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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 15156/2023**

**PREETI**

..... Petitioner

Through: Mr. Pawan Reley, Mr. Akshay Lodhi  
and Ms. Simran Singh, Advocates.

versus

**UNION OF INDIA & ORS.**

..... Respondents

Through: Ms. Sweta Priya, Advocate for MCD.  
Mr. Anuj Aggarwal, ASC for  
GNCTD with Mr. Aakash Dahiya and  
Mr. Yash Upadhyay, Advocates for  
R-2 and 6.

Ms. Sangeeta Bharti, SC for DJB with  
Ms. Malvi Balyan and Ms. Aarushi  
Behl, Advocates for R-3.

Mr. Vaibhav Agnihotri, ASC for  
NDMC with Ms. Garima Khanna and  
Ms. Ankita Sarangi, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

**ORDER**

**23.11.2023**

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1. With the consent of learned Counsel for the parties, the matter is being taken up for final disposal today.

2. The Petitioner has filed the instant writ petition with the following prayers:-

*“a) Issue a Writ in the nature of Mandamus or any other appropriate writ, order or direction directing the concerned respondents to enhance the compensation*



*given to the Petitioner from Rs. 10 Lakh to Rs. 30 lakh and release remaining Rs. 20 Lakh to the Petitioner in terms of the judgment passed by the Hon'ble Supreme Court in the case titled as "Balram Singh vs. Union of India & Ors., 2023 SCC OnLine SC 1386";*

*b) Issue a Writ in the nature of Mandamus or any other appropriate writ, order, or direction directing the concerned respondents to provide full rehabilitation including employment to the Petitioner, and education to her children, and skill training, in terms of the judgment passed by the Hon'ble Supreme Court in the case titled as "Balram Singh vs. Union of India & Ors., 2023 SCC OnLine SC 1386";*

*c) Cost of the petition may also be awarded in favour of the petitioner and against the respondents; and*

*d) Pass any other or further orders as may be deemed fit and proper in the facts and circumstances of the present case."*

3. The Petitioner has approached this Court claiming that she is a widow of a sanitation worker (sewer cleaner) who was performing the work of manual scavenging. It is stated that the Petitioner was given a compensation of Rs.10 lakhs. However, the Apex Court in Balram Singh v. Union of India & Ors., 2023 SCC OnLine SC 1386, has passed the directions to be implemented by all the State Governments and the Central Government to compensate the dependents of the victims who have lost their lives in manual scavenging. The Apex Court under Article 141 of the Constitution of India, in Paragraph 104 of the said judgment, which are directions to be implemented by all the State Governments and the Central Government, has observed as under:-



### ***“Directions***

**104.** *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., 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 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 Rs. 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 Rs. 10 lakhs. If the disability is permanent, and renders the victim economically helpless, the compensation shall not be less than Rs. 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 devise 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.”* (emphasis supplied)

4. Heard learned Counsel for the parties and perused the material on record.
5. Considering the facts and circumstances of the case, the orders of the Apex Court in shall apply *mutatis mutandis* to the facts of this case and shall be implemented within a period of two months from today.
6. The writ petition is disposed of with a direction to the State Government to implement the said judgment in the present case also. Pending application(s), if any, stand disposed of.

**SUBRAMONIUM PRASAD, J**

**NOVEMBER 23, 2023**

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