

जिल्हाधिकारी तथा जिल्हादंडाधिकारी, पालघर यांचे कार्यालय  
(गृह शाखा)

जिल्हा मुख्यालय, पालघर-बोर्डसर रोड कोळगाव, ता.पालघर, जिल्हा-पालघर

दुरध्वनी क्रमांक ०२५२५-२५३१११

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क्र/गृह/का.१/टे.४/अर्नाळापो.स्टे.४सफाईकर्मचारीमृत्यू/कावि-११०/२०२४

दि.२३/०७/२०२४

प्रति,

रजिस्टार,

मा.राष्ट्रीय हरीत लवाद न्यायाधिकरण, पुणे

**विषय:-** ग्लोबल सिटी परीसर, मौजे विरार, ता.वसई, जि.पालघर येथे पॉलीकॉम नावाच्या कंपनीचा एसटीपी प्लांट साफ करण्यासाठी उतरलेल्या ४ कामगारांचा गुदमरुन मृत्यू झाले प्रकरणी मा.राष्ट्रीय हरीत लवाद न्यायाधिकरण, पुणे यांचेसमोर प्रतिज्ञापत्र सादर करणेबाबत.

Original Application No.112/2024 WZ

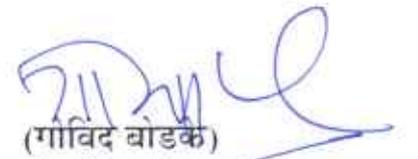
(Earlier Original Application No.377/2024(PB))

**संदर्भ :-** आपणाकडील पत्र क्र.एनजीटी/डब्ल्यू२बी/पुणे/४७३/२०२४ दि.०५/०६/२०२४.

महोदय,

उपरोक्त संदर्भाधिन विषयान्वये वसई विरार शहर महानगरपालिका कार्यक्षेत्रातील ग्लोबल सिटी, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प), ता.वसई, जि.पालघर येथे निवासी इमारतीच्या संकुलाचे सांडपाण्याचे व्यवस्थापन करणाऱ्या मे.पोल्युकॉन इन्व्हिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनीचे ४ कामगारांचा मंगळवार दिनांक ०९/०४/२०२४ मृत्यू झाल्या प्रकरणी मा.राष्ट्रीय हरीत लवाद न्यायाधिकरण, पुणे यांचेकडे Original Application No.112/2024 WZ (Earlier Original Application No.377/2024(PB)) हा दावा दाखल करण्यात आलेला आहे व आपणाकडील संदर्भिय पत्रान्वये जिल्हादंडाधिकारी पालघर यांना प्रतिज्ञापत्र सादर करणेकामी निर्देश देण्यात आलेले आहेत.

प्रकरणी या कार्यालयाकडील प्रतिज्ञापत्र सोबत जोडून सादर करण्यात येत आहे. तसे सदरची बाब मा.राष्ट्रीय हरीत लवाद न्यायाधिकरण, पुणे यांचे निदर्शनास आणून देणेस विनंती आहे.



(गोविंद बोर्डकर)

जिल्हादंडाधिकारी पालघर

IN THE HON'BLE NATIONAL GREEN TRIBUNAL WESTERN ZONE BENCH

AT

PUNE

ORIGINAL APPLICATION NO.112/2024 WZ

(EARLIER ORIGINAL APPLICATION NO.377/2024 (PB))

District – Palghar

NEWS ITEM TITLED "FOUR SUFFOCATE TO DEATH CLEANING SEWAGE PLANT IN MUMBAI'S VIRAR" APPEARING IN THE TIMES OF INDIA DATED 10.04.2024

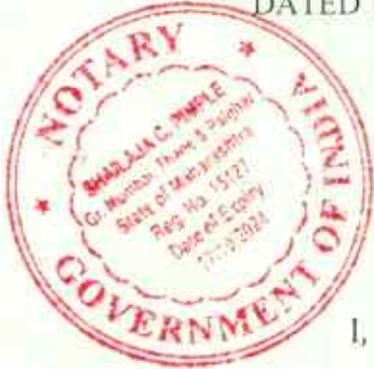
V/s

CENTRAL POLLUTION CONTROL BOARD & ORS.

**AFFIDAVIT-IN-REPLY AS PER YOUR NOTICE**

I, Govind Maruti Bodke, Age 59 years, District Magistrate Palghar, Office of the Collector of Palghar, Dist. Palghar, do hereby state on solemn affirmation as under :-

1. On 9<sup>th</sup> April 2024 four labours viz 1) Amol Anant Ghatal Age-28 yrs, At Nankarpada, Aadne Village, Post.Bhatane, Tal. Vasai, Dist.Palghar, 2) Nikhil Anant Ghatal Age-24 yrs, At. Nankarpada, Aadne Village, Post.Bhatane, Tal. Vasai, Dist. Palghar, 3) Sagar Sunil Tandalekar, Age-31yrs, At. Room No.410, Hariom Heights, 4<sup>th</sup> Floor, Off. Zilla Parishad School, Holi Aali, Dongapada, Virar (W.), Tal. Vasai, Dist.Palghar, 4) Shubham Suryakant Parkar, Age-28 yrs, At.A/14, 3<sup>rd</sup> Floor, Aamegh Darshan, Chourghe Aali, Dongarpada, Virar (West), Tal. Vasai, Dist. Palghar, died due to inhaling poisonous gases while repairing choke up in recycle tank in Pollucon Enviro Engineers Private Limited, Pollution Control Project Company, At. Global City Area, Rustomji Gruh Sankul, Virar (E.), Tal. Vasai, Dist. Palghar on dt.09.04.2020.
2. Accordingly, F.I.R. registered at Arnala Police Station against accused 1.Mahadev Tukaram Kupte, Age.62 yrs, (Supervisor) At.Shriram Krupa Co.Op.H.Society, Building No.17, Room No.409, Vavatewadi, Virar (East), Ta.Vasai,Dist.palghar & Owner of Pollucon Enviro Engineers Private Limited, Virar (E.), Tal.Vasai, Dist. Palghar under C.R. No. 1 158/2024 u/s I.P.C. 304, 34 and the Section 7, 8 & 9 of The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 on dt.09/04/2024.



3. Hon'ble National Commission for Safai Karmacharis, New Delhi directed this office to ensure the provision of Section 9 of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 strictly adhered and pay a compensation of Rs.10 lakhs for each deceased labour, with reference to the judgement passed by the Hon'ble Supreme Court Dt.27/03/2014, to the labourers relative who died allegedly in a septic tank and necessary action is initiated against the persons responsible for engaging persons for hazardous cleaning of sewers in violation of section 7 of the MS Act 2013 and Section 7, 8 & 9 of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
4. As per the instructions given by Hon'ble National Commission for Safai Karmacharis, New Delhi this office send notice dt.18/04/2024 to the owner of Pollucon Enviro Engineers Private Limited, Pollution Control Project Company to pay 10 lakhs rupees each to the legal heirs of the deceased within 15 days.
5. As per the letter dt.12/04/2024 Hon'ble National Commission for Safai Karmacharis, New Delhi instructed this office about the judgement passed by the Hon'ble Supreme Court in WP No.324/2020 dt.20/10/2023 that compensation for sewer death shall be 30 lakhs. So as per the judgement passed by the Hon'ble Supreme Court & Hon'ble National Commission for Safai Karmacharis, New Delhi instructions this office again send notice dt.22/04/2024 to the owner of Pollucon Enviro Engineers Private Limited to pay 30 lakhs rupees each to the legal heirs of the deceased within 10 days.
6. But the owner of Pollucon Enviro Engineers Private Limited is not ready to pay the compensation amount to the legal heirs of the deceased and filed Writ Petition No.7616/2024 before the Hon'ble High Court Bombay.
7. The Hon'ble High Court Bombay has instructed Pollucon Enviro Engineers Private Limited to deposited Rs.25,00,000/- in account of this office. So as per the Hon'ble High Court instruction, this office wrote a letter to Pollucon Enviro Engineers Private Limited to deposit Rs.25,00,000/- in account of the Tahsildar Vasai and as per this office instructions company deposited Rs.25,00,000/- in account of Tahsildar Vasai. The next hearing of the court was on Dt.19/06/2024.

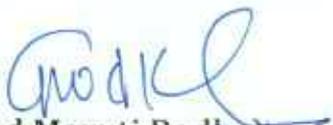


8. But the matter has not been heard and the next hearing has not yet been declare by the court.

**VERIFICATION**

I, Govind Maruti Bodke, Age 59 years, District Magistrate Palghar. Office of the Collector of Palghar, Dist. Palghar, do hereby state on solemn affirmation that the contents of this affidavit are derived from the official record and I believe the same to be true and correct.

Solemnly affirmed Palghar )  
This 23 day July, 2024)

  
(Govind Maruti Bodke)  
District Magistrate Palghar



**BEFORE ME**

  
Mrs. SHAILAJA C. PIMPLE  
B.A. LL.B  
ADVOCATE & NOTARY  
(GOVT. OF INDIA)  
OFF. : 6, CENTER POINT (SILVER)  
OPP. JAMA MASJID,  
KACHERI ROAD, PALGHAR (W),  
DIST. PALGHAR, PIN - 401 404,  
MOB.: 9673734349



**NOTED & REGISTERED**  
AT Serial No. 2175 2024  
Register No. 2175 Date 23/7/24  
This Document Contains  
Total 03 Pages

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL WESTERN ZONE BENCH  
AT PUNE**

**ORIGINAL APPLICATION NO.112/2024 WZ  
(EARLIER ORIGINAL APPLICATION NO.377/2024 (PB))**

**District – Palghar**

NEWS ITEM TITLED “FOUR SUFFOCATE TO DEATH CLEANING  
SEWAGE LANT IN MUMBAI'S VIRAR” APPEARING IN THE TIMES OF INDIA  
DATED 10.04.2024

V/s

CENTRAL POLLUTION CONTROL BOARD & ORS.

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## सांडपाणी प्रकल्पात दुर्घटना, ४ मजुरांचा गुदमरून मृत्यू

वसई, (वा.): विरारमध्ये एसटीपी प्लांट साफ करण्यासाठी उतरलेल्या चार कामगारांचा गुदमरून दुर्दैवी मृत्यू झाल्याची घटना घडली आहे. विरार पश्चिमच्या ग्लोबल सिटी परिसरात ही घटना घडली. मंगळवारी सकाळच्या सुमारास एसटीपी प्लांट साफ करण्यासाठी कामगार उतरले होते. मात्र या कामगारांचा टाकीतच गुदमरून झाला.

या घटनेची माहिती अनांळा पोलीस व वसई विरार महानगरपालिकेच्या अग्निशमन पथकाच्या जवानांना मिळाल्यानंतर त्यांनी हे मृतदेह बाहेर काढण्याचे प्रयत्न सुरू केले होते. अग्निशमनच्या जवानांनी ऑक्सिजन सिलेंडरचा वापर करून पाण्याच्या टाकीतून चार जणांचे मृतदेह बाहेर काढण्यात यश आले आहे. तब्बल चार तासानंतर शुभम पारकर (वय. २८), निखिल घाटाळ (वय. २४), सागर तेंडुलकर (वय. २९) व अमोल घाटाळ (वय. २७) अशी मृत कामगारांची नावे आहेत.

पॉलीकॉम नावाच्या कंपनीमार्फत या एसटीपी प्लांट च्या माफसफाईचे काम



केले जात असल्याची माहिती पोलीस तपासात समोर आली आहे. अनांळा पोलीस या घटनेचा अधिक तपास करत आहे. आज गृहीपाडव्याच्या दिवशी ही घटना घडल्याने मयतांच्या कुटुंबीयांवर दुःखाचा डोंगर कोसळला आहे.

कलम ३०४ आणि ३४ (हाताने मौला उचलणाऱ्या सफाई कर्मचारी उचलणाऱ्या) कर्मचाऱ्यांचे २०१३ चे कलम अन्वये अनांळासुपरवेजर पोलीस ठाण्यात गुन्हा दाखल करण्यात आला आहे. सुपरवायजर महादेव तुकाराम कुपट यावर या अपघातात प्रकरणी गुन्हा दाखल करण्यात आला असल्याची माहिती अनांळा पोलीस ठाण्याचे वरिष्ठ पोलीस निरीक्षक विजय पाटील यांनी दिली आहे.



पोलीस उप आयुक्त, गुन्हे  
भिरा-भाईंदर, वसई-विरार आयुक्तालय

राज्याच्या पत्ता- ऑग्न्याल हाईटय गमार, कार्यालय, ०४मी  
पार्क भिरागड (पूर्व), टाणे ४०११०७ फोननंबर २२२२२२२२  
E-mail dcp.crime.mb-vv@mahapolice.gov.in



ता.प. मू. आ. प्रजागान/सं-गु.अल सईदर/अनाळा-१५८/१०७१ /२०२४.

दिनांक २२/०४/२०२४

मां,

मा. जिल्हाधिकारी तथा जिल्हादंडाधिकारी,  
(गृह शाखा) पालघर.

विषय: ग्लोबल सिटी परीसर, मीजे विरार, तर.वसई, जि. पालघर येथे पॅलिऑम नावाच्या कर्मचाऱ्या  
एमटीपी प्लॉट साफ करण्यासाठी उतरलेल्या ४ कामगारांचा गुदमरून मृत्यू झाल्याबाबत.  
संदर्भ: आपलेकडिल क्र.गृह/का.१/ट.४/अनाळा पोस्टे ४ सफाई कर्मचारी मृत्यू/ कार्गि.१२/२४  
दि.१०/०४/२०२४.

महोदय,

उपरोक्त विषयान्वये सचिनय सादर की, दि.०९/०४/२०२४ रोजी अनाळा पोलीस ठाण्याच्या इलॉट पॅलिऑम  
इन्व्हायरी इंजिनीअरने प्रा.लि.पील्युशन कन्ट्रोल प्रोजेक्ट कंपनी मध्ये मल.निसारण केंद्र ०२, ग्लोबल सिटी परीसर, मीजे विरार,  
ता.वसई, जि. पालघर येथे एमटीपी प्लॉट साफ करण्यासाठी उतरलेल्या ४ कामगारांचा गुदमरून मृत्यू झाला असून, न्यायालय  
अनाळा पोस्टे गुरम. १५८/२०२४, भादविसंक.३०४,३४, सह हाताने मैला उचलणा-या सफाई कर्मचा-यांच्या सेवा बांजनेय प्रॉनियर  
आंण त्यांचे पुनं वसन अधिनियम २०१३ चे कलम ७,८,९ प्रमाणे गुन्हा दि.०९/०४/२०२४ रोजी १८.३९ वा. नॉटविषयल आलेला  
आहे.

