel for the Respondent No. 2 states that, pursuant to the Government Resolution dated 12.12.2019, the General Body of Respondent No. 2- Corporation has passed a resolution providing Standard Operating Procedure for providing immediate financial assistance of Rs.10,00,000/- by private housing society, who appoint the sanitation workers on contract, for cleaning sewage treatment plant/tank etc. In case of failure to provide the financial assistance immediately, the Municipal Corporation shall provide such assistance to the dependants of the deceased and later on recover the amount from the concerned housing society/private establishment in the form of property tax.

It is submitted that, of the two victims of an incident that occurred at Grace Square Housing Society on 29.03.2022, one of the victims has already been issued a cheque of Rs.10,00,000/-. So far as the second victim is concerned, the legal heirs of the victim have been called upon to submit the heirship certificate, after which the amount of Rs.10,00,000/-

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shall be disbursed.

12. The State of Maharashtra has also filed reply to the Writ Petition through the Secretary, of the Social Justice and Special Assistance Department, Mantralaya Mumbai. This affidavit has been filed in response to the order passed by this Court on 16.04.2024, calling upon the Secretary of the Social Justice and Special Assistance Department, to appoint a Nodal Officer, who will in turn call for information from all the Local Authorities in the State of Maharashtra, the District Magistrates, Monitoring and Survey Committees and other functionalities. It is stated that, as per the directions issued by this Court on 02.05.2024, the Commissioner of Social Welfare, Pune, has been appointed as a Nodal Officer for collecting information from the Local Authorities. It is informed that, the State Monitoring Committee and Vigilance Committee have been constituted by the State of Maharashtra, vide notification dated 31.07.2019, and communications have been addressed to the Principal Secretary, Urban Development Department to furnish information in respect of the survey of insanitary latrines and provision of sanitary community latrines by the Local Authority as per Section 4 of the Act of 2013. On receiving such information, the Urban Development

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Department shall file further affidavit.

13. The subsequent affidavit dated 04.07.2024 contains the details and information of the District Level Vigilance Committee, Sub-Divisional Vigilance Committee, report of survey of the insanitary latrines conducted by the Local Authorities under Section 4 of the Act of 2013, the information of survey of manual scavengers under Section 11 of the Act of 2013, alongwith the details of the action taken on the applications received from the Urban Manual Scavengers for identification as per Section 12 of the Act of 2013.

This affidavit also contains the information regarding rehabilitation of persons identified as manual scavengers by the Local Authorities under Section 13 of the Act of 2013. It contains information from the seven revenue divisions of the State of Maharashtra. It is stated that total 81 cases of death of Manual Scavengers has been reported till the date of filing of the affidavit. An amount of Rs.8 crores and 10 lakhs has been disbursed amongst the dependants of 81 victims of Manual Scavenging (at the rate of Rs.10,00,000/- per deceased), as such, there is no single case pending till the date of filing of the affidavit. This compensation has been paid by the Department of Social Justice and Special Assistance and the Local Self

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Bodies as well as the contractors.

14. Mr. O.A. Chandurkar, learned Addl.G.P, relying on the affidavit of Respondent No. 1 would submit that the Local Self-Government, Contractors and Private Individuals have been assigned the responsibility of providing compensation to the dependant family members of the victims of Manual Scavenging as per the Government Resolution dated 12.12.2019. It is submitted that, directives have also been issued to establish appropriate protocols to the contractor or external source in question over contract cancellation, imposition of monetary damages etc.

He further submitted that 36 Districts in the State of Maharashtra have been declared as free from Manual Scavenging. Certificates issued by the respective Collectors have been submitted to the Deputy Secretary, Government of India by the Commissionerate on 02.08.2023. It is submitted that, in view of the steps taken by the State Government and the Local Authorities, in furtherance of the object of the Act, nothing survives in the present Writ Petition.

