



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-14351-2018

Date of Decision: 02.04.2025

AMANDEEP KAUR

-PETITIONER

V/S

UNION OF INDIA AND OTHERS

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. L.S.Sidhu, Advocate,
for the petitioner.

Mr. Bhuwan Vats, Advocate,
for the respondent (s)-UOI.

Mr. P.S.Sekhon, Advocate,
for respondent no.5.

Mr. Hitesh Verma, Advocate,
for respondents no.8 to 9.

KULDEEP TIWARI, J. (Oral)

1. Two valuable human lives have lost again, on account of non-implementation of the provisions of 'the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013' (hereinafter referred to as 'the Act of 2013') and 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation Rules, 2013' (hereinafter referred to as 'the Rules of 2013').

2. The unfortunate story which unfolded in the instant petition, wherethrough, the petitioner, who is the mother of one minor daughter,



and widow of deceased-Pargat Singh, approached this Court for seeking a *mandamus* upon the respondents to a pay suitable compensation on account of sewer death of her husband.

3. The petitioner claims herself to be the legally wedded wife of deceased-Partap Singh, and out of their wedlock a daughter, namely Inderjit Kaur, was born, who is now 05 years old. Petitioner's husband was working with M/s H.G. Construction Co.(respondent no.5), which is a Class-C approved contractor of Military Engineer Services (CE Western Command). A tender was floated by the Indian Air Force, for cleaning of sewage system, and repairs of fencing at Air Force Station, Barnala, under GE (AF), Halwara. The said contract was awarded to M/s H.G. Construction Co.-respondent no.5 vide Annexure P-2. The petitioner's husband was working as a Sewer Supervisor with respondent no.5, whereas, one another person Mahinder Singh, was employed as Sewer Cleaner. However, for every work of cleaning which was undertaken by the petitioner and his associate Mahinder Singh, the safety equipment were not provided by the contractor, nor the department of Military Engineering Services, kept any vigilance over the working of the said contractor. The work which was to be carried out as per the contract was hazardous task, therefore, the cost of safety gears was also included in the tender cost, despite that, not a single protective gear was provided for sewage cleaning.

4. On the fateful day, i.e. 05.08.2014, it was about 5:30 p.m.



when the husband of the petitioner, Pargat Singh, was called, for his job. In the same manner, the other workman-Mahinder Singh (Sewer Cleaner), was also called. The respondents no.6 and 7, asked the husband of the petitioner, and his associate Mahinder Singh, to go down in the manhole, and to clear the blockage. Despite repeated requests made by Pargat Singh, to provide safety gears on account of potential danger, they were forced to go down into the sewer line without any protective gear. At the first instance, Mahinder Singh, was made to go down the manhole, where, he was encountered with some poisonous gas, as accumulated in the sewer line. When Mahinder Singh, did not return nor responded to the calls, both respondents no.6 and 7, forced the husband of the petitioner, Pargat Singh, to go down, and to bring back Mahinder Singh. The husband of the petitioner, went down the sewer line, and he also met the same fate, as did, Mahinder Singh. Subsequently, their bodies were taken to the Air Force Hospital, where they were declared 'brought dead'. The *post-mortem* was conducted upon the dead bodies of the deceased persons, and the cause of death was affirmed as '*ante mortem drawing*'. Subsequently, an FIR bearing No.94, dated 06.08.2014, was registered at Police Station Barnala, under Section 304-A of the IPC, against one Surinderpal Singh son of Harvail Singh.

SUBMISSIONS MADE BY LEARNED COUNSEL FOR THE PETITIONER.

5. Learned counsel for the petitioner submits that it was the duty of the contractor to provide set of safety equipment, like breathing



apparatus, safety body harness or safety belt, hand gloves, safety goggles, safety helmet, head lamp (cap lamp), reflecting jacket, safety gumboots and gas detectors, which are mandatory for sewer workers. Unfortunately, though the contractor-respondent no.5, has collected the enhanced tender money on account of providing safety gears to the workers, but the same were never provided to them.

6. He in addition submits that, even the officer/officials of the department of Military Engineering Services, has never put any restrictions, or supervise the working of the said contractor, to ensure the enforcement of Act of 2013 and Rules of 2013.

7. He over and above submits that, both Pargat Singh, and Mahinder Singh, became the victim of widely flouted laws and their names are now engraved in the list of those, who have lost their lives, while cleaning the sewer lines manually, which are thousands in number in this country.