आपलेकडिल संदर्भ क्र. १ अन्वये मा. सर्वोच्च न्यायालयाचे रिट पिटीशन क्र. ५८३/२००३, दि.२७/०३/२०१२  
राजी दिलेल्या न्यायनिर्णयानुसार व सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडिल भाग्यन विभाग  
दि.१२/१२/२०१९ मधिल तरतूदीनुसार ज्या अधिनस्त दुषित गटारामध्ये सफाई कामगारांचा मृत्यू झाला व क्षेत्र/आस्थापना/याद्यालय  
यांचे साफेल मृत कामगारांचे वारसांना १० लाख रुपबे देण्यासाठी सक्षम प्राधिकारी ठरविणकामो प्रस्तुत प्रकरणा वर घटमची  
संपूर्ण माहिती, प्रथम खबरी अहवाल, आरोपीचे नांव व पत्ता, मृत व्यक्तीचे नाव, वय व पत्ता व त्यांचे वारस वार्या मार्गला  
याबाबतचा परिपूर्ण अहवाल मागविण्यात आलेला आहे.

प्रस्तुत प्रकरणी पोलीस निरीक्षक, अनाळा पोलीस ठाणे यांचेकडून सचिनय अहवाल प्राप्त झाल्याने अनाळा  
असून, ती यामोचत सादर करित आहोत.

आपला विश्वासू

( अर्धनारा अक्षर )

पोलीस उपायुक्त, गुन्हे

भिरा-भाईंदर आयुक्तालय

 <p>महाराष्ट्र पोलीस</p>	<h2>अर्नाळा सागरी पोलीस ठाणे</h2> <p>मिरा-भायंदर-वसई-विरार पोलीस आयुक्तालय</p> <p>Phone No.: 0250-2587208, Mob No.: 9137322976, Address: Arnala Sagari Police Station, Near Arnala Beach, Virar (W) E-mail : pi.arnala.mb-vv@mahapolice.gov.in</p>	 <p>महाराष्ट्र पोलीस</p>
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जा.क्र. 3/16/गु.र.क्र.१५८/२४/पो.नि.सावंत/२०२४,

दि.12/04/२०२४

प्रति,

✓ मा. जिल्हाधिकारी सा.ग.

पालघर यांना सविनय सादर....

E-1822274/24

जिल्हाधिकारी कार्यालय पालघर	रिपोर्ट :- प्रकाश सावंत, पोलीस निरीक्षक, अर्नाळा सागरी पोलीस ठाणे
व्यंजना क्र. ३२६	विषय :- मयताच्या चारसांना आर्थिक मदत मिळणेबाबत.
12 APR 2024	संदर्भ :- १) मा.सर्वोच्च न्यायालय यांचा दिनांक २७/०३/२०२१४ रोजी रिट पिटशन क्रमांक ५८३/२००३
महोदय, (पो.ड.जि./ड.जि. सा.ग.) जिल्हाधिकारी	२) जा.क्र. गु.शा.प्रशासन/सफाई कामगार मृत्यु/अहवाल/११०/२०२४, दिनांक १०/०४/२०२४, पोलीस निरीक्षक गुन्हे, प्रशासन, मि.भा.व.वि. पोलीस आयुक्तालय

उपरोक्त विषयास व संदर्भास अनुसरून सविनय सादर करतो की, अर्नाळा पोलीस ठाणे येथे दाखल गु.र.क्र. १५८/२०२४ भादविस कलम ३०४,३४ सह हाताने मैला उचलणाऱ्या सफाई कर्मचाऱ्यांच्या सेवा योजनेस प्रतिबंध आणि त्याचे पुनःवसन अधिनियम २०१३ चे कलम ७,८,९ या गुन्हाचा तपशील खालील प्रमाणे आहे.

१.	पोलीस ठाणे	- अर्नाळा सागरी जिल्हा :- पालघर
२.	गुन्हा रजि.नं.	- गु.र.क्र. १५८/२०२४ भादविस कलम ३०४,३४ सह हाताने मैला उचलणाऱ्या सफाई कर्मचाऱ्यांच्या सेवा योजनेस प्रतिबंध आणि त्याचे पुनःवसन अधिनियम २०१३ चे कलम ७,८,९ प्रमाणे
३.	फिर्यादीचे पूर्ण नाव, पत्ता	- श्री.अनंत वाल्या घाटाळ, वय-४९ वर्षे, धंदा-शिक्षक रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर सध्या रा. बी विंग रुम नं.३०४ किशोरकुंज जुने विवा कॉलेज जवळ विरार प. ता.वसई जि.पालघर मोनं. मो नं.७७०९३०६६१६
४.	आरोपीचे नाव पत्ता	- १) महादेव तुकाराम कुपटे, वय-६२ वर्षे, रा. श्रीराम कृपा को.ऑ. हौ.सोसायटी, बिल्डींग नं. १७, रुम नं. ४०९, वायटेवाडी, विरार पूर्व, ता.वसई, जि. पालघर २) पॅलीकॉन इन्हायरो इंजिनीअर्स प्रा.लि.चे मालक
५.	आरोपी अटक ता.व वेळ	- आरोपीत क्र. १ यास दि.०९/०४/२०२४ रोजी २२:४० रोजी अटक (स्टेशन डायरी क्र. ०२२)
६.	पाहिजे आरोपीचे नांव व पत्ता	- पॅलीकॉन इन्हायरो इंजिनीअर्स प्रा.लि.चे मालक
७.	अ.घ.ता.वेळ ठिकाण	- दिनांक ०९/०४/२०२४ रोजी सकाळी ११:३५ वाजताचे सुमारास - पॅलीकॉन इन्हायरो इंजिनीअर्स प्रा.लि. पॉल्युशन कंट्रोल प्रोजेक्ट कंपनी मध्ये मलनित्सारण केंद्र ०२, ग्लोबलसिटी, विरार पश्चिम येथे
८.	अ.दा.ता.वेळ	- दिनांक ०९/०४/२०२४ रोजी १८:३९ वा.
९.	मयतांचे नांव व पत्ता	- १) अमोल अनंत घाटाळ, वय-२८ वर्षे, रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर

		<p>२) निखील अनंत घाटाळ, वय-२४ वर्षे, रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर</p> <p>३) सागर सुनिल तांदळेकर, वय-३१ वर्षे, रा. रुम नं. ४१०, हरिओम हाईट्स, चौथा मजला, जिल्हा परिषद शाळे समोर, होळी आळी, डोंगरपाडा, विरार पश्चिम,</p> <p>४) शुभम सुर्यकांत पारकर, वय-२८ वर्षे, रा. ए/१४, तिसरा माळा, आमघ दर्शन, चोरघे आळी, डोंगरपाडा, विरार पश्चिम,</p>
१०.	जप्त माल	- निरंक
११	गुन्ह्याची हकिगत	- ता.म.वेळी व जागी यातील फिर्यादी यांचा मुलगा मयत १) अमोल अनंत घाटाळ, वय-२८ वर्षे, २) निखील अनंत घाटाळ, वय-२४ वर्षे व त्याचे सोबत काम करणारे मजुर ३) सागर सुनिल तांदळेकर, वय-३१ वर्षे, ४) शुभम सुर्यकांत पारकर, वय-२८ वर्षे हे पॅलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि. पॉल्युशनकंट्रोल प्रोजेक्ट कंपनी मध्ये मलनिस्सारण केंद्र ०२, ग्लोबलसिटी, विरार पश्चिम येथे काम करत असतांना यातील आरोपीत पॅलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि.कंपनीचे मालक व सुपरवायझर अटक आरोपीत महादेव तुकाराम कुपटे यांनी कोणतीही काळजी न घेता निष्काळजीपणे बेदरकारपणे कृत्य करून मलनिस्सारण केंद्र येथील रिसायकल टँक मधील गॅसने माणसाचा श्वास गुदमरून त्याचा जिव जावु शकतो हे माहिती असतांना सुध्दा यातील मयत यांना रिसायकल टँक मध्ये चॉकअप काढण्यासाठी आत मध्ये उतरवून त्यांना कोणतीही सुरक्षेची उपकरणे साधने न पुरविल्याने तसेच ऑक्सिजनचा पुरेसा पुरवठा न केल्याने यातील मयत हे मलनिस्सारण चे रिसायकल टँक मध्ये चॉकअप काढण्यासाठी उतरले असतांना त्यामध्ये त्यांचा जिव गुदमरून त्यांचे मरणास कारणीभूत झालेले आहे म्हणुन गुन्हा.

वृत्तांत :- दिनांक ०९/०४/२०२४ रोजी सकाळी ११.३५ वाजताचे सुमारास पॅलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि. पॉल्युशन कंट्रोल प्रोजेक्ट कंपनी मध्ये काम करणारे १) अमोल अनंत घाटाळ, वय-२८ वर्षे, रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर, २) निखील अनंत घाटाळ, वय-२४ वर्षे, रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर, ३) सागर सुनिल तांदळेकर, वय-३१ वर्षे, रा. रुम नं. ४१०, हरिओम हाईट्स, चौथा मजला, जिल्हा परिषद शाळे समोर, होळी आळी, डोंगरपाडा, विरार पश्चिम, ४) शुभम सुर्यकांत पारकर, वय-२८ वर्षे, रा. ए/१४, तिसरा माळा, आमघ दर्शन, चोरघे आळी, डोंगरपाडा, विरार पश्चिम, हे मलनिस्सारण केंद्र ०२, ग्लोबलसिटी, विरार पश्चिम येथे काम करत असतांना रिसायकल टँक मध्ये चॉकअप झालेले असतांना ते दुरुस्ती करीता यातील आरोपीत पॅलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि.कंपनीचे मालक व सुपरवायझर अटक आरोपीत महादेव तुकाराम कुपटे यांनी कोणतीही काळजी न घेता निष्काळजीपणे बेदरकारपणे कृत्य करून मलनिस्सारण केंद्र येथील रिसायकल टँक मधील गॅसने माणसाचा श्वास गुदमरून त्याचा जिव जावु शकतो हे माहिती असतांना सुध्दा यातील मयत यांना रिसायकल टँक मध्ये चॉकअप काढण्यासाठी आत मध्ये उतरवून त्यांना कोणतीही सुरक्षेची उपकरणे साधने न पुरविल्याने तसेच ऑक्सिजनचा पुरेसा पुरवठा न केल्याने यातील मयत हे मलनिस्सारण चे रिसायकल टँक मध्ये चॉकअप काढण्यासाठी उतरले असतांना त्यामध्ये त्यांचा जिव गुदमरून त्यांचे मरणास कारणीभूत झालेले आहे. सदर बाबत मयत क्र. १ व २ यांचे वडील श्री.अनंत वाल्या घाटाळ, वय-४९ वर्षे यांनी दिलेल्या तक्रारी वरून दिनांक ०९/०४/२०२४ रोजी १८:३९ वाजता सदरचा गुन्हा नोंद करण्यात आलेला असुन त्याचा तपास आम्ही स्वतः करीत आहोत.

सदर घटनेची माहिती मिळाताच आम्ही स्वतः व प्रभारी अधिकारी, अनांळा सागरी पोलीस ठाणे असे आम्ही लागलीच घटनास्थळी भेट दिलेली आहे. सदर घटनास्थळी मलनिस्सारण केंद्र ०२, ग्लोबलसिटी, विरार पश्चिम मध्ये चॉकअप काढण्यासाठी गेलेले वर नमुद मयत इसमांना फायरब्रिगेडचे अधिकारी व कर्मचारी यांचे मार्फतीने रेस्क्यु

करून रिसायल टँक मधुन बाहेर काढुन ग्रामीण रुग्णालय, विरार पश्चिम येथे उपचारा करीता पाठविले असता वैद्यकीय अधिकारी यांनी त्यांना तपासुन त्यांना दाखलपुर्व मयत घोषित केलेले आहे.

नमुद गुन्ह्यातील मयत इसम नामे १) अमोल अनंत घाटाळ, वय-२८ वर्षे, २) निखील अनंत घाटाळ, वय-२४ वर्षे, ३) सागर सुनिल तांदळेकर, वय-३१ वर्षे, ४) शुभम सुर्यकांत पारकर, वय-२८ वर्षे यांचे मृतदेहार इन्व्हेस्ट पंचनामा करणे कामी इकडील नेमणुकीत असलेले सपोनि/निलेश पुरभे यांना पाठविण्यात आलेले असुन त्यांनी मयत यांचे मृतदेहावर दोन पंचासमक्ष मरणोत्तर चौकशी फॉर्म व इन्व्हेस्ट पंचनामा करुन मा. वैद्यकीय अधिकारी सा. प्राथमीक आरोग्य केंद्र आगाशी यांना इकडील जावक क्रमांक ३०२४/२०२४, दिनांक ०९/०४/२०२४ अन्वये रिपोर्ट दिलेला आहे. नमुद मयत यांचे मृतदेहावर मा. वैद्यकीय अधिकारी, प्रा.आरो.केंद्र आगाशी यांनी पोस्ट मार्टम करुन मयत यांना Death due to Aspxia due to Drawning असा स्पष्ट अभिप्राय दिलेला असुन तसे अॅडवान्स सर्टिफिकेट दिलेले आहे. तदनंतर तसेच मयत यांचे मृतदेह त्यांचे नातेवाईकांचे ताब्यात देण्यात आलेले आहेत.

सदर गुन्ह्याचे घटनास्थळ हे नारंगी गांवचे हद्दीत रुस्तुमजी केंद्रीज इंटरनॅशनल स्कुल ॲण्ड ज्युनिअर कॉलेजच्या बाजूला असलेल्या जागेत मलनित्सारण केंद्र ०२, ग्लोबलसिटी, विरार पश्चिम येथील रिसायकल टँक मध्ये असुन सदर ठिकाणी दोन पंचासमक्ष भेट देवुन पंचनामा करण्यात आलेला आहे.

सदर गुन्ह्याचे तपासात पॉलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि. पॉल्युशन कंट्रोल प्रोजेक्ट कंपनीचे साईड सुपरवायझर महादेव तुकाराम कुपटे, वय-६२ वर्षे, रा. श्रीराम कृपा को.ऑ. हौ.सोसायटी, बिल्डींग नं. १७, रुम नं. ४०९, वावटेवाडी, विरार पुर्व, ता.वसई, जि. पालघर यास दिनांक ०९/०४/२०२४ रोजी २२:४० रोजी अटक करण्यात आलेली असुन त्यास मा. प्रथमवर्ग न्यायदंडाधिकारी सा. वसई न्यायालय येथे पोलीस कस्टडी रिमांड सह हजर केले असता मा.न्यायालयाने आरोपीत याची दिनांक १२/०४/२०२४ रोजी पावेतो पोलीस कस्टडी मंजूर केलेली आहे. नमुद गुन्ह्यातील पाहिजे आरोपीत पॉलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि. पॉल्युशन कंट्रोल प्रोजेक्ट कंपनीचे मालक यांचा बोरीवली येथील पत्त्यावर जावुन शोध घेण्यात आलेला असुन ते अदयाप पावेतो मिळुन आलेला नाही. सदर गुन्ह्यातील पाहिजे आरोपीत याचा शोध घेणे चालु आहे.