15. At this juncture, we may as well take note of the order passed by this Court on 20.08.2024. This order has been passed, after appreciating the affidavit filed by the State on

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04.07.2024, as referred hereinabove. When this Court had called upon the State Authorities to confirm, before proceeding further in the matter, whether the stand of the State Government that all the Districts in the State of Maharashtra are free from Manual Scavenging was still being asserted. The learned Government Counsel had sought time to confirm the same. When the matter was heard on 20.08.2024, a statement is made by the learned Government Counsel that, the position as existing on the date of issuance of certificates declaring the 36 Districts free from Manual Scavenging, has been made as per the position that existed then and not the position as it stands today. The certificates to the effect have been submitted to the Union Government on 02.08.2023, whereas the affidavit has been filed on 04.07.2024.

During the hearing before this Court on 20.08.2024, the Petitioners have given instances of continued Manual Scavenging in April and August 2024. It is contended that, the stand of the State is contrary to the record; on one hand, it is claimed that the State is free of Manual Scavenging, and on the other hand, it is claimed that compensation is disbursed to the 81 cases as per the own record of the State.

On 20.08.2024, this Court has issued directions to the

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Social Welfare Department to publish composition of all the Committees-State, District and Vigilance Committees with the names of the members on the website. The information about these Committees and the action taken by them in furtherance of the Act of 2013, was directed to be regularly updated. Time was granted to the learned Government Counsel to issue necessary directions for implementation of the aforementioned directions.

Further directions are also issued to create a social media handle, where citizens and non-government organization can report instances of manual scavenging, which the District Level Committee and the Vigilance Committee can examine, which would facilitate the Social Welfare Department in discharging their statutory duty.

16. During the pendency of the present writ petition, various orders have been issued by this Court from time to time. Pursuant to those orders, victims engaged in hazardous cleaning have already been extended the benefit of compensation. We, therefore, do not propose to revisit that aspect. In view of the aforementioned observation, it is necessary to examine which of the prayers made in the Writ Petition still need consideration. It would, therefore, be

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necessary to appreciate various policy decisions taken by the Central Government as well as the State Government, along with the directions issued by the Hon'ble Supreme Court as well as this Court from time to time. Accordingly, we confine ourselves to the larger issue canvassed before us in the present Writ Petition.

The practice of manual scavenging has been in existence in our country since time immemorial. For the first time, taking cognizance of this social evil prevalent in the country, which forced a particular community to do the menial task of manual scavenging, the Central Government, with a view to emancipate those trapped in this social evil, constituted a Special Commission for Safai Karamcharis in the year 1993, to give its recommendations to the Government regarding specific programmes for the welfare of the sanitation workers. In the same year, the parliament enacted the "Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993"; with an object: for abolishing manual scavenging by declaring employment of manual scavengers, for removal of human excreta an offence and thereby ban further proliferation of dry latrines in the country. This has been done with an object of protecting and improving the

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human environment, to make it obligatory to convert dry latrines into water-seal latrines or to construct water-seal latrines in new construction. It was found that the Act of 1993, was not adequate for eliminating the twin evils of insanitary latrines and manual scavenging, therefore, the Act of 2013, i.e. “The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013”, has been enacted by the Parliament with an object to eliminate dry latrines, manual scavenging and to rehabilitate the manual scavengers to alternate occupation.

After enactment of the Act of 2013, Rules have been notified by the Central Government laying down the safety measures and procedures for implementation of the said Act. After coming into force of the Act of 2013, the Hon’ble Supreme Court disposed of the case of the *Safai Karamchari Andolan & Ors. (supra)*, pending before it after taking into consideration the provisions of the Act of 2013. Though the Writ Petitions pending before it have been disposed of, certain directions have been issued by the Hon’ble Supreme Court while disposing the Writ Petitions in paragraph 23, which reads thus:

“23. We have already noted various provisions of the 2013 Act and also in the light of various orders of this

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Court, we issue the following directions:

23.1. *The persons included in the final list of manual scavengers under Sections 11 and 12 of the 2013 Act, shall be rehabilitated as per the provisions of Chapter IV of the 2013 Act, in the following manner, namely:*

(a) such initial, one-time cash assistance, as may be prescribed;

(b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) they shall be allotted a residential plot and financial assistance for house construction, or a ready-built house with financial assistance, subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;

(d) at least one member of their family shall be given, subject to eligibility and willingness, training in livelihood skill and shall be paid a monthly stipend during such period;

(e) at least one adult member of their family shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on sustainable basis, as per the provisions of the relevant scheme;

(f) shall be provided such other legal and programmatic assistance, as the Central Government or State Government may notify in this behalf.

