

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 (Civil) No.324/2020

DR. BALRAM SINGH

Petitioner(s)

VERSUS

UNION OF INDIA & 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

WITH

W.P.(C) No. 823/2025 (X)

FOR ADMISSION

IA No. 209034/2025 - EXEMPTION FROM FILING O.T.

Date : 18-09-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ARAVIND KUMAR
HON'BLE MR. JUSTICE N.V. ANJARIAFor Petitioner(s) : Mr. Aditya Sondhi, Sr. Adv.
Mr. Pawan Reley, AOR
Mr. Rijuk Sarkar, Adv.
Mr. Akshay Lodhi, Adv.
Mr. Gaurav Kumar, Adv.
Ms. Simran Singh, Adv.
Mr. Utkarsh, Adv.

Petitioner-in-person

For Respondent(s) : Ms. Aishwarya Bhati, A.S.G.
Mr. Gurmeet Singh Makker, AOR
Ms. Ruchi Kohli, Adv.
Ms. Shradha Deshmukh, Adv.
Mr. Ishaan Sharma, Adv.

Ms. Eliza Barr, Adv.
Ms. Disha Singh, AOR

Mr. Azmat Hayat Amanullah, AOR
Ms. Ekta Kundu, Adv.

Mr. Aaditya Aniruddha Pande, AOR
Mr. Siddharth Dharmadhikari, Adv.
Mr. Shrirang B. Varma, Adv.
Mr. Bharat Bagla, Adv.
Mr. Sourav Singh, Adv.
Mr. Aditya Krishna, Adv.
Mr. Adarsh Dubey, Adv.
Ms. Chitransha Singh Sikarwar, Adv.

Mr. Sravan Kumar Karanam, AOR
Ms. G. Sushmita, Adv.
Mr. Santosh Kumar Yadav, Adv.

Mr. Kunal Mimani, AOR
Ms. Shraddha Chirania, Adv.

Mrs. Aiswarya Bhati, A.S.G.
Ms. Ruchi Kohli, Sr. Adv.
Mr. Mukesh Kumar Maroria, AOR
Ms. Shradha Deshmukh, Adv.
Mr. Ishaan Sharma, Adv.
Ms. Shreya Jain, Adv.

Mr. Shreekanth Neelappa Terdal, AOR
Mr. Harish Pandey, Adv.
Mr. Vatsal Joshi, Adv.
Mr. Shashwat Parihar, Adv.
Mr. Vinayak Sharma, Adv.
Mr. Varun Chugh, Adv.
Mr. Piyush Beriwal, Adv.
Mr. Kanu Agrawal, Adv.
Ms. Mrinal Elker Mazumdar, Adv.
Ms. Indira Bhakar, Adv.
Mr. Rajesh Singh Chauhan, Adv.
Mr. Mukesh K Verma, Adv.
Mr. Krishna Kant Dubey, Adv.

Mr. Amrish Kumar, AOR

Aishwarya Bhati, A.S.G.
Ms. Ruchi Kohli, Adv.
Shradha Deshmukh, Adv.
Aman Shukla, Adv.
Purnendu Bajpai, Adv.
B.l.n. Shivani, Adv.
Ameyvikrama Thanvi, Adv.
Dr. N. Visakamurthy, AOR

Mr. Praveen Swarup, AOR
Mr. Praveen Swarup, Adv.
Mr. Rohit Swarup, Adv.

Mr. Sukhamrit Singh, Adv.
Dr. Vevek Verma, Adv.
Mr. Mukund Ishwar Mahajan, Adv.
Mr. Manish Dhingra, Adv.
Ms. Sakshi, Adv.

M/S. J S Wad And Co, AOR
Mr. Ashish Wad, Adv.
Mr. Manoj Wad, Adv.
Ms. Swati Arya, Adv.
Ms. Akriti Arya, Adv.

Ms. Asha Gopalan Nair, AOR
Ms. Nandini Sen Mukherjee, AOR

Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Varij Nayan Mishra, Adv.