सदर गुन्ह्याचे तपासाचे अनुषंगाने मयत यांचे रक्तातील नातेवाईक साक्षीदार यांचेकडे व प्रत्यक्षदर्शी साक्षीदार यांचेकडे विचारपुस केली असुन त्यांचे सविस्तर तपास टिपण नोंदविण्यात आलेले आहेत. सदर गुन्ह्यातील मयत व त्यांचे वारसांचे ओळखपत्रा बाबत त्यांचे नातेवाईकांकडे मागणी केली असता मयत यांचे ओळखपत्र व त्यांचे वरसांचे ओळखपत्र त्यांनी सादर केलेले आहेत. सदर गुन्ह्याचा तपास चालु असुन सदर गुन्ह्यातील पाहिजे आरोपीत यास अटक करुन आरोपीत यांचे विरुद्ध अधिक पुरावा गोळा करीत आहोत.

सदर गुन्ह्यातील मयत यांचे नातेवाईकांकडे त्यांचे वारसाबाबत विचारणा करता त्यांनी त्यांचे वारसांचे नांव दिलेले असुन ती खालीलप्रमाणे आहे,

अ.क्र.	मयताचे नांव	मयताचे वारसाचे नांव	मयताशी नाते
१	अमोल अनंत घाटाळ, वय-२८ वर्षे, रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर	श्रीमती पुजा अमोल घाटाळ, वय-२७ रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर	मयताची पत्नी
२	निखील अनंत घाटाळ, वय-२४ वर्षे, रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर	सौ.रंजना अनंत घाटाळ, वय-४५ वर्षे, रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर	मयताची आई
३	सागर सुनिल तांदळेकर, वय-३१ वर्षे, रा. रुम नं. ४१०, हरिओम हार्ट्स, चौथा मजला, जिल्हा परिषद शाळे समोर, होळी आळी, डोंगरपाडा, विरार पश्चिम,	१) श्री. सुनिल गोपाळ तांदळेकर, वय-६२ वर्षे, रा. रुम नं. ४१०, हरिओम हार्ट्स, चौथा मजला, जिल्हा परिषद शाळे समोर, होळी आळी, डोंगरपाडा, विरार पश्चिम, २) सौ. सुनिला सुनिल तांदळेकर, वय-५४ वर्षे, रा. सदर	मयताचे वडील मयताची आई

४	शुभम सुर्यकांत पारकर, वय-२८ वर्ष, रा. ए/१४, तिसरा माळा, आमघ दर्शन, चोरघे आळी, डोंरपाडा, विरार पश्चिम,	श्रीमती पुजा शुभम परकर, वय-२६ वर्ष, रा. ए/१४, तिसरा माळा, आमघ दर्शन, चोरघे आळी, डोंरपाडा, विरार पश्चिम,	मयताची पत्नी
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तरी संदर्भ क्र. ०२ नुसार गुन्ह्यातील मयतांचे कायदेशीर धारसांना हाताने मैला उचलणाऱ्या सफाई कर्मचाऱ्याच्या सेवा योजनेस प्रतिबंध आणि त्याचे पुनःवसन अधिनियम २०१३ चे कलम ७,८,९ प्रमाणे मा. सर्वोच्च न्यायालयाच्या दिनांक २७/०३/२०१४ रोजीचे रिट पिटीशन याचिका क्रमांक ५८३/२००३ च्या निर्णयानुसार योग्य ती आर्थिक मदत मिळणेकामी पुढील कार्यवाही होणेस विनंती आहे.

सोबत:- गुन्ह्याच एफ.आय.आर.ची प्रत, गुन्ह्यातील मयत यांचे अॅडवॉन्स डेथ सर्टिफिकेट, मयत व त्यांचे नातेवाईकांचे ओळखपत्राचे छायांकीत प्रती, असे सोबत अवलोकनार्थ जोडलेले आहेत.

मार्फतीने सादर

मा.वरिष्ठ पोलीस निरीक्षक,  
अर्नाळा सागरी पोलीस ठाणे

मा. सविनय सादर

(प्रकाश सविंत) ११/०३/२४

पोलीस निरीक्षक

अर्नाळा सागरी पोलीस ठाणे

दाखल व पाहून सादर

*gpa*

वरिष्ठ पोलीस निरीक्षक

अर्नाळा सागरी पोलीस ठाणे

नि.भा.व.वि. पोलीस आयुक्तालय

प्रत सविनय सादर

- १) मा.पोलीस आयुक्त, सा. मि.भा.व.वि. पोलीस आयुक्तालय
- २) मा. सहा.आयुक्त, समाज कल्याण, पालघर
- ३) मा. तहसीलदार सा. वसई
- ४) अधीक्षक, प्रभाग समिती 'अ' बोर्ळाज, वसई विरार शहर महानगरपालीका

तपास अधिकारी

N.C.R.B (एन.सी.आर.बी)

I.I.F.-1 (एकीकृत अन्वेषण फॉर्म - १)

**FIRST INFORMATION REPORT**

(Under Section 154 Cr.P.C.)

प्रथम खबर अहवाल  
(कलम १५४ फौजदारी प्रक्रिया संहिता)

1. District (जिल्हा): मिरा-भाईंदर, वरसई-विहार

P.S.(ठाणे): अर्नाळा

FIR No.(प्रथम खबर क्र.): 0158

Year (वर्ष): 2024

Date and Time of FIR (प्र. ख. दिनांक आणि वेळ): 09/04/2024 18:58

S.No. (अ.क्र.)	Acts (अधिनियम)	Sections (कलम)
1	भारतीय दंड संहिता १८६०	३०४
2	भारतीय दंड संहिता १८६०	३४

3. (a) Occurrence of offence (गुन्हाची घटना):

1. Day(दिवस): मंगलवार	Date From (दिनांक पासून): 09/04/2024
Time Period (कालावधी): पहर 4	Date To (दिनांक पर्यंत): 09/04/2024
	Time From (वेळेपासून): 11:35 बजे
	Time To (वेळेपर्यंत): 11:35 बजे

(b) Information received at P.S. (माहिती मिळालेले पोलीस ठाणे):

Date (दिनांक): 09/04/2024 Time (वेळ): 18:39 बजे

(c) General Diary Reference (रोजनामचा संदर्भ):

Entry No. (नोंद क्र.): 018

Date &amp; Time (दिनांक आणि वेळ): 09/04/2024 18:39 बजे

4. Type of Information (माहितीचा प्रकार): लेखी

5. Place of Occurrence (घटनास्थळ):

1.(a) Direction and distance from P.S.(पोलीस ठाण्यापासून दिशा व अंतर):

पश्चिम, 10 किमी

Beat No. (बिट क्र.):

(b) Address (पत्ता): पलीकन इन्व्हायरो इंजिनीअर्स, प्रालि पल्युशन कन्ट्रोल, प्रोजेक्ट कंपनी मध्ये, मलनिस्सारण केंद्र 02, ग्लोबलसिट

(c) In case, outside the limit of this Police Station, then

(या पोलीस ठाण्याच्या हद्दीबाहेर असल्यास):

Name of P.S.(पोलीस ठाण्याचे नाव):

District(State) (जिल्हा(राज्य)):



सत्यप्रत  
पोलीस निरीक्षक  
अर्नाळा सागरी पोलीस ठाणे

N.C.R.B (एन.सी.आर.बी.)  
I.I.F.-I (एकीकृत अन्वेषण फॉर्म - 1)

6. Complainant / Informant (तक्रारदार/माहिती देणारा):

- (a) Name (नाव): अनंत वाल्या घाटाळ  
(b) Father's/Husband's Name (वडील / पती चे नाव) :  
(c) Date/Year of Birth (जन्म तारीख/वर्ष): 1975  
(d) Nationality (राष्ट्रीयत्व): भारत  
(e) UID No. (यु.आय.डी. क्र.):  
(f) Passport No. (पारपत्र क्र.):

Date of Issue (दिल्याची तारीख):

Place of Issue (दिल्याचे ठिकाण):

- (g) ID details (Ration Card, Voter ID Card, Passport, UID No., Driving License, PAN) ओळखपत्र विवरण (राशन कार्ड, मतदाता कार्ड, पासपोर्ट, यूआईडी सं., ड्राइविंग लाइसेंस, पॅन कार्ड )

S.No. (अ.क्र.) ID Type (ओळखपत्राचा प्रकार) ID Number (ओळखपत्राचा क्रमांक)

1

(h) Address (पत्ता):

S.No. (अ.क्र.)	Address Type (पत्त्याचा प्रकार)	Address (पत्ता)
1	वर्तमान पता	B/304, किशोरकुज, जुने विद्या कलेज जवळ विरार प, अर्नाळा, मिरा-भाईंदर, वसई-विरार पोलीस आयुक्तालय, महाराष्ट्र, भारत
2	स्थायी पता	नानकरपाडा, गाव आडणे, पो भाताण, मांडवी, मिरा-भाईंदर, वसई-विरार पोलीस आयुक्तालय, महाराष्ट्र, भारत

(i) Occupation (व्यवसाय):

(j) Phone number (फोन नं.):

Mobile (मोबाइल नं.): 91-7709306616

7. Details of known/suspected/unknown accused with full particulars (माहित असलेल्या / संशयीत/अनोळखी आरोपीचा संपूर्ण पत्ता):

S.No. (अ.क्र.)	Name (नाव)	Alias (उर्फनाव)	Relative's Name (नातेवाईकाचे नाव)	Present Address (वर्तमान पता)
1	फ्लोकन इन्व्हायरो इंजिनीअर्स प्रा.लि. कंपनीचे मालक			1. ग्लोबलसिटी, विरार पश्चिम, अर्नाळा, मिरा-भाईंदर, वसई-विरार पोलीस आयुक्तालय, महाराष्ट्र, भारत
2	महादेव तुकाराम कुपटे			1. 409, बिन 17 श्रीराम कृपा कोऑफसो, वाघटेवाटी, विरार, मिरा-भाईंदर, वसई-विरार पोलीस आयुक्तालय, महाराष्ट्र.

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

भारत

8. Reasons for delay in reporting by the complainant/informant (तक्रारदार/माहिती देणा-याकडून तक्रार करण्यातील विलंबाची कारणे):

9. Particulars of properties of interest (संबंधीत मालमत्तेचा तपशील):

S.No. (अ.क्र.)	Property Category (मालमत्ता वर्ग)	Property Type (मालमत्ता प्रकार)	Description (वर्णन)	Value (In Rs/-) (मुल्य (रु.))
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10 Total value of property (In Rs/-) (चोरीस गेलेल्या मालमत्तेचे एकूण मुल्य (रु. मध्ये)):

11. Inquest Report / U.D. case No., if any (इन्क्वेस्ट अहवाल/ अकस्मात मृत्यू प्रकरण क्र., जर असल्यास):

S.No. (अ.क्र.) UIDB Number (यु.आय.डी.बी.क्र.)

12. First Information contents (प्रथम खबर हकीकत):

फिर्याद

दिनांक 09/04/2024

मी अनंत बाल्या घाटाळ, वय-49 वर्षे, धंदा-शिक्षक रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता. वसई जि. पालघर सध्या रा. बी विंग रुम नं. 304 किशोरकुंज जुने विद्या कॉलेज जवळ विरार प. ता. वसई जि. पालघर मो नं. 7709306616 समक्ष अर्नाळा सागरी पोलीस ठाणेत हजर राहून फिर्याद लिहून देतो कि, मी वरील ठिकाणी माझी पत्नी सौ. रंजना अनंत घाटाळ, वय-45 वर्षे, मुले 1) समीर अनंत घाटाळ, वय-30 वर्षे, 2) अमोल अनंत घाटाळ, वय-28 वर्षे, 3) निखील अनंत घाटाळ, वय-24 वर्षे यांचे सह राहतो. मी वृहनमुंबई महानगर पालीका मध्ये डॉ. सर्वपल्ली राधाकृष्णन मराठी शाळा, अंधेरी पूर्व येथे शिक्षक म्हणून नोकरी करून त्यावर माझे कुटुंबाचा उदरनिर्वाह करतो. माझी मुले निखील अनंत घाटाळ वय-24 वर्षे व अमोल अनंत घाटाळ वय-28 वर्षे हे दोघे मागील दिड वर्षांपासून पॉलीकॉन इन्व्हायरो इंजिनीअर्स प्रा. लि. पॉल्युशन कंट्रोल प्रोजेक्ट कंपनी मध्ये मलनित्सारण केंद्र 02, ग्लोबलसिटी, विरार पश्चिम येथे नोकरी करतात. आज दिनांक 09/04/2024 रोजी सकाळी 09:00 वाजता माझा मुलगा निखील हा ग्लोबल सिटी येथे त्याचे कामावर जातो असे सांगून घरून गेला. तसेच दुसरा मुलगा अमोल हा सुध्दा त्याचे सोबत कामावर गेला होता. दुपारी 01:10 वाजताचे सुमारास मी माझे घरी असतांना मला अमोल याचे मोबाईल वरून तुघार धुमाळ नावाच्या इसमाने फोन करून तुमचा मुलगा रिसायकल टँक मध्ये पडून बेशुध्द झालेला असून त्यास अॅम्ब्युलन्स मधुन दवाखान्यात घेवून गेलेले आहे असे सांगितले. त्यावेळी मी व माझा मित्र सुरेश शिंदु आतकारी असे आम्ही अडण येथुन ग्रामीण रुग्णालय विरार पश्चिम येथे गेलो. तेथे गेल्यावर मुलगा निखील हा रुग्णालयात असून तो मयत झालेला असल्याचे समजले. त्यानंतर मी व माझा मित्र सुरेश असे आम्ही मुले काम करत असलेल्या मलनित्सारण केंद्र 02, ग्लोबलसिटी, विरार पश्चिम येथील साईडवर गेलो असता तेथे अग्निशाम दलाची कर्मचारी, पोलीस असे हजर होतो. त्यावेळी अग्निशामक दलाचे लोकांनी माझा दुसरा मुलगा अमोल यास रिसायकल टँक मधुन बाहेर काढून त्यास दवाखान्यात घेवून गेले. त्यानंतर मी दवाखान्यात जावून खात्री करता माझा मुलगा अमोल घाटाळ, निखील घाटाळ, व त्यांचे सोबत काम करणारे सागर सुनिल तांदळेकर, वय-31 वर्षे, रा. विरार पूर्व व शुभम सुर्यकांत पारकर, वय-28 वर्षे, रा. डोंगरपाडा, विरार पश्चिम हे चारही मयत झालेले असल्याचे समजले. त्यानंतर मी सदर प्रकाराबाबत माहिती घेतली असता तेथे काम करणारा तुघार धुमाळ याचेकडून मला समजले की, 1) अमोल अनंत घाटाळ, वय-28 वर्षे, 3) निखील अनंत घाटाळ, वय-24 वर्षे, 3) सागर सुनिल तांदळेकर, वय-31 वर्षे, रा. रुम नं. 05, राधानगर चाळ नं. 1, फुलपाडा रोड, प्रथमेश अपार्टमेंट जवळ, विरार पूर्व, 4) शुभम सुर्यकांत पारकर, वय-28 वर्षे, रा. रुम नं. 301, आमोघ दर्शन बिल्डींग, डोंगरपाडा, विरार पश्चिम हे सकाळी 11:45 वाजताचे सुमारास मलनित्सारण केंद्र येथे काम करता असतांना मलनित्सारण केंद्रातील रिसायकल टँक मधील एक पाईप मागील काही दिवसापूर्वी