23.2. *If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:*

(a) Sewer deaths – Entering sewer lines without safety gear should be made a crime even in emergency situations. For each such death, compensation of Rs 10 lakhs should be given to the

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family of the deceased.

(b) Railways – Should take time-bound strategy to end manual scavenging on the tracks.

(c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.

(d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.

23.3. *Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs 10 lakhs for each such death to the family members depending on them.*

23.4. *Rehabilitation must be based on the principles of justice and transformation.”*

In paragraph 23.3, directions have been issued to identify the families of all the persons, who died in sewer works since 1993 and award them compensation of Rs.10,00,000/- each to the family members. A duty is cast on all the States and the Union Territories to fully implement the aforementioned Act and the directions issued by the Hon’ble Supreme Court.

17. After the Pronouncement of judgment of the Hon’ble Supreme Court in case of the ***Safai Karamchari Andolan & Ors.*** (*supra*), yet another judgment has been pronounced by the Hon’ble Supreme Court in the case of ***Dr. Balram Singh Vs.***

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*Union of India & Ors.*², wherein directions have been issued for proper implementation of the Act of 2013, with further directions that the application of the protection under the said Act of 2013 shall be extended even for the protection and benefit of the rights of the sewer workers and those who die during cleaning of septic tanks and sewers. Most importantly, the limit of Rs.10,00,000/- fixed in the earlier judgment of the Hon'ble Supreme Court, has been enhanced to Rs.30,00,000/- towards compensation in case of death of sewer workers. Besides enhancing the compensation and making it applicable even to the sewer workers, apart from this there are some more directions issued by the Hon'ble Supreme Court for the effective implementation of the Act of 2013. The directions contained in paragraph 97.4 of the said judgment are reproduced hereunder, which reads thus:

"97.4. The Court hereby directs the Union and the States to ensure that the compensation for sewer deaths is increased (given that the previous amount fixed i.e. Rs 10 lakhs) was made applicable from 1993. The current equivalent of that amount is Rs 30 lakhs. This shall be the amount to be paid, by the agency concerned i.e. the Union, the Union Territory or the State as the case may be. In other words, compensation for sewer deaths shall be Rs 30 lakhs. In the event, dependants of any victim have not been paid such amount, the above amount shall be payable to them. Furthermore, this shall be the amount to be hereafter paid, as compensation."

² (2024) 11 SCC 601
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(Emphasis supplied by us)

18. After hearing the respective parties and perusing record with the orders passed by this Court from time to time, we find that despite the comprehensive Act of 2013, which prohibits employment of Manual Scavengers and makes the rehabilitation of their dependants mandatory, the provision of this Act and the Rules made in that behalf are not being followed by the State Government, as well as the Local Authorities in its true spirit, which can be gathered from the affidavit filed by the State Government, which contains the data of reported deaths, on account of manual scavenging till date of filing the affidavit, i.e. up to 04.07.2024. Thus, it can be inferred that the State is not successful in fully eradicating the social evil, i.e. of manual scavenging which is prohibited under the Act of 2013.

19. The prayer clause - B of the Writ Petition seeks a relief of issuing directions to pay Rs.10,00,000/- alongwith interest to the family of the deceased workers enlisted at Exhibit A and B, and to rehabilitate the families of such deceased workers. Table at Exhibit- A annexed to the Writ Petition contains names of victim sanitation workers since 2016 till the date of filing of the Writ Petition on 26.09.2022. This table contains

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names of nine employees, whose death has occurred, while working as sanitation workers, which entitles the dependants of these victims to receive compensation of Rs.10,00,000/- each. The affidavit filed by the State Government contains the list of 81 family members of the deceased Sanitation workers who have received the compensation. On perusal of the list which is annexed at Exhibit D of the affidavit filed by the State, we find that names of six persons in the list at Exhibit A to the Petition is included in the list of beneficiaries, who have received an amount of Rs.10,00,000/- each. As regards the names contained in list at Exhibit B to the Writ Petition, three names are shown to have received partial compensation, amongst which, two names are included in the list of persons who have received full compensation.

