

Court No. - 21

Case :- PUBLIC INTEREST LITIGATION (PIL) No. - 1032 of 2022

Petitioner :- In Re Ensuring The Security Of Life And Safety Of Health Of The Workmen And Employees Engaged

Respondent :- The Chief Secretary, Government Of U.P. Lucknow And 7 Others

Counsel for Petitioner :- Suo Moto Public Interest Litigation On The Basis Of The Newspaper Report, Vibhu Rai

Counsel for Respondent :- C.S.C., Satyavrat Sahai

Hon'ble Manoj Kumar Gupta, J.

Hon'ble Chandra Kumar Rai, J.

In compliance of previous orders of this Court, an affidavit has been filed on behalf of State of U.P. annexing therewith order of the State Government dated 31.3.2022 laying down the Standard Operating Procedure (SOP) to be followed in cleaning sewers and septic tanks. Sri Manish Goel, learned Additional Advocate General appearing on behalf of the State submitted that strict instructions have been issued to all local bodies to ensure full compliance of the laid down Standard Operating Procedure in cleaning sewers and septic tanks. He made special emphasis to the provisions relating to (a) insurance of the life of workers engaged in hazardous cleaning (b) complaint redressal system and helpline number, (c) making it imperative to constitute a Responsible Sanitation Authority (RSA) and Emergency Response Sanitation Unit (ERSU) in every Urban Area.

It is emphasized that in the said meeting another important decision taken was for preparing a project report jointly by Social Welfare Department and Labour Department prescribing revision of wages, compensation, insurance amount and other facilities for the sanitation workers. He has also assured the Court that needful in this behalf shall be done within a fortnight.

Sri Anoop Trivedi, learned senior counsel alongwith Sri Vibhu Rai

Advocate appearing on behalf of respondent no.6 have filed an affidavit stating that cleaning work of 202 drains in the city is being done with the help of mechanized machines. It is also stated that the entire cleaning work will be completed by 20.06.2022. The affidavit also discloses the number of gumboots, hand gloves, masks etc. provided by the Nagar Nigam to the contractors engaged in the work of cleaning of drains. It is also stated that all contractors have been instructed and warned not to permit any labour or workman to enter drains without wearing protective gears and that strict action will be taken against erring persons in case of violation.

Another affidavit has been filed in Court during course of hearing mentioning that the Nagar Nigam had employed nine excavators cum loaders, eight skid steer loaders, eight dumper trucks and thirteen tractor trolleys for removing silt from the drains and assurance has been given that seven more dumpers and eight tractor trolleys will be taken on rent and that silt removed from drains will not be left to dry on the road side, but will be removed immediately. An order in this behalf issued on 6.06.2022 has also been annexed.

Sri Rajeev Lochan Shukla, learned Amicus has filed certain photographs taken recently. In these photographs, the *safai karmis* are still seen working in drains without gass masks, gumboots and hand gloves, except a jacket in some cases.

Albeit, a lot has been done on papers, but the benefits have not trickled down to the beneficiaries. Only framing SOPs and guidelines without having any mechanism in place to ensure implementation is of no use. We therefore, require the Chief Secretary and the other

respondents to ponder over the issue and take concrete measures for implementation so that some change is discernible in the working conditions of the sanitary workers.

One effective way of ensuing implementation of any welfare scheme is to educate the beneficiary of his rights and entitlements. We feel that the SOPs and other beneficial schemes framed by the Government will not serve its objectives unless the workers are educated of their rights and entitlements.

We therefore, require the respondents to prepare a brief one page pamphlet specifying the rights and entitlements of the sanitary workers. It should thereafter be widely publicized in the newspapers, on the notice board of the local body and other mediums of mass communication. Each and every sanitary worker should be handed over the printed pamphlet enlisting their rights and entitlements. A copy of the said pamphlet shall be placed on record for our perusal in due course.

Sri Anoop Trivedi, on suggestion of the Court, assures that a separate portal will be created by the Nagar Nigam, accessible to the common citizen where they can upload photographs to highlight the plight of sanitary workers and assures that the details of the said portal will be put in public domain by issuing advertisement in newspapers and through other electronic media. He also states that complaints received on the said portal will be addressed to within 24 hours.

We require the State Government to issue directions to all local bodies in the State to follow the directions issued by this Court to Nagar Nigam Allahabad, it being arrayed in the instant matter as a

representative body.

As the onset of monsoon is nearby, therefore, looking to the urgency, we direct the instant matter to be posted on 13.6.2022 at 2:00 p.m.

The State Government shall file affidavit of a responsible officer disclosing further measures taken by it in the matter. The Nagar Ayukt, Nagar Nigam, Prayagraj shall also file his personal affidavit disclosing the steps taken to implement the above directions, the SOP prescribed by the Government and prevent further breaches, in relation to the working conditions of the sanitary workers.

(Chandra Kumar Rai, J.) (Manoj Kumar Gupta, J.)

Order Date :- 7.6.2022

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