

MANU/TN/8445/2021

IN THE HIGH COURT OF MADRAS

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

Decided On: 10.11.2021

Appellants: **Safai Karmachari Andolan**
Vs.

Respondent: **Union of India and Ors.**

Hon'ble Judges/Coram:

Sanjib Banerjee, C.J. and P.D. Audikesavalu, J.

Counsels:

For Appellant/Petitioner/Plaintiff: Srinath Sridevan, T.K. Bhaskar, K. Harishankar, Aishwarya S. Nathan and Sholoka Narayanan

For Respondents/Defendant: P.G. Santhosh Kumar, N. Ramesh, K. Magesh, K. Soundara Rajan, Govt. Pleader and J. Sathyanarayana Prasad

Sanjib Banerjee, C.J.

1 . A status report has been filed by the government accepting several of the recommendations made by advocate for the petitioners. But, there are minor differences in the quantum of compensation to be paid upon death, the enumeration of the number of scavengers and, inter alia, how the members of families may be educated or otherwise sensitised and accommodated in other jobs.

2 . There is substance in the petitioners' assertion that in case of a death, the compensation of Rs. 10 lakh as agreed to be paid by the State may be too low, since Rs. 10 lakh was fixed by the Supreme Court in the year 2014 and the cost of living and price indices have uniformly gone up since. The State could use 2014 as the base year and peg the increase to the rise in the wholesale price index or any other relevant index. It is also open to the State to provide for increase of rate by a certain percentage every three years, with a review after nine years. Again, the State has to agree in such regard.

3 . There are other areas, where things need to be ironed out, that have been referred to by the petitioners. There is no doubt that the government will take notice thereof since learned Government Pleader is present.

4 . A further status report be filed that can convince the court of some meaningful measures to completely eradicate the practice of manual scavenging, including some harsh penalty as a deterrent. Let the matter appear four weeks hence, for such purpose.

5 . List on 08.12.2021.

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