From the aforementioned information contained in the affidavit of the State, we find that in majority of cases compensation is paid to the family members of the deceased.

20. At this juncture it is necessary to take note of the decision in case of *Dr. Balram Singh (supra)*, wherein directions have been issued by the Hon'ble Supreme Court to the States and Union Territories to ensure that compensation for sewer deaths is enhanced to Rs.30,00,000/- and in the

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event, the dependants of any victim were not paid such amount, the above amount shall be payable to them. Thus, from the data provided by the State Government in their Affidavit, it appears that, there is partial compliance of the order, so far as compensation is concerned, since the names of three victims in Table at Exhibit A and one victim at Exhibit B, does not appear in the consolidated list of beneficiaries provided by the State Government.

21. The Petitioners are also seeking directions to the Respondent No. 1 to constitute Vigilance Committee for each District and Sub-Division, consisting of four social workers including SC/ST members, working for prohibition of manual scavenging, represented by at least two women from that community. In the detailed affidavit filed by the State it is stated that, the State Monitoring Committee has been constituted in the State of Maharashtra by notification dated 31.07.2019. The District Level Committees have been constituted in all the 36 Districts of the State of Maharashtra alongwith 180 Sub-Division Level Vigilance Committees under Section 24(1) and 24(3) of the Act of 2013. The composition of the said Committee is in accordance with the provisions of the Act of 2013. Thus, in our view, since the Vigilance Committee

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as well as the District and Sub-Division Level Committees have already been constituted as per the provisions of the Act of 2013, and the directions have been issued by this Court, vide its order dated 20.08.2024, to the State Government to publish the names of the Committee members and update the information on the dedicated website, it sufficiently satisfies the grievance of the Petitioners.

22. So far as the prayer of the Petitioners to issue directions to Respondent No. 4 to institute FIRs against the Statutory Bodies for ensuring implementation of the provisions of the Act of 2013, and implicate them by taking civil and criminal action is concerned, a Government Resolution dated 30.01.2020, issued by the Urban Development Department in furtherance of the directions given by the Hon'ble Supreme Court and the National Commission for Scheduled Caste, takes care of the action to be taken by the Local Authorities by establishing, the Emergency Response sanitation Unit (ERSU). In case of any untoward incident resulting in death of a sanitation worker, it would be responsibility of this ERSU to fix the responsibility and file criminal complaints against the concerned person. Thus, this Government Resolution takes care of the relief sought by the Petitioners.

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23. It is also the grievance of the Petitioners that, inspite of issuance of the Standard Operating Procedure ('SOP') issued by the Ministry of Housing and Urban Affairs, Government of India, for cleaning of sewers and septic tanks, in which roles and responsibilities of the Urban Local Bodies has been clearly set out, which prohibits manual processes and makes it mandatory to carry out the work of cleaning/desilting, the sewers and septic tanks with the aid of machines, by ensuring safety of the workers who are executing such hazardous work is not followed, which results in accidents and deaths of the workers who are engaged in such work.

In the aforementioned background, the Petitioners are seeking directions to Respondent No. 2 to stop engaging or employing directly or indirectly, including private occupier or society, any person for hazardous cleaning, without following the necessary conditions such as prior permission of the Local Authority, provision of safety gears as prescribed in Chapter II of the Rules of 2013, ensuring that the employer has conducted all the mandatory tests prescribed in chapter II of the Rules under the Act of 2013, to be carried out prior to entry of any person in the sewer or septic tank. The employer has to ensure mandatory safety equipments and emergency services

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are readily available all the time.