8. Finally, he submits that there is clear cut violations of the directions issued by the Hon'ble Supreme Court rendered in '**Safai Karamchari Andolan and Ors. vs. Union of India and Ors.**' (WP (Civil) No.583 of 2013, decided on 27.03.2014), wherein, it has been specifically mentioned that the deaths occurring, while entering sewer line, without safety gear should be made a crime even in emergency situations.

SUBMISSIONS MADE BY LEARNED COUNSEL FOR RESPONDENTS NO.1 TO 4.



9. Though the factual submissions as made learned counsel for the petitioner has not been opposed, however, learned counsel for respondents no.1 to 4, submits that it was the duty of the contractor-respondent no.5, to ensure the safety of the sewer cleaner workers and to provide all essential safety gears to them.

10. He further submits that it was the specific terms and conditions of the contract, requiring the contractor-respondent no.5, to observe all safety measures, therefore, respondents no.1 to 4, cannot be held liable for the deaths. To lend vigor to his arguments, he draws attention of this Court towards Clause 12 and 13 of the Detailed Notice Inviting Tenders (DNIT), which are reproduced hereinafter:-

12. **SAFETY MEASURES**

12.1 Contractor shall ensure that workmen observe all safety measures while working on the line or repairing/maintenance the system. All safety equipment required shall be provided by the contractor and nothing extra shall be paid on this account. The contractor shall be fully responsible for the mishap with the tradesmen employed by him, of occur due to non-adoption of safety measures.

13. **INSURANCE**

13.1 Contractor's unit rates quoted shall deem to include for life insurance of his workmen (highly skilled/semi skilled/unskilled) against accident/electric shock/gas poisoning/any mishap etc. before engaging them on work. Engineer-in-Charge shall verify insurance of workmen submitted by contractor before putting his claim of payment. Nothing extra shall be admissible to the contractor on this account.

SUBMISSIONS MADE BY LEARNED COUNSEL FOR RESPONDENT NO.5.

11. Learned counsel appearing for respondent no.5-contractor submits that respondents no.1 to 4, has now confiscated an amount of Rs.18.00 lakhs, belonging to the petitioner, whereas, no inquiry, whatsoever, regarding the negligence on the part of respondent no.6, has



been conducted.

12. He also submits that the FIR in question, has been registered against a 3rd person, and there is no FIR against respondent no.5-contractor.

COURT PROCEEDINGS

13. At an earlier occasion, the instant case was heard on dated 09.01.2025, by this Court at length, and after hearing the parties concerned, this Court passed the hereinafter extracted direction upon respondents no.1 to 5:-

“4. The Hon’ble Supreme Court, as also this Court has on a number of occasions expressed concern regarding sewer deaths. Moreover, the Hon’ble Supreme Court has, while rendering the verdict in Safai Karamchari Andolan’s case (supra), declared sewer deaths on account of any dereliction to be a crime. The relevant portion of the verdict rendered in Safai Karamchari Andolan’s case (supra) is reproduced hereunder:-

“(ii) If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-

(a) Sewer deaths – entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.

(b) Railways – should take time bound strategy to end manual scavenging on the tracks.

(c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.

(d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.

(iii) Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.”

5. This Court posed specific query(ies) to the learned counsel representing the U.O.I. as to whether any FIR has been registered against the contractor, and, as to whether any compensation, in terms of the guidelines issued by the Hon’ble Supreme Court in the verdict (supra), has been paid to the petitioner and the legal



representatives of another deceased Mahinder Singh. The learned counsel for the respondent- U.O.I. informs this Court that, although FIR has been registered, however, no compensation has been paid till date. He seeks an adjournment to have instructions from the quarter concerned in this regard. “

14. In pursuance thereof, as short reply by way of an affidavit Air Cmde K.S.Lamba (23506-H) F (P), Air Officer Commanding, 12 Wing Air Force Station, Chandigarh, was filed on behalf of respondent no.4, wherein, it was informed to this Court that no compensation has been paid to legal representative/legal heirs of both the deceased persons. Though in the reply, responsibility was fastened upon the respondent-5-contractor.

ANALYSIS

15. Before this Court proceed to gauge the entitlement of the petitioner for the asked for compensation, lets have a brief study of various directions issued by the Hon'ble Supreme Court in this regard. Earlier, some of the persons under Safai Karamchari Andolan, approached the Supreme Court for issuance of a directions upon the Union of India as well as the State Governments, Municipal Corporations and Municipalities, and Nagar Panchayats, to strictly implement the provisions of Act of 2013, and to initiate the prosecution against the violators.