3



सत्यमत  
पोलीस निरीक्षक 14/2/24  
अर्नाळा सागरी पोलीस ठाणे

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

चॉकअप झालेला असल्याने त्यांना त्यांचे सुपरवायझर यांनी चॉकअप काढण्यासाठी रिसायकल टँक मध्ये उतरविले असतांना ते चारजण एकामागुन एक असे रिसायकल टँक मध्ये पडून त्यामध्ये गुदमरुन ते मयत झालेले असल्याचे तुषार घुमाळ यांचेकडून समजले. पॉलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि. पॉल्युशन कंट्रोल प्रोजेक्ट या कंपनीचे घालक व मालक यांनी माझ्या मुलांना व त्याचे सोबत काम करणा-या इतर दोन मजुरांना कोणतीही सुरक्षा व्यवस्था व ऑक्सिजनचा पुरवठा न करता त्यांना रिसायकल टँक मध्ये चॉकअप काढण्यासाठी उतरविल्याने ते रिसायकल टँक मध्ये पडून त्यांचा जिव गुदमरुन ते मयत झालेले आहे म्हणुन माझी पॉलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि.चे मालक व मलनिस्सारण केंद्र 02, ग्लोबलसिटी, विरार पश्चिम येथील सुपरवायझर महादेव तुकाराम कुपटे वय 62 वर्षे रा.रुम नं 409 दि.नं 17 श्रीराम कृपा को.ऑफ.सो वावटेवाटी यांचे विरुध्द तक्रार आहे.

तरी दिनांक 09/04/2024 रोजी सकाळी 11:35 वा.चे सुमारास माझा मुलगा 1) अमोल अनंत घाटाळ, वय-28 वर्षे, 3) निखील अनंत घाटाळ, वय-24 वर्षे दोन्ही रा. नानकरपाडा, गांव आडणे, पो. भाताणे ता.वसई जि.पालघर व त्याचे सोबत काम करणारे मजूर 3) सागर सुनिल तांदळेकर, वय-31 वर्षे, 4) शुभम सुर्यकांत पारकर, वय-28 वर्षे हे पॉलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि. पॉल्युशन कंट्रोल प्रोजेक्ट कंपनी मध्ये मलनिस्सारण केंद्र 02, ग्लोबलसिटी, विरार पश्चिम येथे काम करत असतांना नमुद पॉलीकॉन इन्व्हायरो इंजिनीअर्स प्रा.लि.कंपनीचे मालक व मलनिस्सारण केंद्र 02, ग्लोबलसिटी, विरार पश्चिम येथील सुपरवायझर महादेव तुकाराम कुपटे वय 62 वर्षे रा.रुम नं 409 दि.नं 17 श्रीराम कृपा को.ऑफ.सो वावटेवाटी यांनी कोणतीही काळजी न घेता निष्काळजीपणे बेदरकारपणे कृत्य करुन रिसायकल टँक मधील गॅसने माणसाचा श्वास गुदमरुन त्याचा जिव जावु शकतो हे माहिती असतांना सुध्दा मजुरांना रिसायकल टँक मध्ये चॉकअप काढण्यासाठी आत मध्ये उतरविताना कोणतीही सुरक्षेची उपकरणे साधने न पुरविल्याने तसेच ऑक्सिजनचा पुरेसा पुरवठा न केल्याने सदर ठिकाणी काम करणारे 1) अमोल अनंत घाटाळ, वय-28 वर्षे, 3) निखील अनंत घाटाळ, वय-24 वर्षे, 3) सागर सुनिल तांदळेकर, वय-31 वर्षे, 4) शुभम सुर्यकांत पारकर, वय-28 वर्षे यांचे मरणास कारणीभूत झाला आहे म्हणुन माझी त्यांचे विरुध्द तक्रार आहे. वरील माझी फिर्याद माझे सांगणे प्रमाणे मराठीतुन संगणकावर संगणीकृत करण्यात आलेली असुन ती मी वाचुन पाहिली ती माझे सांगणे प्रमाणे बरोबर व खरी आहे.

13. Action taken: Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2. (केलेली कारवाई: बाब क्र.२ मध्ये नमूद केलेल्या कलमान्वये वरील अहवालावरुन अपराध घडल्याचे.)

(1) Registered the case and took up the investigation: (प्रकरण नोंदविले आणि तपासाचे काम हाती घेतले):

vijay pandurang patil(I (Inspector)) / psmh26732

or (किंवा)

(2) Directed (Name of I.O.) (तपास अधिका-याचे नाव):

Rank (पद):

No.(क्र.):

to take up the Investigation (ला तपास करण्याचे अधिकार दिले) or (किंवा)

(3) Refused investigation due to (ज्या कारणामुळे तपास करण्यास नकार दिला):

N.C.R.B (एन.सी.आर.बी)

I.I.F.-I (एकीकृत अन्वेषण फॉर्म - १)

or (ज्या कारणामुळे तपास करण्यास नकार दिला)

(4) Transferred to P.S.

(गुन्हा दुसरीकडे पाठविला असल्यास त्या पोलीस ठाण्याचे नाव):

District (जिल्हा):

on point of jurisdiction (को क्षेत्राधिकार के कारण हस्तांतरित) .

F.I.R. read over to the complainant / informant, admitted to be correctly recorded and a copy given to the complainant / informant free of cost. (प्रथम खबर तक्रारदाराला/खबरीला वाचून दाखविली, बरोबर नोंदविली असल्याचे त्याने मान्य केले आणि तक्रारदाराला/खबरीला खबरीची प्रत मोफत दिली.)

R.O.A.C.(आर. ओ .ए .सी.)

14 Signature/Thumb impression of the complainant / informant.

(तक्रारदाराची/खबर देणा-याची सही/अंगठा):

*(Handwritten signature)*

15. Date and time of dispatch to the court

(न्यायालयात पाठवल्याची तारीख व वेळ):

*(Handwritten signature)*

Signature of Officer in charge,  
Police Station

(ठाणे प्रभारी अधिका-याची स्वाक्षरी)

Name (नाव): vijay pandurang pat

Rank(पद): I (Inspector)

No.(सं.): psmh26732



*(Handwritten signature)*  
सत्यप्रत  
पोलीस निरीक्षक  
अर्नाळा सागरी पोलीस ठाणे





# PRIMARY HEALTH CENTRE

AGASHI VIRAR  
DIST-PALGHAR  
(GOVERNMENT OF MAHARASHTRA)

## Advance Death Certificate

P. M.No. 11/24  
ADR No. 158/24  
Date:- 9/4/24

This is certify that I have performed the post mortem Examination on the dead body of Shri/Smt. ....*Sagaral Smit Jandalekar*.....

Age - *31/2*  
Resident of *110 Room nos, Padma Shree chhatra*

Brought by *F. No. 14/29* on date *9/4/24*

The Time & date of Autopsy ..... to ..... Date - *9/4/24*  
considering the Autopsy finding to the best of my opinion.

Cause of Death :-  
*Death due to Asperia due to Diabetes*

Viscera is preserved / not preserved for chemical analysis.

*Viscera kept for C.A*



पोलीस ठाणे  
अर्नाळा सागरी पोलीस ठाणे

*Shree*  
110 Medical Center  
Primary Health Centre  
Tel. No. 110124



सत्यमेव जयते



PRIMARY HEALTH CENTRE

AGASHI VIRAR  
DIST-PALGHAR

(GOVERNMENT OF MAHARASHTRA)

Advance Death Certificate

P. M.No. 14/24  
ADR No. 158/24  
Date:- 9/4/24

This is certify that I have performed the post mortem Examination on the dead body of Shri/Smt. Shri. K. S. Ghate  
Age - 24 Sex - Male  
Resident of Post. Ghate, Village. Ghate, Tal. Vasai, Dist. Palghar  
Brought by H.C. 14/24 on date 9/4/24  
The Time & date of Autopsy ..... to ..... Date - 9/4/24  
considering the Autopsy finding to the best of my opinion. 9/4/24  
Cause of Death :-

Death due to Aspergillus due to  
Drainage.

Viscera is preserved / not preserved for chemical analysis.

- viscera - kept for - CA

Shrey  
I/C Medical Officer Class-I,  
Primary Health Centre Agashi,  
Vasai, Dist: Palghar.



सत्यप्रत  
पोलीस निरीक्षक  
अर्नाळा सागरी पोलीस ठाणे



# PRIMARY HEALTH CENTRE

AGASHI VIRAR  
DIST-PALGHAR

(GOVERNMENT OF MAHARASHTRA)

## Advance Death Certificate

P. M.No. 13/24  
ADR No. 158/24  
Date:- 9/4/24

This is certify that I have performed the post mortem Examination on the dead body of Shri/Smt. Amal Harmanth Ghatal  
Age - 28 y/m Sex - Male  
Resident of Post - Harankelpada, Padne, Gur...  
post - Ghatal, Dist. Palghar, Maharashtra  
Brought by H.C. 14/29 on date 9/4/24  
The Time & date of Autopsy ..... to ..... Date 9/4/24  
considering the Autopsy finding to the best of my opinion.  
Cause of Death :-

Death due to Aspergillus infection  
of the lungs

Viscera is preserved / not preserved for chemical analysis.

- Viscera - kept for C.A.

Amal  
IAC Medical Officer  
Primary Health Centre  
Dist. Palghar

सत्यप्रत  
पोलीस निरीक्षक  
अर्नाळा सागरी पोलीस ठाणे

मुख्य कार्यालय, विरार  
विरार (पूर्व),  
ता. वसई, जि. पालघर - ४०१ ३०५.



दूरध्वनी : ०२५०-२५२५१०१/०२/०३/०४/०५/०६  
फॅक्स : ०२५०-२५२५१०७  
ई-मेल : vasavirarcorporation@yahoo.com

जावक क्र. : व.वि.रा.म./आति.अ/मुळा/२५६/२०२२  
दिनांक : १२/०२/२०२२

प्रति,  
मा. जिल्हाधिकारी सो,  
पालघर,

विषय :- ग्लोबल सिटी परिसर, मौजे विरार ता.वसई जि.पालघर येथे पॉलिकॉन नावाच्या कंपनीचा  
एसटीपी प्लांट साफ करण्यासाठी उतरलेल्या ४ कामगारांचा गुदमरून मृत्यु झालेबाबत.

- संदर्भ :- १. मा.अपर जिल्हा दंडाधिकारी पालघर यांचेकडील क्र/गृह/का.१/टे.४/अर्नाळापो.स्टे.४ सफाई  
कर्मचारी मृत्यु/कावि-६२/२०२४ दि.१०/०४/२०२४ रोजीचे पत्र.  
२. द प्रोव्हिडेंशन ऑफ एम्प्लॉयमेंट ऐज मॅन्युअल रिकॉर्ड्स अँड देअर रिव्हेंजिलीटेशन अँड  
२०१३.  
३. सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय  
दि.१२/१२/२०१९.

महोदय,

उपरोक्त संदर्भिय पत्रान्वये अहवाल सादर करण्यात येतो की, वसई विरार शहर महानगरपालिका  
कार्यक्षेत्रातील ग्लोबल सिटी, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प) येथे १२४ निवासी इमारत असलेले  
संकुल आहे. सर्व इमारती तळमजला + ७ मजल्याच्या असून प्रत्येक इमारतीमध्ये २८ सदनिवासांचा याप्रमाणे एकूण ३४७२  
सदनिवासा आहेत. सदर इमारतीच्या सांडपाण्याचे शास्त्रीय पध्दतीने विल्हेवाट लावण्याकरीता STP प्लांटची उभारणी  
करण्यात आलेली आहे. सदर STP प्लांटच्या टाकीमध्ये चोकअप झालेल्या पाईपमधील चोकअप काढण्याकरीता  
मंगळवार दि.०९/०४/२०२४ रोजी साधारणतः सकाळी ११.०० ते ११.३० वाजता सदर प्लांटची देखभाल पाहणारे  
मे. पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि कंपनीचे कामगारपैकी प्रथम एक कर्मचारी सदर STP प्लांटच्या टाकीमध्ये  
चोकअप झालेल्या पाईपमधील चोकअप काढण्याकरीता जात उतरला होता. खाली उतरलेल्या कर्मचार्याचे कोणतेही  
हालचाल व आवाज येत नसल्याने दुसरा कर्मचारी त्यास बघण्यासाठी उतरला होता. दुसऱ्या कर्मचार्याचाही हालचाल व  
आवाज न आल्याने अनुक्रमे तिसरा व चौथा कर्मचारी देखील खाली उतरला. सदर चारही कर्मचारी यांची कुठलीही  
हालचाल व आवाज येत नसल्याने, प्लांटमधील रिसायकल स्लज टाकीमधील विचारी वायूमुळे चारही कर्मचार्यांचा  
गुदमरून मृत्यु झालेबाबत मे. पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि कंपनीच्या इतर उपस्थित कर्मचार्यांनी  
महानगरपालिकेच्या अग्निशमन विभाग यांना माहिती दिली. त्यानुसार महानगरपालिकेची अग्निशमन टिम यांनी प्रत्यक्ष  
जागेवर जाऊन बी.ए.सेट (कृत्रिम श्वसन उपकरण) परिधान करून, कमरेला रोप बांधून शिडीच्या सहाय्याने STP  
प्लांटच्या टाकीमध्ये उतरून गुदमरून मृत पावलेल्या चारही कर्मचार्यांचे मृतदेह बाहेर काढले व सदरचे मृतदेह  
घटनास्थळी उपस्थित असलेल्या पोलिस कर्मचारी यांच्या ताब्यात दिले. तदनंतर सदर मृत कर्मचारी यांस  
शवविच्छेदनासाठी ग्रामीण रुग्णालय, विरार पुर्व येथे घेऊन गेले. सदर घटनेबाबत अर्नाळा पोलिस स्टेशन येथे पोलिस  
विभागामार्फत भारतीय दंड संहिता १८६० अंतर्गत ३०४ व भारतीय दंड संहिता ३४ अन्वये मे.पॉलिकॉन इन्व्हायरो  
इंजिनियर्स प्रा.लि चे मालक व सुपरवायझर श्री.महादेव तुकाराम कुपटे यांचे विरुद्ध गुन्हा दाखल करण्यात आलेला आहे.