So far as these prayers are concerned, the PEMSR Rules of 2013, takes care of the above prayers made by the Petitioners, which makes it obligatory on the employer to provide protective and safety gears and devices to the persons engaged to clean a sewer or septic tank. Rule 4 of the Rules of 2013, ensures safety of the person engaged in such works.

Even, the Government Resolution dated 30.01.2020 issued by the Urban Development Department, State of Maharashtra ensures the strict implementation of the SOP as well as the implementation of the Act of 2013. Emergency Response Sanitation Unit (ERSU) is directed to be established within the urban areas, who are made responsible for implementation of the directions given in the Government Resolution. Which ensures that only trained persons, certified by the ERSU shall enter the sewers equipped with Personal Protective Equipment (PPE) kits and no other person is permitted to entry. Directions are issued to encourage cleaning of sewers and septic tanks with the aid of machines and mechanical gadgets.

In view of the aforementioned policy decision taken by the State Government in furtherance of the Act of 2013, as

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well as the decisions of the Hon'ble Supreme Court in case of *Safai Karamchari Andolan & Ors.* and *Dr. Balram Singh (supra)*, we find that some of the prayers of the Petitioners are already complied with and do not need any further orders.

24. However, after hearing the parties at length and on perusing the various orders passed by this Court from time to time and the affidavits filed by the Respondents in response to the orders passed by this Court, we find that inspite of beneficial enactments and various Government Resolutions issued for the prohibition of the manual scavengers and the protection of sewer workers, the implementation of these Acts and Government Resolutions is miserably lacking. Inspite of the directions issued by this Court from time to time, the Local Authorities have failed to ensure compliances of the mandatory provisions of the Act of 2013 and the Rules made thereunder.

Even though the Petitioners have come with a prayer before this Court to identify all the persons, who have died in the State of Maharashtra while engaged in hazardous cleaning of sewers and septic tanks since 1993, and to pay them compensation of Rs.10,00,000/- each, in a time-bound manner. The reply affidavit filed by the State Government contains the

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data only to the extent of the deaths occurred on account of manual scavenging to whom, the compensation of Rs.10,00,000/- has been disbursed, it is also claimed that not a single case is pending for disbursement of the compensation. The information provided in the affidavit, relates to the persons who have been identified as Manual Scavengers, no information has been provided about the persons who have died due to hazardous cleaning of the sewers/septic tanks. Thus, in our view, it would be necessary to issue directions to the State Government to identify all the persons who have died while engaged in "hazardous cleaning" as defined under Section 2(d) of the PEMSAR Act, within a period of six months from passing of order and after such identification, proceed to pay the compensation of Rs.30,00,000/- each as directed by the Hon'ble Supreme Court in paragraph 97.4 of the judgment in case of *Dr. Balram Singh (supra)* and the policy decision taken vide Government Resolution dated 30.04.2025.

25. Finally coming to the substantive relief contained in prayer clause A of the Writ Petition, i.e. to quash and set aside Item No. 11 of the chart to the Government Resolution dated 12.12.2019, which determines the Competent Authorities for payment of compensation making the private societies liable

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for compensation on death of Sanitation workers, instead of the State or Local Authorities is concerned, the Petitioners have already demonstrated, the hardship faced by some of the family members of the victim, who were engaged by the private contractors for Sanitation works in private societies. It is informed that, often these works are executed by the private society, without permission from the Local Authorities by employing untrained workers, without providing them protective gears at the instance of private contractors. In such situation, the Local Authorities, like the Municipalities and Municipal Corporation shirk their responsibility of compensating such victims.

