SECTION PIL (WRIT)

MATTER FOR : 01.02.2024
Court No. : 15
Item No. : 116

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 324 OF 2020
(Under Article 32 of the Constitution of India)
WITH
INTERLOCUTORY APPLICATION NO. 30602 OF 2020
(Application for Permission to file Additional documents)
AND
INTERLOCUTORY APPLICATION NO. 131385 OF 2023
(Application for Impleadment)
AND
INTERLOCUTORY APPLICATION NO. 136950 OF 2023
(Application for Intervention)
AND
INTERLOCUTORY APPLICATION NO. 146249 OF 2023
(Application for Directions)
AND
INTERLOCUTORY APPLICATION NO. 19363 OF 2024
(Application for Intervention)

Dr. Balram Singh — Petitioner

Versus

Union of India & Ors. — Respondents

OFFICE REPORT

The Writ Petition alongwith Applications above-mentioned except I. A. No. 19363 of 2024 was listed before the Hon'ble Court on 20.10.2023 for pronouncement of Judgment, when the Court was pleased to inter-alia pass the following Judgment (Cited as-2023 INSC 950) :-

"XXX XXX XXX

Directions 96.

In view of the above discussion, the following directions are issued:

(1) The Union should take appropriate measures and frame policies, and issue directions, to all statutory bodies, including corporations, railways, cantonments, as well as agencies under its control, to ensure that manual sewer cleaning is completely eradicated in a phased manner, and also issue such guidelines and directions as are essential, that any sewer cleaning work outsourced, or required to be discharged, by or through contractors or agencies, do not require individuals to enter sewers, for any purpose whatsoever;

(2) All States and Union Territories are likewise, directed to ensure that all departments, agencies, corporations and other agencies (by whatever name called) ensure that guidelines and directions framed by the Union are embodied in their own guidelines and directions; the states are specifically directed to ensure that such directions are applicable to all municipalities, and local bodies functioning within their territories;

(3) The Union, State and Union Territories are directed to ensure that full rehabilitation (including employment to the next of kin, education to the wards, and skill training) measures are taken in respect of sewage workers, and those who die;

(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., 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 concerned agency, i.e., the Union, the Union Territory or the State as the case may be. In other words, compensation for sewer deaths shall be 30 lakhs. In ₹ the event, dependents 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
(5) Likewise, in the case of sewer victims suffering disabilities, depending upon the severity of disabilities, compensation shall be disbursed. However, the minimum compensation shall not be less than 10 lakhs. If the disability is ₹ permanent, and renders the victim economically helpless, the compensation shall not be less than 20 lakhs. ₹
(6) The appropriate government (i.e., the Union, State or Union Territories) shall devise a suitable mechanism to ensure accountability, especially wherever sewer deaths occur in the course of contractual or "outsourced" work. This accountability shall be in the form of cancellation of contract, forthwith, and imposition of monetary liability, aimed at deterring the practice.
(7) The Union shall device a model contract, to be used wherever contracts are to be awarded, by it or its agencies and corporations, in the concerned enactment, such as the Contract Labour (Prohibition and Regulation Act), 1970, or any other law, which mandates the standards – in conformity with the 2013 Act, and rules, are strictly followed, and in the event of any mishap, the agency would lose its contract, and possibly blacklisting. This model shall also be used by all States and Union Territories.

(8) The NCSK, NCSC, NCST and the Secretary, Union Ministry of Social Justice and Empowerment, shall, within 3 months from today, draw modalities for the conduct of a National Survey. The survey shall be ideally conducted and completed in the next one year.

(9) To ensure that the survey does not suffer the same fate as the previous ones, appropriate models shall be prepared to educate and train all concerned committees.

(10) The Union, State and Union Territories are hereby required to set up scholarships to ensure that the dependents of sewer victims, (who have died, or might have suffered disabilities) are given meaningful education.

(11) The National Legal Services Authority (NALSA) shall also be part of the consultations, toward framing the aforesaid policies. It shall also be involved, in co-ordination with state and district legal services committees, for the planning and implementation of the survey. Furthermore, the NALSA shall frame appropriate models (in the light of its experience in relation to other models for disbursement of compensation to victims of crime) for easy disbursement of compensation.

(12) The Union, State and Union Territories are hereby directed to ensure coordination with all the commissions (NCSK, NCSC, NCST) for setting up of state level, district level committees and commissions, in a time bound manner. Furthermore, constant monitoring of the existence of vacancies and their filling up shall take place.

(13) NCSK, NCSC, NCST and the Union government are required to coordinate and prepare training and education modules, for information and use by district and state level agencies, under the 2013 Act.

(14) A portal and a dashboard, containing all relevant information, including the information relating to sewer deaths, and victims, and the status of compensation disbursement, as well as rehabilitation measures taken, and existing and available rehabilitation policies shall be developed and launched at an early date.

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98. Lastly, this court also expresses its gratitude to Amicus Mr. K Parmeshwar for his valuable contribution and efforts.

List the matter on 01.02.2024."

Pursuant to above order a Certified copy of Judgment dated 20.10.2023 was issued to all the States/U.Ts, Union of India and concerned parties though speed post on 01.11.2023.

It is submitted that Ms. Vanshaja Shukla, Advocate on 24.01.2024 filed an Application for Intervention on behalf of applicant viz "National Human Rights Commission". The said application has been registered as I. A. No. 19363 of 2024 and same is being circulated for the kind perusal of the Hon'ble Court.

It is next submitted that Mr. Amrish Kumar, Advocate on 31.01.2024 filed "Status Report on behalf of Union of India in compliance of Hon'ble Court's order dated 20.10.2023" but some of the annexures are of dim impression and vernacular language. However, the status report is being circulated for the kind perusal of the Hon'ble Court.

It is lastly submitted that no further document has been filed, so far.

The Writ Petition alongwith applications above-mentioned is listed before the Court with this Office Report for Orders.

Dated this the 31st day of January, 2024

Sd/-
Assistant Registrar