## आरोपीचे नाव व पत्ता :-

अ.क्र	नाव	पत्ता
१)	पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि चे मालक	ग्लोबल सिटी, विरार पश्चिम, अर्नाळा, मिरा भाईदर, वसई विरार पोलिस आयुक्तालय महाराष्ट्र
२)	महादेव तुकाराम कुपटे	४०९, बि.नं. १७ श्रीराम कृपा कॉ.ऑ. सोसायटी, चावटेवाडी, विरार, मिरा भाईदर, वसई विरार पोलिस आयुक्तालय महाराष्ट्र

## मृत व्यक्तीचा तपशिल :-

अ.क्र	नाव	वय	पत्ता	वारसाची माहिती
१	शुभम पारकर	२८ वर्ष	अमोघ दर्शन, डोंगरपाडा, विरार(प)	पुजा शुभम पारकर (पत्नी)
२	अमोल घाटाळ	२८ वर्ष	आडणेगाव, नानकरपाडा, भाताणे	पुजा अमोल घाटाळ (पत्नी)
३	निखील घाटाळ,	२४ वर्ष	आडणेगाव, नानकरपाडा, भाताणे	अनंत घाटाळ (वडील)
४	सागर तांदळेकर	३१ वर्ष	डोंगरपाडा, राधाकृष्ण मंदिराजवळ, विरार	सुनिल गोपाळ तांदळेकर (वडील)

वरील आरोपीचे नाव व पत्ता तसेच मृत व्यक्तीचा तपशिल अर्नाळा पोलिस स्टेशन येथे नोंदविण्यात आलेल्या FIR No.०१५८, दि.०९/०४/२०२४ नुसार देण्यात येत आहे. तसेच मृत कर्मचारी यांच्या वारसाची माहिती महानगरपालिकेचे कर्मचारी यांनी संबंधिताच्या वास्तवाच्या ठिकाणी समक्ष घेण्यात आलेली आहे. तरी सदर मृत कर्मचारी यांचे कायदेशीर वारसांबाबत आपले कार्यालयामार्फत खात्री करणे आवश्यक आहे.

सदर घटना घडलेला STP प्लांट हा विकासक मे.रुस्तमजी डेव्हलपर्स यांचे गृह संकुलाचे इमारतीच्या सांडपाण्याची शास्त्रीय पध्दतीने विल्हेवाट लावण्यासाठीचा खाजगी STP प्लांट असून सदर STP प्लांट मे.पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि या खाजगी कंपनीमार्फत चालवला जातो व त्यासाठी आवश्यक मनुष्यबळ सदर कंपनीमार्फत पुरविलेला आहे. त्यामुळे सदर STP प्लांट साफ करण्यासाठी उतरलेले कर्मचारी हे महानगरपालिकेमार्फत नेमणूक करण्यात आलेले नाही. तसेच सदरचा सुपरवाइजर अथवा त्याची कंपनी ही देखील महानगरपालिकेमार्फत नेमणूक करण्यात आलेले नाही.

वरील संदर्भिय पत्रामध्ये या कार्यालयाकडील दि.११/०८/२०२३ रोजीच्या पत्राबाबत उल्लेख करण्यात आलेला आहे. तथापि सदर पत्रातील ' वसई विरार शहर महानगरपालिका कार्यक्षेत्रात मॅन्युअल स्कॅव्हेजिंग पूर्णतः प्रतिबंधित असून सफाई कामगार पुर्नवसन कायदा(PEMSRA) २०१३ नुसार अनौपचारिक पध्दतीने मैला टाकी, भुयारी गटारे व नालेसफाई केल्यास दंडात्मक कार्यवाही करण्यात येत आहे. सफाई कामगारांच्या सुरक्षिततेसाठी दुषित गटारे व नाले सफाई करीता मनपा मालकीचे ७ जेट कम सक्शन मशिन व ४ मैला उपसणारी वाहने कार्यरत असून यंत्रणेद्वारे सफाईकरीता कामगारांच्या सुरक्षिततेसाठी लागणारी उपकरणे पुरविण्यात येत असल्याने व उपकरणांचा दैनंदिन वापर करण्याकरीता मनपाने सफाई कर्मचाऱ्यांना वेळोवेळी प्रशिक्षण दिले आहे ' असे नमूद केलेले आहे. तथापि सदरची बाब महानगरपालिका कार्यक्षेत्रातील महानगरपालिका सफाई कर्मचारी (नियमित/कंत्राटी/रोजंदारी/बाह्यस्वोत्ता द्वारे) या प्रवर्गांच्या कर्मचाऱ्यांसाठी उल्लेख केलेला आहे. तथापि सदर घटनेतील मृत कर्मचारी हे खाजगी क्षेत्रामध्ये बाह्यस्वोत्ता द्वारे नियुक्त सफाई कर्मचारी आहेत. त्यामुळे सदर कर्मचारी यांना सुरक्षिततेसाठी लागणारी उपकरणे व उपकरणांचा दैनंदिन वापर करण्याकरीता वेळोवेळी प्रशिक्षण देण्याची जबाबदारी संबंधित कंपनी (मे.पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि) यांची आहे.

तसेच सामाजिक न्याय व विशेष सहाय्यभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय दि.१२/१२/२०१९ मधील मुद्दा क्र.११ नुसार ' उपरोक्त अ.क्र.१ ते १० मध्ये नमूद कार्यालये/आस्थापना/संस्था व्यतिरिक्त उर्वरीत खाजगी क्षेत्र तसेच इतर क्षेत्रामध्ये घडलेल्या घटना ' बाबत दुषित गटारात काम करणाऱ्या कामगारांचा प्रवर्ग हा ' उपरोक्त अ.क्र. १ ते १० मध्ये नमूद कार्यालये/आस्थापना/संस्था व्यतिरिक्त उर्वरीत खाजगी क्षेत्र तसेच इतर क्षेत्रामध्ये नियुक्त सफाई कामगार (नियमित/कंत्राटी तत्वावर / रोजंदारी/ बाह्यस्वोत्ता द्वारे) (उपरोक्त ठिकाणी नेमलेल्या बाह्यस्वोत्ता द्वारे तथा कंत्राटाद्वारे नियुक्त सफाई कामगारांचा सुद्धा यामध्ये समावेश होईल) ' असल्यास मा. सर्वोच्च न्यायालयाने रिट पिटीशन क्र.५८३/२००३ मध्ये दिनांक २७/३/२०२४ रोजी दिलेल्या न्यायनिर्णयानुसार सन १९९३ पासून सफाई कामगार/ मॅन्युअल स्कॅव्हेजर्सचे काम करतांना उक्त दुषित गटारांमध्ये मृत्यू पावलेल्या कामगारांच्या कुटुंबांचा शोध घेऊन अशा मृत्यू पावलेल्या कामगारावर अवलंबून असणाऱ्या कुटुंबातील सदस्यांना रु.१० लाख नुकसान भरपाई देण्यासाठी सक्षम प्राधिकारी म्हणून ' उपरोक्त अ.क्र. १ ते १० मध्ये नमूद कार्यालये/ आस्थापना / संस्था व्यतिरिक्त उर्वरीत खाजगी क्षेत्र यांचे प्रमुख त्यांच्या निर्धारित या प्रकारणी संबंधितांना रु. १० लाख नुकसान भरपाई देतील व ते मिळाल्याबाबतची खात्री जिल्हाधिकारी यांनी करावी ' असे नमूद करण्यात आलेले आहे.

सदर STP प्लांट हा विकासक मे.रुस्तमजी डेकलपर्स यांचे गृह संकुलाचे इमारतीच्या सांडपाण्याची शास्त्रीय पध्दतीने विल्हेवाट लावण्यासाठीचा खाजगी STP प्लांट असून सदर STP प्लांट मे.पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि या खाजगी कंपनीमार्फत चालवला जातो. सदर STP प्लांटसाठी Consent To Establish and Operate देण्याची व सदर प्लांट सुस्थितीत चालत आहे किवा कसे यावर देखरेख व नियंत्रण ठेवण्याची बाब ही महाराष्ट्र प्रदुषण नियंत्रण मंडळ बोर्डाच्या अखत्यारीत येते. त्यामुळे सदर बाब या कार्यालयाशी निगडित नाही. तसेच या प्रकरणी सदर खाजगी मालकीच्या आणि त्यांच्या मार्फत चालविल्या जाणाऱ्या खाजगी STP प्लांट मधील दुर्घटने संबंधी खाजगी प्रकल्पाचे प्रमुख म्हणून मे.पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि यांच्या निधीतून संबंधीत मृत कर्मचारी यांच्या वारसांना प्रत्येकी रु.१० लाख नुकसान भरपाई देणे आवश्यक राहिल. तसेच मे.पॉलिकॉन इन्व्हायरो इंजिनियर्स प्रा.लि यांच्या मार्फत मृत कर्मचाऱ्यांच्या वारसांना नुकसान भरपाई मिळाले बाबतची खात्री जिल्हाधिकारी कार्यालयामार्फत होणे आवश्यक आहे.

तरी सदर प्रकरणी वरील प्रमाणे अहवाल स्विकृत होणेस विनंती आहे.

(ना.आयुक्त महोदय यांचे मान्यतेने)

18/11/22  
(रमेश मनाळे)  
अतिरिक्त आयुक्त  
वसई विरार शहर महानगरपालिका

प्रत माहितीस्तव सचिनय सादर :-

- १) सहाय्यक आयुक्त,समाज कल्याण,पालघर.
- २) संचालक, राष्ट्रीय अनुसूचित जाती आयोग,पुणे.

तहसीलदार तथा कार्यकारी दंडाधिकारी वसई यांचे कार्यालय  
(महसूल शाखा)

किल्लाबंदर रोड, मालोडे-वसई गाव, ता. वसई, जि. पालघर, पिन ४०१२०१  
दुरध्वनी क्र. (०२५०) २३२२००७

क्र. मशा/कळ.१/टे.२./फौजदारी./कावि. १२६/२०२४  
दिनांक : ०९/०४/२०२४

प्रति,

मा. जिल्हाधिकारी पालघर.

विषय:- ग्लोबल सिटी परीसर मोजे विरार ता. वसई जि. पालघर येथे  
पोलीकॉम नावाच्या कंपनीचा एसटीपी प्लॉट साफ करण्यासाठी  
उतरलेल्या ४ कामगारांचा गुदमरून मृत्यू झालेबाबत.

संदर्भ:- १) आपले कडील पत्र क्र. गृह/का-१/टे-४/ अर्नाळा पो.स्टे.४ सफाई  
कर्मचारी मृत्यू/ कावि-६२/२०२४ दि.१०/०४/२०२४  
२) मंडळ अधिकारी बोर्डीज यांचा दिनांक ०९/०४/२०२४ रोजीचा  
अहवाल

उपरोक्त विषयान्वये अहवाल सादर करणेत येतो की, मोजे डोंगरे येथील ग्लोबल सिटी परीसरत रुस्तमजी  
केंद्राज इंटरनॅशनल स्कूल जवळ असलेल्या सांडपाणी निचरा प्रकल्पामध्ये साफसफाई करण्यासाठी उतरलेल्या चार  
मजुरांचा गुदमरून मृत्यू झाला आहे. सदरची घटना दि. ०९/०४/२०२४ रोजी सकाळी ११.३० वाजे दरम्यान घडली  
आहे. आरोपीचे नांव व पत्ता, मृत व्यक्ती यांचे नांव, वय, पत्ता व त्यांचे वारस यांची माहिती खालीलप्रमाणे आहेत.

अ. क्र.	मृत व्यक्ती यांचे नांव,	वय	पत्ता	वारसांची नावे व त्याचे वय	मयताशी नाते
१.	अमोल अनंत घाटाळ	२८	रा. नानकर पाडा, आडणे, ता. वसई, जिल्हा पालघर	१) पुजा अमोल घाटाळ वय- २५ २) आराधना अमोल घाटाळ वय- ५ दिवस	पत्नी मुलगी
२.	निखिल अनंत घाटाळ	२४	रा. नानकर पाडा, आडणे, ता. वसई, जिल्हा पालघर	१) अनंत वाल्या घाटाळ, वय- ४९ २) रंजना अनंत घाटाळ, वय- ४५ ३) समीर अनंत घाटाळ, वय- २९	वडोला आई भाऊ
३.	सागर सुनिल तांदळेकर	३१	रा. प्रथमेश अपार्ट, जवळ, फुलपाडा रोड, विरार पूर्व, ता. वसई, जिल्हा पालघर	१) सुनिल गोपाळ तांदळेकर, वय- ६१ २) सुनिता सुनिल तांदळेकर, वय- ५० ३) रोशन सुनिल तांदळेकर, वय- ३०	वडोला आई भाऊ

४.	शुभम सुर्यकांत पारकर	२८	रा.अमोघ,दर्शन, डोंगरपाडा, विरार (प.) ता.वसई, जि. पालघर	१)पुजा शुभम पारकर, वय-२६	पत्नी
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सदर मयत मजुरांना अग्निशमक दलाच्या जवानांनी बाहेर काढून शर्वाविच्छेदन करीता पाठविले आहे. सदरचे काम हे पॉलीकॉन इनव्हायरो इंजिनिअर्स प्रा. लि. पल्यूसन कंट्रोल प्रोजेक्ट यांचे मार्फत होत असल्याचे मंडळ अधिकारी बोळीज यांनी त्यांच्या अहवालात सांगितले आहे. तसेच पोलीस निरिक्षक अनाळा पो. स्टे. येथे सुपरवायझर श्री.महादेव तुकाराम कुपटे रा.रु.नं.४०९,बि.नं.१७, श्रीराम कृपा को.ऑप. सोसा.वावटेवाटी, विरार, ता.वसई,जि.पालघर यांचे विरुद्ध गुन्हा र. नं. ०१५८/ २०२४ दाखल करण्यांत आला आहे. तरी सदरचा अहवाल पुढील कार्यवाहीसाठी सादर करित आहोत.

सोबत मंडळ अधिकारी बोळीज, पोलीस निरिक्षक अनाळा पो. स्टे. यांचेकडील FIR ची प्रत जोडलेली आहे.