Ms. Jayna Kothari, Sr. Adv.
Dr. Anindita Pujari, Sr. Adv.
Ms. Aparna Mehrotra, Adv.
Mr. Shaileshwar Yadav, Adv.
Mr. Piyush Dwivedi, AOR
Mr. Shireesh Kumar Singh, Adv.
Ms. Diksha Verma, Adv.
Mr. Deepak Bhardwaj, Adv.

Mr. Pawan Reley, AOR

Ms. Vanshaja Shukla, AOR
Ms. Ankeeta Appanna, Adv.
Ms. Madhura Chitnis, Adv.

Ms. Sugandha Anand , AOR
Mr. Sanjay Jain, AOR

Ms. Gayatri Singh, Sr. Adv.
Ms. Sudha Bharadwaj, Adv.
Mr. Hamza Lakdawala, Adv.
Ms. Abiha Zaidi, AOR
Ms. Suriti Chowdhary, Adv.
Mr. Pritam Raman Giriya, Adv.
Mr. Anuj Manoj Bhave, Adv.
Ms. Arushi, Adv.
Mr. Mohit Yadav, Adv.

Attorney General For India, AOR

Ms. Rashmi Nandakumar, AOR
Ms. Yashmita Pandey, Adv.

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

IA No.127086/2025:

1. This application is filed seeking for the following directions:

"a) Issue appropriate directions to the Union of India, the Government of NCT of Delhi, and its instrumentalities including the Delhi Jal Board, Municipal Corporation of Delhi, and Public Works Department (PWD), to forthwith cease the engagement of any person for manual sewer or septic tank cleaning, whether directly or through contractors, in violation of the judgment dated 20.10.2023 passed by this Hon'ble Court and the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, and the Prohibition of Employment as Manual Scavengers and their Rehabilitation (Amendment) Act, 2023;

b) Direct the Respondents to initiate immediate action against officials and contractors responsible for engaging minors, daily wage workers, and other persons without age verification or safety gear for manual sewer cleaning in violation of law;

c) Direct the Union of India to frame a comprehensive rehabilitation policy for sewer and septic tank cleaners who are currently excluded under the existing provisions of the 2013 and 2023 Acts;

d) Pass and other or further order(s) as this Hon'ble Court may deem just and proper in the interest of justice."

2. The Chief Engineer, PWD GNCTD having notified has appeared and filed the statement of objections / reply to the abovesaid application.

3. Having heard the learned counsel for the parties, we deem it apt and appropriate to extract the directions issued by our order dated 20.10.2023 which has relevance for consideration of the present application and it reads thus:

"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.

Conclusion

"For ours is a battle not for wealth or for

power. It is a battle for freedom. It is the battle of reclamation of human personality."

Dr. B. R. Ambedkar

97. If we are to be truly equal, in all respects the commitment that the constitution makers gave to all sections of the society, by entrenching emancipatory provisions, such as Articles 15 (2), 17, 23 and 24, each of us must live up to its promise. The Union and the States are duty bound to ensure that the practice of manual scavenging is completely eradicated. Each of us owe it to this large segment of our population, who have remained unseen, unheard and muted, in bondage, systematically trapped in inhumane conditions. The conferment of entitlements and placement of obligations upon the Union and the States, through express prohibitions in the constitution, and provisions of the 2013 Act, mean that they are obliged to give real meaning to them, and implement the provisions in the letter and spirit. Upon all of us citizens lie, the duty of realizing true fraternity, which is at the root of these injunctions. Not without reason does our Constitution place great emphasis on the value of dignity and fraternity, for without these two all other liberties are chimera, a promise of unreality. It is all of us who today proudly bask in the achievements of our republic, who have to awake and arise, so that the darkness which has been the fate of generations of our people is dispelled, and they enjoy all those freedoms, and justice (social, economic and political) that we take for granted."

4. The learned counsel appearing for the PWD would contend that it is only desilting in the covered drainages which are being cleaned keeping in mind the ensuing monsoon and as such there is no fault on the part of the officials. She would also further contend that notwithstanding the same communications have been issued to the contractor(s) to take corrective steps by communications dated 17.05.2025, 10.06.2025, 17.08.2025 and 21.08.2025. It is also stated in the affidavit filed by the PWD that the labourers were engaged only in desilting of storm / rainwater / open drain and had not indulged in any manual scavenging or sewer cleaning and as such the provisions of 2013 Act are not attracted.

