

ITEM NO.301

COURT NO.12

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s). 324/2020

DR. BALRAM SINGH

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

ATTORNEY GENERAL FOR INDIA AND MR. K. PARAMESHWAR, ADVOCATE (AMICUS CURIAE) (IA No. 146249/2023 - APPLICATION FOR PERMISSION, IA No. 136950/2023 - INTERVENTION APPLICATION, IA No. 131385/2023 - INTERVENTION/IMPLEADMENT & IA No. 30602/2020 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 19-02-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SUDHANSHU DHULIA  
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Parties

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Bhanu Thakur, Adv.

UPON hearing the counsel the Court made the following  
O R D E R

In our last order dated 29.01.2025, we had directed that manual scavenging and manual sewer cleaning in the following metropolitan cities in the country will stop, these are Delhi, Mumbai, Kolkata, Chennai, Bangalore and Hyderabad.

2. We had further directed the Chief Executive Officer of each of the above named metropolitan cities to file an affidavit before this Court apprising us as to how and when the manual scavenging and manual sewer cleaning were stopped in their city. The reference was obviously of the order dated 20.10.2023 in Writ Petition (C) No. 324 of 2020 (reported as 2023 SCC Online SC 1667) and the order(s) passed in the present case as well.

3. Although we have received affidavits from 5 out of 6

metropolitan cities, no affidavit has been filed for Bruhat Bengaluru Mahanagra Palike (for short "the BBMP") and there is no representation for them in this Court today. We, therefore, direct the Commissioner of the BBMP to be present in this Court on the next date of hearing positively.

4. Meanwhile, out of the five affidavits, which are given before this Court, two of the affidavits filed on behalf of Kolkata Municipal Corporation (for short "the KMC") and Delhi Jal Board (for short "the DJB") are not at all satisfactory. There is no clarity whether manual scavenging and manual sewer cleaning has been stopped in those cities. In fact, as regards the KMC affidavit, an averment has been made that they are not doing any manual scavenging and manual sewer cleaning but yet there is no explanation from them which has come forward to explain to this Court as to why even after manual scavenging and manual sewer cleaning was stopped as per their claim, three deaths have occurred on 02.02.2025 due to manual scavenging as we have been informed at the Bar. Hence, the affidavit does not appear to be a true and correct.

5. We therefore, direct Mr. Dhaval Jain, presently working as Municipal Commissioner, KMC to be present in this Court on the next date of hearing.

6. Similarly, we are not satisfied with the affidavit filed by Mr. Pankaj Kumar Atray, Director (S&DM), DJB. A very evasive reply has been filed as to whether manual scavenging and manual sewer cleaning is presently going on in Delhi or not. What it says, is

that manual scavenging and manual sewer cleaning in DJB is totally prohibited. This is not the reply that we had sought from them. Moreover, there is no explanation as to how seven deaths have occurred in Delhi due to manual scavenging and manual sewer cleaning in the last one year. Therefore, Mr.Pankaj Kumar Atray, who is Director (S&DM), DJB shall be present before this Court on the next date of hearing as well.

7. For the same reason, Mr.K.Ashok Reddy, Managing Director of Hyderabad Metropolitan Water & Sewerage Board, Telangana (for short "the HMWSB") shall also be present as there is no explanation as to how and when manual scavenging and manual sewer cleaning was stopped and as to why three deaths have occurred due to manual scavenging and manual sewer cleaning in Hyderabad in the last one year.

8. These four Officer i.e. (1) Commissioner of the BBMP, (2) Mr.Dhaval Jain, (3) Mr.Pankaj Kumar Atray and (4) Mr.K.Ashok Reddy whose designations have been referred to in the preceding paragraph will be present on the next date of hearing.

9. Meanwhile, the remaining two affidavits of Mumbai and Chennai, sworn by the two officers concerned i.e. Mr. Bhushan Gagrani (Municipal Commissioner, Brihanmumbai Municipal Corporation) and Dr.T.G.Vinay, (Managing Director of Chennai Metropolitan Water Supply & Sewerage Board), are presently satisfactory and thus, they need not be present in this Court on the next date of hearing but they too shall file a detail affidavit like all others, elaborating as to what machines, and equipment are being used by

them for doing manual scavenging and manual sewer cleaning in their respective cities and what is the precise date from which this manual scavenging and manual sewer cleaning has been stopped in their respective cities.

10. We further need an explanation from all the authorities concerned as to why criminal prosecution may not be initiated against the Officer concerned and /or the contractor who have employed manual scavengers and, on whose watch, and orders these deaths have occurred, due to manual scavenging and manual sewer cleaning.

11. Ms. Nandini Sen Mukherjee, learned counsel appearing for the Kolkata Metropolitan Development Authority (for short "the KMDA"). The contention of Mr. Kunal Chatterji, learned counsel for KMC is that the death which have occurred in Kolkata have occurred outside their jurisdiction and it is under the jurisdiction of KMDA. But the counsel for KMDA would argue that they are not assigned the work of manual scavenging and manual sewer cleaning in order to remove sewerage.

12. In view of the above, we also direct the Chief Secretary, West Bengal to clarify this position and file an affidavit as to under whose watch and jurisdiction manual scavenging and manual sewer cleaning is done in Kolkata and in the peripheral areas of the Kolkata including the area under the jurisdiction of KMDA.

13. Put up on 20.03.2025.

(NIRMALA NEGI)  
COURT MASTER (SH)

(VEENA RANI NAGPAL)  
COURT MASTER (NSH)