16. The above, writ petition was finally disposed of, and one of the important directions is that, the sewage deaths, without life safety gears should be made a crime, even if occurred in emergency situations, and in case of each death, a compensation of Rs.10 lakhs should be given



to the family of the deceased. The relevant extract of from the said judgment is extracted hereinafter:-

(14) We have already noted various provisions of the 2013 e already noted various provision Act and also in the light of various orders of this Court, we issue the following **directions**:-

(i) The persons included in the final list of manual scavengers under Sections 11 and 12 of the 2013 Act, shall be rehabilitated as per the provisions of Part IV of the 2013 Act, in the following manner, namely:-

(a) such initial, one time, cash assistance, as may be prescribed;

(b) their children shall be entitled to scholarship as per the relevant scheme of the Central Government or the State Government or the local authorities, as the case may be;

(c) they shall be allotted a residential plot and financial assistance for house construction, or a ready-built house with financial assistance, subject to eligibility and willingness of the manual scavenger as per the provisions of the relevant scheme;

(d) at least one member of their family, shall be given, subject to eligibility and willingness, training in livelihood skill and shall be paid a monthly stipend during such period;

(e) at least one adult member of their family, shall be given, subject to eligibility and willingness, subsidy and concessional loan for taking up an alternative occupation on sustainable basis, as per the provisions of the relevant scheme;

(f) shall be provided such other legal programmatic assistance, as the Central Government or State Government may notify in this behalf.

(ii) If the practice of manual scavenging has to be brought to a close and also to prevent future generations from the inhuman practice of manual scavenging, rehabilitation of manual scavengers will need to include:-

(a) Sewer deaths - entering sewer lines without safety gears should be made a crime even in emergency situations. For each such death, compensation of Rs. 10 lakhs should be given to the family of the deceased.

(b) Railways - should take time bound strategy to end manual scavenging on the tracks.

(c) Persons released from manual scavenging should not have to cross hurdles to receive what is their legitimate due under the law.

(d) Provide support for dignified livelihood to safai karamchari women in accordance with their choice of livelihood schemes.



- (iii) Identify the families of all persons who have died in sewerage work (manholes, septic tanks) since 1993 and award compensation of Rs.10 lakhs for each such death to the family members depending on them.
- (iv) Rehabilitation must be based on the principles of justice and transformation.

17. Further, this issue was reconsidered by the Hon'ble Supreme Court in the case of '**Dr. Balram Singh vs. Union of India and Ors.**' **2023 SCC Online SC 1386**, wherein the compensation of Rs.10 lakhs was enhanced to Rs.30 lakhs. The relevant direction passed, therein, is extracted hereinafter:-

Directions

96. 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.

FINDINGS

18. In view of the undisputed facts, and the legal preposition extracted hereinabove, this Court is of the considered view that there is no disputes that the husband of the petitioner, has lost his life while cleaning the sewage lines, without safety gears. It is also nowhere coming forth from the record that the Military Engineering Services (respondents no.1 to 4), has taken any steps to ensure the strict implementation, not only the provisions of the Act of 2013, and the Rule of 2013, but also, the provisions of clause 12 and 13 of the contract, which mandates upon respondent no.5-the contractor to ensure safety measures to be taken while cleaning sewage line.

19. Though the FIR (*supra*) has been registered against a 3rd person, however, without observing anything on the merits of the FIR (*supra*), this Court, in view of the legal preposition (*supra*), deems it fit and appropriate to pass the following directions:-

- i) **Respondents no.1 to 4, shall, at first instance, pay the compensation amounting to Rs.30.00 lakhs to legal representatives/legal heirs of deceased-Pargat Singh. Since there is a consensus between the petitioner (widow of the the deceased) and respondents no.8 and 9 (who are**



mother and father respectively of the deceased), therefore, the compensation amount shall be apportioned as under:-

a. Amandeep Kaur (petitioner) & - 60%
her minor daughter-Inderjit Kaur.

b. Respondents no.8 and 9 - 40%

ii) The aforesaid amount of compensation shall be disbursed within a period of 02 months from the receipt of certified copy of this order. In case of non-payment thereof, respondents no.1 to 4 shall be liable to pay interest at the rate of 9 % per annum from the date of expiry of aforesaid period of 02 months till its realisation.

iii) Respondents no.1 to 4, are at liberty to recover the amount of compensation from defaulting contractor-respondent no.5 or officer/ officials of the concerned department. However, the said exercise shall be carried out only after holding a proper inquiry and after giving due opportunity to the parties concerned.

20. Instant petition is **disposed of** accordingly.

April 02, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No