

W.P.Nos.17380 of 2017, 31345 of 2014
and W.P. (MD) No.24243 of 2017

THE HON'BLE CHIEF JUSTICE
and
SUBRAMONIUM PRASAD, J.

Heard learned counsel for the petitioner and learned counsel appearing for the State.

2. The circulars issued on 31.01.2019, 10.05.2019 and 02.12.2019 have been placed before us. There are two affidavits filed, one by the Commissioner, Kumbakonam Municipality and the other by the Commissioner, Villupuram Municipality. Paragraph No.7 of the former indicates that the person who is stated to have died while carrying out scavenging operations was not a manual scavenger, but an employee of a Contractor engaged by the Municipality, who was working outside the sewer with mechanized equipment and the incident occurred despite the safety measures. In the later counter affidavit of Villupuram Municipality, a similar averment has been made in paragraph No.10 thereof. It has been pointed out by the learned counsel for the petitioner that the order dated 14.07.2017 clearly mandated that any engaging of manual scavengers would invite the penalty as provided for in the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. It is urged that the incidents having been admitted, the excuse setup that they were not manual scavengers that does not appear to be

correct as stated in the counter affidavit.

3. We, therefore, call upon the Commissioner, Villupuram Municipality as also Kumbakonam Municipality to file an affidavit as to why appropriate action was not taken inspite of these incidents having occurred and if any action has been taken, the outcome thereof.

4. Apart from this, we find from the affidavit of the State Government that steps have been taken for the mechanization of the cleaning operations to be carried out by the respective Municipalities for maintaining the sewerage system. Paragraph No.5 (v), (vi), (vii) indicate the measures which are stated to have been adopted towards mechanization. The State Government may collect information from all the Municipalities throughout the State of Tamil Nadu and inform the Court about the budgetary allocations made as also steps undertaken for mechanization of the scavenging process in the Municipalities throughout the State. Apart from this information, the State Government may also tender a plan which it may intend to execute for the purpose of carrying out and completing the mechanization process in order to avoid any future unfortunate incidents of manual scavengers losing their life. This exercise be completed preferably within a period of two months from today and the information be given to the Court by filing an appropriate affidavit.

5. Apart from this, we find that in paragraph No.4 of the affidavit of the State Government, some financial outlay has been described to have

been made out between 2016 to 2019. The same does not appear to be in relation to the mechanization part of the scavenging system. This may also therefore, be explained.

6. Over and above this, the information contained in the affidavit is of the victims and the compensation that has been paid to them. We find that a large number of victims have been compensated through their heirs with Rs.10 Lakhs each, but, there are certain informations which do not answer the exact query, namely, as to what further action was taken against the defaulting persons, whose actions led to these deaths for taking penal action any further. Apart from this, as to what steps have been taken for the rehabilitation of the families, information should be tendered in this regard as well. The affidavit be filed, as directed hereinabove.

List on 28.04.2020.

(A.P.S., CJ.) (S.P., J.)
10.02.2020

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