( अविनाश कोष्टी )  
तहसिलदार वसई

प्रत:- मा. उपविभागीय अधिकारी वसई यांना माहीतीसाठी सविनय सादर

महाराष्ट्र शासन

जिल्हाधिकारी तथा जिल्हादंडाधिकारी, पालघर यांचे कार्यालय  
(गृह शाखा)

जिल्हा मुख्यालय, पालघर-बोईसर रोड कोळगाव, ता.पालघर, जिल्हा-पालघर

दूरध्वनी क्रमांक ०२५२५-२५३१११

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क्र.गृह.का.१.टे.४/अनांळापो.स्ट.४सफाईकर्मचारीमृत्यू/कावि.६५/२०२४

दि.१८.०४.२०२४

मॅन्युअल स्केव्जर्स

प्रांत,

मा. प्रधान सचिव,  
उद्योग, ऊर्जा व कामगार विभाग,  
मादाम कामा मार्ग, हुतात्मा राजगुरु चौक,  
मंत्रालय, मुंबई

**विषय:-** ग्लाबल सिटी परीसर, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प), ता.वसई, जि.पालघर येथे निवासो इमारतीच्या संकुलाचे सांडपाण्याचे विल्हेवाट लावण्याकरीता उभारण्यात आलेल्या SIP प्लॉटच्या पाईपमधील चोकअप काढण्याकरीता प्लॉटमध्ये उतरलेल्या मे पोलोकॉम इन्व्हायरो ईंजिनोअर्स प्रा.लि कंपनीच्या ४ कामगारांचा गुदमरून मृत्यू झाल्याबाबत.

- संदर्भ :-**
- १) पोलोस उपायुक्त, गुन्हे, मिरा.भाईंदर, वसई.विरार पोलोस आयुक्तालय, मिरारोड, टाणे यांचेकडील पत्र क्र.गु.शा.प्रशासन/मॅन्युअल स्केव्जर्स/अनांळा.१५८/१०३१/२०२४ दि.१६.०४/२०२४.
  - २) आयुक्त, वसई विरार शहर महानगरपालिका यांचेकडील पत्र क्र. व.वि.श.म./अति.आयुक्त. २५६/२०२४ दि.१२.०४/२०२४.
  - ३) सहायक आयुक्त समाज कल्याण पालघर यांचेकडील पत्र क्र. सआसक.पालघर.ना.सा.दुधटना स्काड पाहणी अहवाल २०२४. २५/३५९ दि.१२/०४/२०२४.
  - ४) तहसिलदार तथा कार्यकारी दंडाधिकारी वसई यांचेकडील पत्र क्र.मरा.कक्ष-१.टे.२/फौजदारी/कावि.१२६/२०२४ दि.०९.०४/२०२४.
  - ५) इ प्रोजेक्शियन ऑफ एम्प्लॉयमेंट पॅज मॅन्युअल स्केव्जर्स अण्ड व्हायर रिक्विजिलीटेशन अंक्ट २०१३.
  - ६) सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय दि.१२/१२/२०१९.

संदर्भ,

उपरोक्त संदर्भाधीन विषयान्वये वसई विरार शहर महानगरपालिका कार्यक्षेत्रातील ग्लाबल सिटी, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प), ता.वसई, जि.पालघर येथे निवासो इमारतीच्या संकुलाचे सांडपाण्याचे शास्त्रीय पध्दतीने विल्हेवाट लावण्याकरीता SIP प्लॉटची उभारणी करण्यात आलेली आहे. सदर प्लॉटचे व्यवस्थापन करण्याचे काम पोलोकॉम इन्व्हायरो ईंजिनोअर्स प्रा.लि. यांना देण्यात आलेले असून मंगळवार दिनांक ०९/०४/२०२४ रोजी साधारणतः सकाळी ११.०० ते ११.३० वाजता सदर प्लॉटची देखभाल पाहणारे मे पोलोकॉम इन्व्हायरो ईंजिनोअर्स प्रा.लि. कंपनीचे कामगारांपैकी ४ कामगार सदर SIP प्लॉटच्या टाकांमध्ये चोकअप झालेल्या पाईपमधील चोकअप काढण्याकरीता सुरक्षिततेसाठी लागणाऱ्या उपकरणांशिवाय उतरले असता सदर टाकांतील विषारी वायु गळतीने गुदमरून त्यांचा मृत्यू झाला आहे. सदर घटनेची माहिती मिळताच पोलोस विभागाने आग्नेयशासन फायरिंग्रॅडचे अधिकारी व कर्मचारी यांचे भाषेतोने रेस्क्यू करून रिमायकल टॅक मधून बाहेर काढून ग्रामीण रुग्णालय, विरार पांचघम येथे उपचारा करीता पाठविले असता वंदपाक्य अधिकारी यांनी त्यांना तपासून त्यांना दाखलपुत्रे मयत घोषित केलेले आहे. मयत यांचे मृतदेहावर दोन पंचायसभ मरणांतर चोकशी फॉर्म व इन्व्हेस्ट पंचनामा करून घेतवोक्य अधिकारी, प्राथमिक

आरोग्य केंद्र, आगाशी यांना अहवाल दिलेला आहे. नमुद मयत यांचे मृतदेहावर वैद्यकीय अधिकारी, प्राथमिक आरोग्य केंद्र आगाशी यांनी पोस्टमॉर्टम करून मयत यांना Death due to Aspxia due to Drawing असा अर्धप्राय दिलेला असून तसे अडवॉन्स सर्टिफिकेट दिलेले आहे. तदनंतर तसेच मयत यांचे मृतदेह त्यांचे नातेवाईकांचे ताब्यात देण्यात आलेले आहेत.

प्रस्तुत प्रकरणी अनांढा पोलीस ठाणे येथे पोलीस कॉन् इन्व्हायरो ईर्जनिअस प्रा.लि.चे माईड सुपरवायझर महादेव तुकाराम कुपटे, वय-६२ वर्षे, रा.श्रीराम कृपा कॉ.ओ. हो.सोसायटी, विल्डॉम क्र.१०, रूम नं.४०९, वाळंदवाडी, विरार (पुर्व), ता.वसई, जि.पालघर व पोलीस कॉन् इन्व्हायरो ईर्जनिअस प्रा.लि.चे मालक यांचे विरुध्द ग.र.क्र.१५८/२०२४ भार्वाचम कलम ३०४,३४ सह हाताने मेली ठचलणाऱ्या सफाई कर्मचाऱ्यांच्या सेवा योजनेस प्रतिबंध आणून त्यांचे पुनः वसन अर्धनिवम २०१३ चे कलम ७,८,९ अन्वये गुन्हा दाखल झाला आहे. माईड सुपरवायझर महादेव तुकाराम कुपटे यास दिनांक ०९/०४/२०२४ रोजी २२,४० रोजी अटक करण्यात आलेली असून त्यास मा.प्रथमवर्ग न्यायदंडाधिकारी सौ. वसई न्यायालय येथे पोलीस कस्टडी रिमांड सह हजर केले असता मा.न्यायालयाने आरोपीत याची दि.१२/०४/२०२४ रोजी पावतो पोलीस कस्टडी मंजूर केलेली आहे. नमुद गुन्ह्यातील पाहजे आरोपीत पोलीस कॉन् इन्व्हायरो ईर्जनिअस प्रा.लि. पॉल्युशन कंट्रोल प्रॉजेक्ट कंपनीचे मालक यांचा घोरिवली येथील पत्त्यावर जावून शोध घेण्यात आलेला असून तो अदयाप पावतो मिळून आलेला नाही. सदर गुन्ह्यातील पाहजे आरोपीत याचा शोध घेणे चालू आहे.

आयुक्त, वसई विरार शहर महानगरपालिका यांचे अहवालानुसार सदरचे कर्मचारी हे म.पोलीस कॉन् इन्व्हायरो ईर्जनिअस प्रा.लि. या कंपनीचे कर्मचारी असल्याचे कळविले आहे. मा.सर्वोच्च न्यायालयाने रिट पिटीशन क्र.५८३/२००३ मध्ये दि.२३/०३/२०१४ अन्वये सफाई कामगार/म्येन्वुअल वर्कर्सजर्चे काम करताना पुरीत गटारामध्ये मृत्यू पावलेल्या कामगारांचा शोध घेऊन अशा मृत्यू घाबलेल्या कामगारांवर अवलंबून श्रमणाऱ्या कुटुंबातील सदस्यांना रुपये १० लाख नुकसान भरपाई देण्याबाबत आदेश दिलेले आहेत. सदर आदेशाच्या अनुषंगाने सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हा.मं.क्र.२०१९/प्र.क्र.२६८ अजाक दि.१२/१२/२०१९ च्या शासन निर्णयान्वये रुपये १० लाख रुपयांची नुकसान भरपाई देण्यासाठी विविध सक्षम प्राधिकारी निश्चित केलेले आहेत. सदरचे प्रकरणी खाजगी संप्रामाफेत सदरचे काम संपावण्यात आलेले असल्याने सदर प्रकरणी शासन निर्णयातील अ.क्र.११ नुसार सदरची रक्कम खाजगी क्षेत्र प्रमुखांकडून मिळाल्याबाबतची खात्री जिल्हाधिकारी करतील, असे नमुद आहे.

प्रस्तुत प्रकरणी सदरचे काम करण्यास प्रवृत्त करणारे म.पोलीस कॉन् इन्व्हायरो ईर्जनिअस प्रा.लि. या कंपनीचे मालक यांनी सदरचे काम खाजगी आस्थापनेने दिलेले असल्याने सदर शासन निर्णयातील अ.क्र.११ सक्षम प्राधिकारी म्हणून या कार्यालयाकडून पोलीस कॉन् इन्व्हायरो ईर्जनिअस प्रा.लि.चे मालक यांना सदरची एकूण ४० लाख रुपये इतकी नुकसान भरपाई मयत कामगारांच्या वारसांना १५ दिवसांचे आत देणेकामी कळविण्यात येत आहे. सदरची रक्कम त्यांनी विहीत मुदतीत देण्यास तक्रार दिल्यास सदरची नुकसान भरपाई संघर्षांकडून वसूल करून ती मयत कामगारांच्या नातेवाईका यांना देणेकामी महाराष्ट्र जमिन मालक संजिना अर्धनिवम १९६६ मधील तरतुदीनुसार नियमानुसार उचित कापेवाढी करणकामी कळविण्याची तजवीज ठरली आहे. हे आदेश संपावणीसक सोपतय मादर

सावत संदर्भिय पत्रांच्या प्रती अवलोकनाथं मादर

13.04.24  
आदक/जावक  
महसुल सहाय्यक  
जिल्हाधिकारी कार्यालय, पालघर

(गाविंद व्रीडक)  
जिल्हादंडाधिकारी पालघर  
21/12/24  
13/04/24

महाराष्ट्र शासन

जिल्हाधिकारी तथा जिल्हादंडाधिकारी, पालघर यांचे कार्यालय  
(गृह शाखा)

जिल्हा मुख्यालय, पालघर-बोईसर रोड कोळगाव, ता.पालघर, जिल्हा-पालघर

दुरध्वनी क्रमांक ०२५२५-२५३१११

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दि.१८/०४/२०२४

अतितातडीचे/मैन्युअल स्कॅवेंजर्स/आर.पी.ए.डी.

प्रति,

व्यवस्थापक,

मे पोलोकॉम इन्व्हायरो ईंजिनीअर्स प्रा.लि.

कार्टेड रोड क्र.८, कस्तूरबा पोलोस स्टेशनच्या मागे,

बारीबर्ली (पुर्व), मुंबई-४०००६६

**विषय:-** ग्लोबल सिटी परोसर, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प), ता.बसई, जि.पालघर येथे निवासी इमारतीच्या संकुलाचे सांडपाण्याचे विल्हेवाट लावण्याकरिता उभारण्यात आलेल्या STP प्लांटच्या पाईपमधोल चौकअप काढण्याकरिता प्लांटमध्ये उतरलेल्या मे.पोलोकॉम इन्व्हायरो ईंजिनीअर्स प्रा.लि. कंपनीच्या ४ कामगारांचा गुदमरून मृत्यू झालेबाबत.

- संदर्भ :-**
- १) पोलोस उपायुक्त, गुन्ह, मिरा-भाईंदर, बसई-विरार पोलोस आयुक्तालय, मिरारोड, टागे चौकडोल पत्र क्र.गृ.शा.प्रशासन मैन्युअल स्कॅवेंजर/अनांळामो.१५८/१०.०१.२०२४ दि.१६.०४.२०२४
  - २) आयुक्त, बसई विरार शहर महानगरपालिका चौकडोल पत्र क्र. व.वि.श.म./अति.आयुक्त.२५६/२०२४ दि.१२.०४/२०२४
  - ३) सहायक आयुक्त समाज कल्याण पालघर चौकडोल पत्र क्र. सआसक.पालघर.ना.सो.दुघेटना.स्थळ.पाहणी.अहवाल.२०२४.२५/३५९ दि.१२.०४/२०२४.
  - ४) तहसूलदार तथा कार्यकारी दंडाधिकारी बसई चौकडोल पत्र क्र.मशा.कश.१.टे.२/फौजदारी/कावि.१२६.२०२४ दि.०९/०४.२०२४
  - ५) द प्रोव्हिडेशन ऑफ एम्प्लॉयमेंट ऐज मैन्युअल स्कॅवेंजर्स अण्ड देअर रिजर्विलीटेशन अक्ट २०१३
  - ६) सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई चौकडोल शासन निर्णय दि.१२/१२.२०१९.

उपरोक्त संदर्भांमधील विषयान्वये बसई विरार शहर महानगरपालिका कार्यक्षेत्रातील ग्लोबल सिटी रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प), ता.बसई, जि.पालघर येथे निवासी इमारतीच्या संकुलाचे सांडपाण्याचे शास्त्रीय पध्दतीने विल्हेवाट लावण्याकरिता STP प्लांटची उभारणी करण्यात आलेली आहे. सदर प्लांटचे व्यवस्थापन करण्याचे काम आपणाम देण्यात आलेले असून सलगवार दिनांक ०९.०४.२०२४ रोजी साधारणतः सकाळी ११.०० ते ११.३० वाजता सदर प्लांटची देखभाल पाहणारे मे.पोलोकॉम इन्व्हायरो ईंजिनीअर्स प्रा.लि. कंपनीचे कामगारांपैकी ४ कामगार सदर STP प्लांटच्या टाकोमध्ये चौकअप झालेल्या पाईपमधोल चौकअप काढण्याकरिता सुरक्षिततेसाठी लागणाऱ्या उपकरणांशिवाय उतरले असता सदर टाकोतील बिबारी वायू मळतीने गुदमरून त्यांचा मृत्यू झाला आहे. सदर घटनेची माहिती मिळताच पोलोस विभागाने अग्निशमन फायरब्रिगेडचे अधिकारी व कर्मचारी यांचे मार्फताने रस्त्यावरून रिसायकल ट्रेक मधून वाहून काढून प्रामाण्य रुग्णालय, विरार पश्चिम येथे उपचारा करिता पाठविले असता वैद्यकीय अधिकारी यांनी त्यांना तपासून त्यांना दाखलपुर्वे मयत घातले जेलेले आहे. मयत यांचे मृतदेहावर दोन पंचायमक्ष मरणानंतर चौकशी फॉर्म व इन्वेस्ट पंचनामा करून वैद्यकीय अधिकारी, प्राथमिक आरोग्य केंद्र, आगाशी यांना अहवाल दिलेला आहे. नमूद मयत यांचे मृतदेहावर वैद्यकीय अधिकारी, प्राथमिक आरोग्य केंद्र आगाशी यांना पोस्टमार्टम करून मयत यांना Death due to Asphyxia due to Drawing असा अंतिमप्राय दिलेला असून तसे अहवालास सर्टिफिकेट दिलेले आहे. तदनंतर तसेच मयत यांचे मृतदेह त्यांचे जालेवाईकांचे ताब्यात देण्यात आलेले आहेत.

