

MANU/TN/1969/2021

**IN THE HIGH COURT OF MADRAS**

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

Decided On: 16.03.2021

Appellants: **Safai Karmachari Andolan**  
**Vs.**

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

**Hon'ble Judges/Coram:**

*Sanjib Banerjee, C.J. and Senthilkumar Ramamoorthy, 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, Govt. Pleader, N. Ramesh, K. Magesh, K. Soundara Rajan, Govt. Pleader and J. Sathyanarayana Prasad*

**Sanjib Banerjee, C.J.**

**1.** Despite the previous order of March 10, 2021 seeking immediate information from all the Districts, including the Municipalities and Municipal Corporations, pertaining to manual scavenging work undertaken in the Municipalities and the Corporations, or cause to be undertaken through contractors, there is no response from the State. No report has been filed, but it is submitted that information has been sought from the Districts and it may take sometime to collate the information.

**2.** This petition has been pending from 2017 and there is no doubt that each time the matter has come up, the Court has stressed on the immediate need to stop the inhuman practice which amounts to exploitation of a particular class which has suffered for generations. Young men belonging to such communities, in desperation and the lure of quick bucks, undertake the risky exercise of entering underground pits and are quickly engulfed by carbon monoxide, hydrogen sulphide or like toxic fumes that leave them little scope to turn around and escape.

**3.** While Municipalities and Corporations may have stopped directly engaging manual scavenging work, it appears that the contractors are engaged for the purpose and Corporation and Municipal officials look other way, while manual scavengers are still sent down the pits to carry filth on their heads as they come up. There have already been six deaths till the end of February this year.

**4.** Advocate for the petitioner has read out some of the affidavits filed by the Municipalities and the like authorities. In several cases, people appear to slip and fall into the pits and die after inhaling the noxious fumes. In another case, a person met an unexpected fate while in the underground sewer.

**5.** It is high-time that the heads of Corporations and Municipalities are held personally liable for any death to anyone engaged in manual scavenging within their territories. It must be made clear by the appropriate department of the State to all heads of Municipal Corporations and Municipalities in the State that any manual scavenging death within the jurisdiction of the relevant Municipality or Corporation will result in the

Commissioner or Chairperson or the like controlling authority of the relevant body to face criminal charges and be subjected to immediate arrest.

**6.** The Secretary in the Municipal Administration and Water Supply Department of the State will file an affidavit, when the matter appears a fortnight hence, as to the measures taken in terms of the orders passed by this Court and how the practice has actually been stopped at the ground level. The affidavit should also indicate the measures taken to speed up the investigation in the relevant cases.

**7.** Let the matter appear three weeks hence.

**8.** It is pointed out by advocate for the petitioners that in some of the cases, compensation has not yet been paid. The respondents should ensure that the compensation is immediately reached to the appropriate heirs of the deceased manual scavengers. The compliance report in such regard should be filed on the adjourned date.

**9.** List on 06.04.2021.

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