26. In spite of the clear mandate in the judgment of the Hon'ble Supreme Court in case of *Safai Karamchari Andolan & Ors. (supra)* as set out in paragraph No. 24, which makes it mandatory for the Central Government and the State Government to ensure implementation of the Act of 2013, alongwith and various directions issued by the Supreme Court from time to time. These directions are not followed in its letter and spirit. Paragraph 24 of the said judgment is reproduced hereinbelow which reads thus:

“24. In the light of various provisions of the Act referred to above and the Rules in addition to various

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directions issued by this Court, we hereby direct all the State Governments and the Union Territories to fully implement the same and take appropriate action for non-implementation as well as violation of the provisions contained in the Act 2013. Inasmuch as the 2013 Act occupies the entire field, we are of the view that no further monitoring is required by this Court. However, we once again reiterate that the duty is cast on all the States and the Union Territories to fully implement and to take action against the violators. Henceforth, persons aggrieved are permitted to approach the authorities concerned at the first instance and thereafter the High Court having jurisdiction.”

When we read the above directions alongwith the directions in paragraph no. 97.4, issued in the case of **Dr. Balram Singh** (*Supra*), which unequivocally casts the responsibility of making payment of Compensation on the Union, the Union territory and State governments. We are surprised by the stand of the State Government, which is reflected in the Government Resolution dated 12.12.2019, and reiterated in Government Resolution dated 30.04.2025 which absolves the State Government as well as the Local Authorities from their responsibility to make payment of compensation to the sanitation workers who were engaged in the works carried out at places other than the Government and Semi Government undertakings, belonging to the private individuals/societies/organization etc. This policy *per se* is

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clearly in contravention of the directions issued by the Hon'ble Supreme Court in case of *Safai Karamchari Andolan & Ors.* (*supra*) as well as the clarificatory order dated 10.05.2016. Item No. 11 in both the Government Resolutions results in discriminating sewage workers who are engaged at private sector as compared to those employed under the State/Local Authorities/ Semi-Government undertakings. Leaving the dependants of such victims exposed to uncertainties and depriving them of the immediate relief, as contemplated under the Act of 2013, as well as the judicial pronouncements holding the field. The policy of the State Government at Item no. 11 of the Government resolution dated 12.12.2019 and 30.04.2025 is clearly violative of the fundamental right of equality guaranteed under Article 14 of the Constitution of India, in as much as it discriminates between the class of sanitation workers, who are carrying the same work only on the basis of the employer appointing them. The Act of 2013, does not discriminate the workers engaged in Hazardous cleaning on the basis of their employer. The intended object of the said enactment is to eliminate the dehumanizing practice of Manual Scavenging. Which was held to be inconsistent with the right to live with dignity as guaranteed by Part III of Constitution of India which does not permit such

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discrimination between the individuals belonging to the same class. Even otherwise, the judgment of the Hon'ble Supreme Court in **Dr. Balram Singh** (*Supra*) case has cast a clear duty on the Union, the Union territory and the State Government, to make payment of the Compensation to the dependants of the sanitation workers.

27. When a similar issue of making payment to the dependants of sanitary workers, employed by the Private Contracts came before this Court in case of **Vimla Govind Chorotiya and ors. V. State of Maharashtra** in Writ Petition (Lodging) No. 15651 of 2021, this Court while passing interim orders has issued directions to the Respondent No. 2 - Tahsildar to make payment of Compensation and later recover it from the persons responsible for the death of sanitation workers vide its Order dated 17th September 2021.

In yet another Writ Petition No. 3359 of 2024 decided on 6th July 2026 in case of **Sharda Maroti Chopwad and Another V. the State of Maharashtra**³, the deceased sanitation workers were also employed for Private work of cleaning septic tank, on their death, the question of making payment of Compensation arose. This Court relying on the Judicial Pronouncements of the Hon'ble Supreme Court, issued directions to the State

³ 2026 SCC Online Bom 6550
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Government to make payment of Compensation.

These are the two instances where the dependants of victims could approach this Court, which may not be possible for others who are in a similar situation.