संदर्भित अहवाल क्र.१,२,३ व ४ नुसार सदरचे कर्मचारी हे आपल्या कंपनीचे कामगार असल्याचे कळविले आहे. व आपण सदर मयत ४ कामगार यांना कोणतीही काळजी न घेता मिळालेल्यापणे बदरकारणा कृत्य करून मलनिस्कारण केंद्र येथील रिसायकल टँक मधील गॅसन माणसाचा स्वॉस गुदमरून त्याचा जीव जावू शकतो हे माहितो असताना मुधा घातोल मयत यांना तुम्ही रिसायकल टँक मध्ये चौकअप काढण्यासाठी आत मध्ये उतरवून त्यांना कोणतोही सुरक्षेची उपकरणे साधने न पुरविल्याने तसेच ऑक्सिजनचा पुरंमा पुरवठा न केल्याने घातोल मयत हे मलनिस्कारण घे रिसायकल टँकमध्ये चौकअप काढण्यासाठी उरतले असताना त्यांचा जीव गुदमरून त्यांचे मरणाम कारणीभूत झालेले आहेत व त्यामुळे अनांळा पोलीस ठाणे येथे आपले कंपनीचे साईड सुपरवायझर महादेव तुकाराम कुपटे, वय-६२ वर्षे, रा.श्रीराम कृपा कॉ.ऑ. हा.सांसायटो, बिल्डिंग क्र.१७, रूम नं.४०९, वाळटेवाडो, विरार (पूर्व), ता.वसई, जि.पालघर व आपले विरुद्ध गृ.क्र.१५८/२०२४ भादविस कलम ३०४,३४ सह हाताने मला उचलणाऱ्या सफाई कर्मचाऱ्यांच्या सेवा यांजनेस प्रतिबंध आणि त्याचे पुन:वसन अधिनियम २०१३ चे कलम ७,८,९ अन्वये गुन्हा दाखल झाला आहे. साईड सुपरवायझर महादेव तुकाराम कुपटे यास दिनांक ०९/०४/२०२४ रोजी २२,४० रोजी अटक करण्यात आलेली असून त्यास मा.प्रबन्धन न्यायदंडाधिकारी सो. वसई न्यायालय येथे पोलिस कस्टडी रिमांड सह हजर केले असता मा.न्यायालयाने आरोपीत याची दि.१२/०४/२०२४ रोजी पावेतो पोलिस कस्टडी मंजूर केलेली आहे. त्यामुळे सदर मयत ४ कामगारांचे मृत्युम आपण कारणीभूत झालेले आहेत, अशी माझी धारणा झाली आहे.

मा.सर्वोच्च न्यायालयाने रिट पिटीशन क्र.५८३/२००३ मध्ये दि.२७/०३/२०१४ अन्वये सफाई कामगार/मृत्युअल म्कंकेजरचे काम करताना दुर्घात गटारामध्ये मृत्यू पावलेल्या कामगारांचा शोध घेऊन अशा मृत्यू पावलेल्या कामगारांवर अवलंबून असणाऱ्या कुटुंबातील सदस्यांना रुपये १० लाख नुकसान भरपाई देण्याबाबत आदेश दिलेले आहेत. सदर आदेशाच्या अनुषंगाने सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हा.मै.क-२०१९/प्र.क्र.२६८/अजाक दि.१२/१२/२०१९ च्या शासन निर्णयान्वये रुपये १० लक्ष रुपयांची नुकसान भरपाई देण्यासाठी विविध सक्षम प्राधिकारी निश्चित केलेले आहेत. सदरचे प्रकरणो खाजगी संजामाफेत सदरचे काम मार्पावण्यात आलेले असल्याने सदर प्रकरणो शासन निर्णयातील अ.क्र.११ नुसार सदरची रक्कम खाजगी संज प्रमुखांकडून मिळाल्याबाबतची खात्री जिल्हाधिकारी करतील, असे नमुद आहे.

सद्य मा.सर्वोच्च न्यायालयाने रिट पिटीशन क्र.५८३/२००३ मध्ये दि.२७/०३/२०१४ मधील तरतुदीनुसार व सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हा.मै.क-२०१९/प्र.क्र.२६८/अजाक दि.१२/१२/२०१९ च्या शासन निर्णयातील अ.क्र.११ नुसार आपणाम या पत्राद्वारे कळवण्यात येते की, आपण मयत कामगार १) अमोल अनंत घाटाळ, वय-२८ वर्षे, रा.नानकरपाडा, गाव आडणे, पो.भाताणे, ता.वसई, जि.पालघर, २) निखिल अनंत घाटाळ, वय-२४ वर्षे, नानकरपाडा, गाव आडणे, पो.भाताणे, ता.वसई, जि.पालघर, ३) सागर सुनिल तांदळेकर, वय-३१ वर्षे, रा.रूम नं.४१०, हरीओम हाईटम, चौधा मजला, जिल्हा पोर्षध शाळसमार, हाळी आळी, डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर व ४) शुभम सुवंकांत पारकर, वय-२८ वर्षे, रा.ए.१४, तिमरा माळी, आमघ दर्शन, चारघे आळी डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर यांचे वारसांना प्रत्येकी १० लाख या प्रमाणे एकूण ४० लाख रुपये महायक आयुक्त समाज कल्याण पालघर व तहसोलदार वसई यांचे मार्गदर्शनाखाली व त्यांचे समक्ष जाऊन मघतांचे वारसांना सदरचे पत्र प्राप्त होताच १५ दिवसांचे आत प्रदान करावी जर आपण विहीत मुदतीत सदरची रक्कम मयत कामगारांचे वारसांना दिली नाही, तर आपले विरुद्ध नियमानुसार योग्य ती कार्यवाही करून आपणाकडून सदरची रक्कम वसूल करून ती मयत कामगारांचे वारसांना देणेकामी कार्यवाही करणयात येईल व नंतर आपले कोणतेही म्हणणे विचारात घेतले जाणार नाही, याची नोंद घ्यावी

M  
19.04.24  
आवक/जावक  
महसुल सहाय्यक  
जिल्हाधिकारी कार्यालय, पालघर

(गाविंद वाडके)  
जिल्हादंडाधिकारी पालघर  
25/4  
21/4/2024

- १) आयुक्त, वसई विरार शहर महानगरपालिका यांना माहितो तथा आवश्यक त्या कार्यवाहीसाठी
- २) पोलीस उपायुक्त, गुन्हे, मिरा.भाईंदर, वसई विरार पोलीस आयुक्तालय, आंग्लबाल हाईटम समार, कर्नाकिया, लक्ष्मी पार्क, मिरारोड (पूर्व), ठाणे.४०११०७ यांना माहितो तथा आवश्यक त्या कार्यवाहीसाठी
- ३) सहाय्यक आयुक्त, समाज कल्याण, पालघर, जिल्हा मुख्यालय, प्रशासकीय इमारत-अ, तळ मजला, र.नं.०१, पालघर-वोईसर रोड, कोळगाव, ता.जि.पालघर यांना माहितो तथा आवश्यक त्या कार्यवाहीसाठी
- ४) तहसोलदार तथा कार्यकारी दंडाधिकारी वसई यांना माहितो तथा आवश्यक त्या कार्यवाहीसाठी



संघीय न्याय

भारत सरकार

GOVERNMENT OF INDIA

राष्ट्रीय सफाई कर्मचारी आयोग  
सांघाजिक न्याय एवं अधिकारिता मंत्रालय  
National Commission for Safai Karamch  
MINISTRY OF SOCIAL JUSTICE & EMPOWERM

Dated: 17 April 2024

No.11059/SD/MH(New) /2024-R&amp;D(E-F No 84158) /101-06

To

The Collector/District Magistrate,  
Vasai-Virar(West), Mumbai Maharashtra

Sub:- Death of 04 Karamcharis due to asphyxiation at sewerage  
treatment plant, Vasai-Virar West, Global City, Mumbai,  
Maharashtra on 09.04.2024.

Sir,

I am directed to forward herewith a copy of letter dated 10.04.2024 received from Sh Sagar Ratan Charan, Advocate, Pimpri Pune, regarding death of 04 persons namely **Sh. Subham Parkar, Sh Amol Ghatal, Sh Nikhil Ghatal & Sh Sagar Tendulkar** in sewerage treatment plant of Vasai-Virar(West), Global City, Mumbai, Maharashtra on 09.04.2024 due to **asphyxiation**.

2. It is requested that the matter may kindly be enquired into and in case these are found to be a sewer death cases, an FIR under the provisions of "**The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**" and other provisions as deemed fit, may be registered in the matter and a compensation of Rs 30.00 lac may urgently be paid to the families of the victims in compliance of **Hon'ble Supreme Court Judgment dated 20.10.2023 in WP(Civil) No(s) 324 of 2020**.

3. The Commission may be informed of the action taken in the matter at the earliest.

Encl: As above

Yours faithfully

*Ankush Chugh*  
(Ankush Chugh)  
Assistant Director(R&E)

Copy to:-

1. The Director General of the Police, Maharashtra, Mumbai.
2. The Principal Secretary, Social Justice & Special Assistance Deptt, Mumbai
3. The Divisional Commissioner, Vasai-Virar(West), Mumbai.
4. The Commissioner, Vasai-Virar Nagar Nigam, Mumbai.
5. The Supdt. of Police, Vasai, Mumbai (MH).
6. Sagar Ratan Charan, Advocate, Monica Center, "B" Building, Flat No.T/3 Opps, Roplas Company, Kamgarnagar, Pimpri Pune-411018  
(Mald ID- Adv\_sagarcharan@yahoo.in)



2023 INSC 950

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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO(S). 324 OF 2020

DR. BALRAM SINGH

...APPELLANT(S)

VERSUS

UNION OF INDIA &amp; ORS.

...RESPONDENT(S)

JUDGMENTS. RAVINDRA BHAT, J.

1. The unforgettable annals of our history not only have charted the numerous sacrifices of the people who fought for independence from the foreign imperial ruler but also a lesser-known freedom that for millennia eluded a large mass of people, who were nearly invisible. They were trapped in the thralldom of a solitude from which there was no liberation. That was centuries old stigmatising social practices that led to their depravation, to such levels that they were not even recognised as human beings. Among these practices was one which generations of people, were made to perform the meanest task of manual scavenging. It was to address this kind of social practice and with the resolve to completely out light and emancipate those trapped in it from the thralldom of bondage, that the constitution framers ensured three important provisions, which stare at us like beacons, assuring not only equality but fraternity amongst

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all people: the prohibition of untouchability; the outlawing of forced or involuntary labour and the freedom against exploitation.

2. To flesh out and give shape to the objects of these provisions, Parliament intervened and enacted several legislations. The first was the Civil Rights Act 1955; its provisions were amended in 1976 to outlaw the practice of untouchability. The penalization of these severe forms with stringent punishment was sought to be achieved by the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 which was further strengthened by later amendments. In that ensuring full economic freedom and true emancipation were two enactments, the "Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993" (hereinafter "Act 1993") and the "Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013" (hereinafter "Act 2013").

3. The present petition is filed under Article 32 of the Constitution of India, seeking directions to Respondents (Union of India and all the States and Union Territories) to implement provisions, *inter alia*, of the Act of 1993 and Act of 2013.

4. In the year 1993, a special Commission for Safai Karamchari was established as per the provisions of National Commission for Safai Karamchari Act, 1993 (hereinafter "NCSK Act") to give its recommendations to Government regarding specific programmes for the welfare of Safai Karamcharis. In the same year, India took another significant step by prohibiting the employment of manual scavengers responsible for the daily manual emptying of certain types of dry toilets. Subsequently, the Parliament enacted the Act of 2013 which extended and clarified its scope to include

insanitary latrines, ditches and pits. However, the petitioner claims that the respondents have not implemented essential provisions of these statutes. Regrettably, manual scavenging persists despite these legislations. Petitioner prayed that Act of 1993 and 2013 should be implemented in letter and spirit and to do so, it is necessary to impose a blanket ban on manual scavenging, while simultaneously ensuring adequate rehabilitation and employment opportunities for those currently engaged in these practices.

5. This Court previously addressed this subject matter in *Safai Karamchari Andolan and Others vs. Union of India & Ors*<sup>1</sup> and after analyzing the provisions of 2013 Act, issued following directions:

*"23. We have already noted various provisions of the 2013 Act and also in the light of various orders of this Court, we issue the following directions:*

*23.1. 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 Chapter 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 and programmatic assistance, as the Central Government or State Government may notify in this behalf.*

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<sup>1</sup> (2014) 11 SCC 224

23.2. 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 gear 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.

23.3. 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.

