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

+ **W.P.(C) 1701/2024**

GEETA & ORS.

..... Petitioners

Through: Mr. Saurabh Kumar and Mr. Anith
Johnson, Advocates.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Mr. Manish Mohan, CGSC with Mr.
Jitendra Kumar Tripathi, GP for R-1.
Ms. Hetu Arora Sethi, ASC for
GNCTD/R-2 & 6.
Ms. Sangeeta Bharti, Standing
Counsel with Ms. Malvi Balyan and
Ms. Aarushi Behl, Advocates for R-3.
Mr. V. N. Raghupathy, Additional
Standing Counsel with Mr. Sanjeev
Chopra, Asstt. Standing Counsel for
NDMC.
Ms. Sriparna Chatterjee, Standing
Counsel for MCD/R-5.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

% **07.02.2024**

CM APPL. 7003/2024 (Exemption)

Allowed, subject to all just exceptions.

W.P.(C) 1701/2024

1. The Petitioners have approached this Court 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 No. 2 & 3;

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."

2. The Petitioners herein are the widow and children of the Late Sh. Rishipal who lost his life while cleaning the sewer at Loknayak Hospital. It is stated that the State Government under its policy has given a sum of Rs.10 lakhs to the Petitioners. The Petitioners herein have approached this Court for a direction to the Respondents to pay the remaining sum of Rs.20 lakh to the Petitioners in terms of the judgment passed by the Apex Court in Balram Singh v. Union of India, 2023 SCC OnLine SC 1386.

3. The Apex Court in Balram Singh v. Union of India, 2023 SCC OnLine SC 1386, 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 device 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.”

4. Similar directions were also passed by this Court *vide* Order dated 23.11.2023 in **W.P.(C) 15156/2023** titled as Preeti v. Union of India & Ors.

5. It is well settled that when a person approaches a court and gets a declaration of law in his favour, it is expected that the State shall extend the same benefit to all the similarly situated persons without forcing those persons to approach the court. Applying the said principle in the facts of the present case, the Petitioners herein are similarly placed to the Petitioner in W.P.(C) 15156/2023, and therefore, the Petitioners herein ought to have been granted the same benefit of additional Rs.20 lakhs in terms of the judgment passed by the Apex Court in Balram Singh v. Union of India, 2023 SCC OnLine SC 1386.

6. Resultantly, the writ petition is allowed in terms of prayer (a) of the writ petition. Pending applications, if any, also stand disposed of. The State Government is directed to pay the remaining amount within a period of six weeks from today.

7. This Court expects that the State will endeavour to pay the balance of Rs.20 lakhs to all similarly placed persons instead of forcing the family members of persons who have lost their lives in manual scavenging to approach this Court by filing writ petitions.

SUBRAMONIUM PRASAD, J

FEBRUARY 7, 2024

S. Zakir