28. This discriminatory approach of the State Government contained in Item No. 11 of the Government Resolution dated 12.12.2019, as well as the Government Resolution dated 30.04.2025, needs to be remedied by quashing and setting aside the same. Although, the Petitioners in the present case have specifically, prayed for quashing Item no. 11 of Government Resolution dated 12.12.2019, in the interest of Justice, we also deem it appropriate to quash Item no. 11 of Government Resolution dated 30.04.2025, as it is merely a reproduction of the earlier clause. As a consequence of quashing of Item No. 11 of the chart in the said Government Resolutions dated 12.12.2019 and 30.04.2025, the Respondent State Authorities/the Local Authorities, shall ensure that the dependants of the victim are immediately compensated by making payment of the Compensation which the dependants of victim are entitled as per the direction of the Hon'ble Supreme Court as well as Government Resolution dated 12.12.2019, which shall be later recovered from the

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respective office/establishment/private individual, where the victim was working.

29. So far as the rehabilitation of the dependants of the victims engaged in hazardous cleaning is concerned, although the provisions of the act of 2013, and judicial pronouncements of the Hon'ble Supreme Court are clear and unambiguous, yet there is no data or record submitted by the State Authorities for the same. The data made available by the Government in its affidavit at Exhibit H only mentions about rehabilitation of manual scavengers, which further reveals that, except Jalgaon, Nanded and Raigad Districts, no other Districts has taken any steps for rehabilitation. It is, therefore, necessary to issue directions to the Vigilance Committees, functioning in the State of Maharashtra to ensure the social and economic rehabilitation of the dependants of the victims of hazardous cleaning.

30. In the wake of the observations made by us hereinabove, we are pained to observe that the instrumentalities of the State are making halfhearted attempts to implement the decisions of the Hon'ble Supreme Court in *Safai Karamchari Andolan & Ors.* as well as the directions issued in case of *Dr. Balram Singh*, as a result of which, the sanitation workers in

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the State are deprived of their legitimate claims for compensation and rehabilitation. Inspite of the comprehensive directions issued in the two judicial pronouncements by the Hon'ble Supreme Court for implementation of the Act of 2013, the State Government as well as the Local Self Government have failed to follow the SOP, for the cleaning of sewers and septic tanks, due to resultant fatalities, making it necessary to issue the following directions to the State Government and the respective Local Self Bodies to the following effect:

- i) The Item No. 11 of the Government Resolution dated 12.12.2019 as well as the Government Resolution dated 30.04.2025 insofar as it discriminates the sanitation workers working at private establishments under the private contractors as compared to their counterparts working under the State Government or State undertakings, is quashed and set aside.
- ii) As a consequence of setting aside of the Item No 11 of both the Government Resolution dated 12.12.2019 and 30.04.2025, the sanitation workers in the private sectors shall be entitled for compensation from the State Government, which can be later recovered by the State Government from the funds of the respective

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employers.

iii) The dependants of the three sanitation workers, namely, Devidas Chandrakant, Mahadeve Dhondiram Zope, Suraj Madhave enlisted at Exhibit A, Ghanashyam Kori enlisted at Exhibit B and Mr. Ritik Kurkute shall be entitled for the compensation from Respondent No. 2- Municipal Corporation, if already not compensated. We further hold that, in case, no such payment is made, they shall be entitled for the compensation at the rate of Rs.30,00,000/- each, as directed by the Hon'ble Supreme Court in case of ***Dr. Balramsingh Vs. Union of India & Ors.*** (*supra*). Which shall be paid within a period of 8 weeks from the date of this order.

iv) The State Government is directed to identify, within a period of 6 months from the date of this order, all persons who have died while engaged in "Hazardous cleaning" as defined under section 2(d) of the act of 2013. Upon such identification, the state government shall pay Compensation of Rs. 30,00,000/- to the dependants of each such deceased person, in terms of Paragraph 97.4 of the Judgment of Hon'ble Supreme

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Court in **Dr. Balram Singh** (*Supra*).

v) The State Government as well as the Local Self Bodies shall take steps for Rehabilitation of the dependants of sanitation workers and manual scavengers as contemplated in the Act of 2013 r/w directions contained in case of ***Safai Karamchari Andolan & Ors.*** and ***Dr. Balramshingh.*** Without differentiating between Sanitation Workers and Manual Scavengers.

31. Rule is made absolute in above terms.

(MANJUSHA DESHPANDE, J.)

(BHARATI DANGRE, J.)

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