

Learned Government Advocate has informed this Court that in respect of the incident which took place at Kalaburagi on 28.01.2021, a charge sheet has already been filed in the matter after investigation by the police, and in respect of Ramanagara incident, investigation is going on after lodging the FIR. He submits that the entire investigation will be concluded within thirty days. 2. The statutory provisions as contained under Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (hereinafter referred to as 'Act of 2013') provide for rehabilitation of manual scavengers and the purpose of rehabilitation. Survey is not yet completed and it is in process. The State Government shall file a detailed report in respect of such survey and the report shall include the reason as to why the survey is not completed in respect of statutory provisions of the Act of 2013. 3. In the Kalaburagi incident, two people have unfortunately lost their life. The compensation to the tune of Rs.10.00 lakhs has been provided to the family. However, rehabilitation has not been done under the Act of 2013 and the State Government has not taken steps in respect of rehabilitation and the benefits flowing out of the statutory provisions under the Act of 2013 to the family. 4. At this stage, learned Counsel for respondent No.12 has informed this Court that casual appointment has been granted to the legal heirs of two workers, who had unfortunately expired in respect of the Kalaburagi incident. Section 13 of the Act of 2013 does not provide for casual appointment. Large number of steps are required to be undertaken by the State Government. 5. In respect of the Kalaburagi incident, the deaths have taken place on 28.01.2021 and now, we are in the month of August, 2021. Section 13 of the Act of 2013 provides for Rehabilitation of persons identified as manual scavengers and a manual scavenger shall be given an identity card, financial assistance for house construction or a ready-built house, etc. It also provides for scholarship to the children and one time cash assistance. Other steps are also required to be undertaken by the State Government. Except grant of casual employment (daily wager), nothing has been done. Section 7 of the Act of 2013 makes it very clear that after commencement of the Act of 2013, the State Government may notify a date which shall not be later than one year from the date of commencement of the Act, that no person can engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank. It is unfortunate that the Kalaburagi incident has taken place only because the statutory provisions have not been followed by the local body or by the State Government or by the contractors of the local body. 6. In respect of Ramanagara incident, which took place on 04.06.2021, even after registration of the FIR, investigation is not over. Therefore, thirty days time is granted to complete the investigation. 7. The State Government has paid Rs.10.00 lakh as compensation to the family of the three workers in respect of the deaths taken place in Ramanagara incident. However, other measures have not been taken as per the provisions contained under Section 13 of the Act of 2013. The concerned District Magistrate is responsible for rehabilitation of such manual scavengers. 8. The District Magistrates of Kalaburagi and Ramanagara District shall remain present before this Court on 04.10.2021 and in case, the statutory provisions under Section 13 of the Act of 2013 are complied, a compliance memo shall be filed reporting compliance under Section 13 and the presence of both District Magistrates shall be exempted without leave of this Court. 9. Rules have also been framed under the Act of 2013 known as Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (hereinafter referred to as 'Rules of 2013'). Rule 3 provides for obligations of the employer towards employees engaged in the cleaning of sewer or septic tank and the persons who have lost their life, were certainly not wearing their mask and other equipments. They were not properly equipped and therefore, the State Government and the local bodies under the State Government are directed to ensure that in case the sewer tank is to be cleaned, no manual cleaning will

take place without following the statutory provisions as contained under the Act and the Rules, especially Rules 3 to 8 of the Rules of 2013. 10. In case of non compliance of the statutory provisions under the Act of 2013 and Rules of 2013 and for violation of this Order, the District Magistrate shall be held for contempt proceedings as District Magistrate is the authority who has been made responsible under the Act of 2013 for rehabilitation of such manual scavengers. It shall be the duty of District Magistrate to create awareness among all the officers of local bodies for ensuring compliance of statutory provisions as contained under the Act of 2013 and the Rules of 2013. 11. The State Government shall also file a detailed chart in respect of the equipments which are provided under the Rules of 2013, their availability in the local bodies and the chart shall also include the reason if the equipments are not available in the local bodies as it is mandatory for the local bodies to possess the necessary equipments as provided under the Act of 2013 and Rules of 2013. The Act of 2013 provides for duty of District Magistrate of their respective districts to ensure compliance of the Act of 2013 and therefore, this order is being passed directing the compliance of statutory provisions as contained under the Act of 2013 and the Rules of 2013. 12. The State Government shall file the compliance report within four weeks. 13. The sealed cover pertaining to the Kalaburagi incident were opened by this Court and it contained a charge sheet and the same is taken on record. 14. It is made clear that, henceforth, there will be no more manual scavenging in the State of Karnataka ignoring the statutory provisions of the Act of 2013 and Rules of 2013. Meaning thereby, the scavenging shall be done only with aid and assistance of the equipments which are mentioned under the Rules framed under the Act of 2013. 15. List on 04.10.2021.