5. In respect of the incident at Gate-F of the Supreme Court of

India, the storm water drain has been constructed and for desilting the said storm water drain, the PWD has engaged the services of contractor who is said to have deployed the labourers without any safety gear. It is no doubt true that the agreement entered into with the contractor by the PWD would mandate that the contractor should provide safety gear to the workers deployed by it and also prohibits engagement of labourers under the age of 18. The directions issued by this Court by the order dated 20.10.2023 aforesaid, seem to have not percolated or in other words, has been consciously ignored. We say so for reasons more than one:

Firstly, the affidavit in reply filed by PWD does not disclose that there has been any serious steps having been taken either to warn the contractor for having undertaken the work or entrusting the work without use of protective gears.

Secondly, having accepted in the affidavit that there has been such entrustment of the work to the contractor, no steps have been taken to either put the contract on notice or having issued any notice to blacklist the contractor for having violated the terms of the contract.

6. This clearly indicates that officials seem to be dragging their feet. However, the communications referred to herein (supra) would suggest that some steps had been taken, which do not by itself inspire confidence in this Court to accept the stand of the PWD as steps having been taken as are expected of a reasonable and prudent employer. In fact, we had made it explicitly clear that in the event of any untoward incidents were to occur in future due to lapse of officials, this Court would be perforced to direct the

authorities to register the FIR against the concerned officials. At this stage, we desist from doing so for the simple reason that there has been no such incident having occurred and to ensure that neither the officials nor the contractors appointed by them would allow the workers to enter any drain or storm water drain or sewer without protective gear, it would be just & proper to impose costs for having undertaken such work as is evident from the photographs annexed to the application. Hence, we direct the PWD to deposit a sum of Rs.5,00,000/- (Rupees Five Lakhs) before the National Commission for Safai Karamcharis within an outer limit of four weeks from today and it is also made clear that not only the PWD but also all the concerned to whom the directions have been issued shall wake up from their slumber, to which they seems to have gone to and ensure that the directions issued by this Court on 20.10.2023 are complied in letter and spirit. It is made clear that in the event of any such incident recurring in future, this Court would be perforced to direct the authorities to register the FIR under the provisions of Bharatiya Nyaya Sanhita, 2023. Accordingly, I.A. No.127086/2025 stands disposed of.

7. Ms. Jayna Kothari, learned Senior Counsel submits that even though directions have been issued by this Court, a death has occurred in the city of Bangalore and she seeks leave of the Court to file necessary application. She is at liberty to do so.

IA No.105645/2025:

1. This application has been filed for intervention by Shramik Janta Sangh contending that it has been actively working for

sanitation workers, manual scavengers, particularly, in the Thane District in Maharashtra. Amongst other grounds raised, it is contended that since this Court is ceased of the matter, the applicant may be permitted to intervene in the matter and render assistance to this Court for effective adjudication of all issues.

2. Undisputedly, the applicant has already filed a Writ Petition before the High Court in W.P. No.1570/2023 and the very same applicant has been prosecuting the same. As such reserving liberty to the applicant to urge all grounds including the one urged in the present application in the pending writ petition, this application stands dismissed.

W.P.(C) No.324/2020 and W.P.(C) No.823/2025:

1. The learned Amicus has also submitted before this Court that a 34 year old daily-wager had expired and two others were injured while they were entering the sewer to lay the pipes in Ashok Vihar, New Delhi on last Tuesday night. He would further submit that the print reports would indicate that the dead / injured were not provided with the safety gear for carrying out the work in the sewer.

2. The learned Amicus is directed to furnish a copy of the same to the learned standing counsel for the Delhi Government within three days from today. The Secretary, Urban Development shall file an affidavit in this regard within two weeks thereafter.

3. List on 15.10.2025.

(NEHA GUPTA)
SENIOR PERSONAL ASSISTANT

(AVGV RAMU)
COURT MASTER (NSH)