23.4. Rehabilitation must be based on the principles of justice and transformation.

In the present writ petition, the petitioner claims several directions such

as:

(a) directing the respondents to implement provisions of the Water Prevention and Control of Pollution Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981; The Environment Protection Act, 1986, The Public Liability Insurance Act, 1991; The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and other statutes rules and regulation pertaining to protection of environment and human health and direct respondent to

(b) make provisions for underground sewer /drainage system for disposal of used water and for treatment of used water in all villages towns and cities including slum areas

(c) make used water reusable after treatment for use of cattle, agricultural and other purposes except for human drinking and separate ponds should be made for collecting water for human use and animals use;

(d) make provisions for supply of goods, clean and un contaminated water in all villages, towns and cities and for this purpose to install big water purifier plants so that every citizen of the country can have good and purified drinking water of high quality;

(e) provide for rain water harvesting system throughout the country. It must be made a pre-requisite for raising any type of construction

(f) connect all toilets with sewage system

(g) install sewage treatment plants waste plants in all villages, towns and cities of the country

- (h) convert all open drains into close one and construct all drains underground in further
- (i) provide for mechanical scavenging measures for cleaning drains and sewages lines and to stop manual immediately
- (j) repair roads within a prescribed period
- (k) fix liabilities of government officer who do not follow and implement provisions for environmental protection. They should be punished for every negligence act of non-compliance of provisions
- (l) pay compensation of rupees fifty 50,00,000/- (Rupees fifty lacs) in case any person dies while entering or after entering into sewage for cleaning it manually during pendency of this petition,
- (m) provide for good drinking water on demand of public in areas where there is no provision for water supply and water available is contaminated and not fit for human use
- (n) repair all roads on demand of public within a period of three months<sup>2</sup>

6. On February 22, 2023, this court, *inter alia*, issued several directions aimed at ensuring effective implementation of the provisions outlined in the two acts, which is reproduced below:

- (I) the respondent – Union shall place on record the steps taken pursuant to the judgment of this Court, viz.-a-viz. The Status of implementation of the 2013 Act i.e., Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 including the steps towards rehabilitation of such persons falling within the definition of 'Manual Scavengers'.
- (II) Steps taken towards abolition/demolition of Dry Latrines, state-wise.
- (III) Status of Dry Latrines and Safai Karamcharies in Cantonment Boards and Railways.
- (IV) Employment of Safai Karamcharies in Railways and Cantonments Boards whether directly or indirectly i.e., through Contractors or otherwise.
- (V) State-wise set up of Municipal Corporation and the nature of equipment (as well as the description of technical equipment), deployed by such bodies to mechanize sewage cleaning.
- (VI) The feasibility of developing internet-based solutions for real time tracking of sewage deaths and action taken by their concerned authorities including the appropriate Government towards payment of compensation and rehabilitation of families.

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<sup>2</sup>(pg. 17-20 of Writ Petition)

7. Further, this court also added as parties to the present proceedings, the Union of India through Secretary, Ministry of Social Justice & Empowerment (hereafter "Union"); the National Commission for Safai Karamcharis (hereafter "NCSK"); the National Commission for Scheduled Castes (hereafter "NCSC"), and the National Commission for Scheduled Tribes (hereafter "NCST"). The court appointed Mr. K Parmeshwar, Advocate as *Amicus Curie*. On April 12, 2023, this court took note of two notifications issued by the Ministry of Railways dated 4.6.2014, and 13.10.2014 which stipulates that individuals engaged in cleaning sanitary latrines in passenger coaches and railway tracks at stations would not be subject to the prohibitions set forth in the Act of 2013 if they are provided with basic equipment such as face masks, gloves, boots, and brooms. Additionally, this court considered the observations made by the NCSK regarding the lack of action by the Railways, as presented in reports included in the compilation submitted to the court by the *Amicus Curiae*. In light of this, the court directed the Railways to submit a specific affidavit addressing these aspects.

8. During the course of proceedings, on May 2, 2023, it was brought to notice of this court about irregular functioning of the Central Monitoring Committee envisaged under the Act of 2013. In response, this court observed :

*"[...] learned Additional Solicitor General should indicate a practical method for the operationalization of the Central Monitoring Committee. That Committee comprises of more than 20 members and has apparently not met for the last three years. The record also discloses that in the last ten years, the Committee has met seven times".*

9. The *Amicus* submitted that Article 15, 17, 23 and 24 of the Constitution form an emancipatory Code. He submitted that the content of these fundamental rights must *per force* include the right for the oppressed classes to break away from oppressive structures and move to alternative sources of dignified

employment. In other words, the aforesaid Articles form a fundamental right to emancipation from oppressive structures. He contended that the emancipatory code is referable to the preambular principle of fraternity and hence capable of horizontal application of fundamental rights. The 2013 Act is in furtherance of this emancipatory code, and thus attains constitutional status.

10. After going through the scheme of the 2013 Act, the *Amicus Curiae* submitted that the 1993 Act as well as the 2013 Act were both made in furtherance of the right to dignity of the individual. He made reference to the emancipatory nature of the Act in its identification, prohibition, criminalization of manual scavenging and the rehabilitation provisions for manual scavengers.

11. In so far as institutions created under the 1993 Act, 2013 Act and the NCSK Act are concerned, he pointed to the factual position that the most of the institutions are non/sub functional. These institutions, he submitted, are at the National, State, District and Sub-district level.

12. The *Amicus Curiae* submitted that the survey envisioned under the 2013 Act is inextricable from the emancipatory nature of the Act, in that without a survey there cannot be any identification and rehabilitation of manual scavengers. He submitted, with reference to the judgments of the High Court of Bombay in *Vimla Govind Chorotiya and Others v. State of Maharashtra*<sup>3</sup> and High Court of Karnataka in *All India Council of Trade Unions v. Union of India*<sup>4</sup>, that a survey must be conducted in accordance with the provisions of the 2013 Act and the Rules made thereunder.

13. The surveys conducted in 2013 and 2018, he contended, were not in accordance with the 2013 Act and Rules and thus cannot be considered as surveys. More specifically, he urged that the NCSK itself in its annual report has stated that till date, no reliable figure is available with the Government about the

3 (2021 SCC OnLine Bom 3002)

4 (2020 SCC OnLine Kar 2420)

manual scavenging in the country and the figure is varying at various places. He also linked the absence of institutions under the 2013 Act and Rules to the inadequacies of the Survey process by contending that when the institutions for a Survey have not been put in place, there is no question of a Survey being conducted in terms of the Act and Rules. To this end, he also cited the judgment of this Court in *Safai Karamchari Andolan v. Union of India*<sup>5</sup> where this court held that the 2013 Survey was inadequate as it was confined only to 3546 statutory towns and did not extend to rural areas. This Court also held that the States were able to identify only a miniscule proportion of the number of people actually engaged in manual scavenging.

14. On the aspect of sewer deaths, he brought to the attention of this Court the definitions of 'hazardous cleaning' under Section 2(d) of the 2013 Act as well as the definitions of 'sewer' and 'septic tank' under Sections 2(p) and 2(q). He stated that though the Act prohibits hazardous cleaning under Section 7 and 9, no specific bar is made to the manual cleaning of sewers and septic tanks as long as protective gear is given. To this end, he referred to Rule 3(1) of the 2013 Rules and laid stress on the words "*No person shall be allowed to clean a sewer manually*" to contend that the statutory scheme recognized that *entry* into a sewer or a manhole can only be after the sewage is totally emptied by machines.

15. It was argued that there is a legislative vacuum in so far as rehabilitation for hazardous workers is concerned. The sole rehabilitation, according to him, is by virtue of the judgment of this Court in *Safai Karamchari Andolan* (supra) where this Court granted compensation of Rs. 10 lakhs to the family of a person who died in a sewer.

16. He argued that constitutionally speaking, hazardous cleaning amounts to *forced labour* under Article 23 of the Constitution as explained by this Court in

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<sup>5</sup> 2014 (4) SCR197

*People's Union for Democratic Rights v. Union of India*<sup>6</sup> (para 13-14). It was further highlighted that the Act of 2013 intends that no person should come in direct contact with human excreta and hazardous cleaning whereby as person is coerced to immerse himself in or be in contact with human excreta without protective gear/safety precautions is nothing but forced labour prohibited under Article 23. A narrow interpretation of "forced labour", restricting it to only those cases where there is lack of remuneration, is contrary the intention of Article 23. This is because such a narrow interpretation would fail to address structural discrimination and would also render the phrase "other similar forms of forced labour" otiose. Additionally, it was further submitted that "consent" given by the worker to perform hazardous cleaning would not mean that labour is not forced. Reliance placed on *People's Union for Democratic Rights* (supra) followed in *Sanjit Roy v. State of Rajasthan*<sup>7</sup>.

17. Amicus further contended that like manual scavenging, hazardous cleaning is also a practice borne out of 'untouchability' and must be prohibited under Article 17 of the Constitution. He brought to the attention of the Court Section 7A of the Civil Rights Act, 1955, which specifically bars any scavenging or sweeping or any other job of a similar nature as being an enforced disability arising out of 'untouchability'. The *Amicus Curiae* argued that if it is accepted by the Court that hazardous cleaning is violative of Article 23, then the question of persons engaged in sewage cleaning having practiced it on their own volition does not arise.

18. The *Amicus* urged that is important to note that two statutory riders empower the executive to statutorily carve out exceptions, even though they are

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6 1983 (1) SCR 456

7 1983 (2) SCR 271

couched as explanations: first, the definition of “insanitary latrine” in Section 2(e) states that:

*“a water flush latrine in a railway passenger coach, when cleaned by an employee with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be an insanitary latrine.”*

Second, the explanation to the definition of “manual scavenger” in Section 2(1)(g) specifies that

*“a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a ‘manual scavenger’*

19. It was submitted that these riders should be given the narrowest possible interpretation, given that the statute punishes untouchability and inhuman labour. It was further urged that the protective gear and devices referred to must be of such nature that they achieve substantial or near total mechanization of the process so that the dignity of the labourer is maintained and no structural discrimination is perpetuated.

20. Regarding NCSK’s working, it was submitted that at present, it has only Chairperson, Vice-chairperson and one additional member with four member posts lying vacant. Furthermore, there was no commission in place during FY 2022-23. In terms of Section 32 of the 2013 Act, even state government are expected to notify a state commission with the same powers as that of NCSK at the state level. However, State commission for Safai Karamcharis exist in only few states.

21. The learned *Amicus* also pointed out that Section 29(3) of the Act, requires the Central Monitoring Committee<sup>8</sup> (hereafter “CMC”) to meet in every

<sup>8</sup> According to Section 29, the Central Monitoring Committee (CMC), consisting of the Union Minister for Social Justice and Empowerment, Chairperson of the NCSC, Minister of State in the Ministry of Social Justice and Empowerment, Chairperson of NCSK, Secretaries of various Ministries, etc., shall be constituted. The

six months. However, between 2013 to 2022, it met only seven times. After a gap of 3 years, CMC met for the eight time after the intervention of this court's order dated 02.05.2023. Similarly, the *Amicus* filed data regarding non convening of State Monitoring Committee<sup>9</sup> (hereafter "SMC") for some states and non-constitution of District Vigilance Committee (hereafter "DVC") in some states as well and showed glaring inconsistencies in constitution of SMCs from four different sources of data.

22. Further, as per Rules of 2013<sup>10</sup> with regard to creation of State Level Survey Committee (hereafter "SLSC") and District Level Committee (hereafter "DLC") responsible for overseeing the survey process till the "*publication of final consolidated list of the manual scavengers*" in the respective district/state, it was highlighted that only Chhattisgarh and Odisha have constituted SLCs, with Odisha being the lone state to constitute a DLSC. However, the Union's affidavit dated 05.07.23, claims that Karnataka, Rajasthan, and West Bengal have also constituted Survey Committees, but no information is provided regarding Chhattisgarh and Odisha.

23. The *Amicus* summed up by suggesting that the court should direct creation of a task force under the aegis of CMC and conduct a fresh survey by relying on inadequate data under 2013 and 2018 Survey, NCSK's Annual reports filed for the year 2015-16, 2017-18, 2018-19, 2019-20, CMC's meeting held on 05.07.2023 and uncertainty regarding reliable data filed in Union's

functions of CMC, as delineated under Section 30, are- monitoring and advising the Central Government and State Government for effective implementation of the Act, coordinating the functions of all concerned agencies, and looking into any other matter incidental to or connected with implementation of the Act.

<sup>9</sup> Section 26 of the 2013 Act provides for the constitution of a State Monitoring Committee (SMC) in every state consisting of the Chief Minister of State or a Minister nominated by him, the Minister-in-charge of the Scheduled Castes Welfare, representatives of the National Commission for Scheduled Castes, and Safai Karamcharis, not less than two members of the State Legislature belonging to the Scheduled Castes, etc. Its functions, as under Section 27, are the same as those of the Central Monitoring Committee

<sup>10</sup> Rule 11 read with Rule 2(i) and 2(j)

affidavit. Further to set up institutions under the Act of 2013 and Rules and take measures to identify and compensate deceased persons due to sewer cleaning.

*Submissions on behalf of intervenors*

24. Ms Jayna Kothari learned senior counsel representing THAMATE, Centre for rural empowerment, a registered society submitted that the court to give purposive interpretation to explanation (b) of Section 2(1)(g) so as to give wide interpretation to the definition of manual scavenger. This interpretation would include anyone engaged in manual cleaning, whether in sewers or septic tanks, regardless of whether they use equipment or protective gear since the cleaning process is manual. This will ensure them being covered as manual scavengers for rehabilitation and relief under Section 11-16 of the Act of 2013. It was suggested that even providing some minor protective gear such as just the gloves would exempt the coverage of that person from the definition of manual scavenger in the existing section. To emphasize on giving the definition a purposive interpretation, Ms. Kothari placed reliance on *Bangalore water Supply and Sewerage Board v A. Rajappa*<sup>11</sup>, wherein the Supreme court expanded the definition of industry and on *X v. Principal Secretary, Heath and Family Welfare, Govt. of NCT Delhi*<sup>12</sup>, wherein this court interpreted the provisions of Medical Termination of Pregnancy Amendment Act 2021 to include single and unmarried women.

25. Learned counsel further emphasized on the need for mechanization and graded implementation of inclusive definition of manual scavenger. Examples like Bandicoot<sup>13</sup>, were provided to illustrate the potential for modern technology. It was noted that many countries have replaced the term "manholes"

<sup>11</sup> [1978] 3 SCR 207

<sup>12</sup> 2022 SCC OnLine SC 1321.

<sup>13</sup> a robot developed in 2018

with "machine holes" emphasizing the significance of change in language. A graded timeline was suggested to completely mechanize the process. Counsel also submitted shortcomings in schemes like Swachh Bharat Mission and NAMASTE as it is only limited to urban local bodies, second it remains silent on mechanization technology deployed by the state authorities. Lastly, some directions were also suggested such as reporting on the surveys for the identification of manual scavengers being done in all districts, issuing identification cards, compliance with rehabilitation requirements and holding meetings of monitoring committees at the State, district and sub-district levels. Additionally, it was proposed that data should be segregated to specify the number of women engaged in manual scavenging.

26. The MAANGANGGO India International, NGO/Trust based in New Delhi, impleaded as intervenor prayed for the issuance of a writ or appropriate measure to direct the Vice Chairman of NITI Aayog (National Institution for Transforming India) to formulate a sustainable and time-bound Comprehensive Policy Action Plan which should include the mandatory adoption of modern technology to fully mechanize sewerage cleaning, with the declaration of manual scavenging in any form as a punishable offense. It should also address the need for upgrading outdated and hazardous sanitation infrastructure, promoting eco-friendly waste disposal methods, ensuring compulsory free education for the children of manual scavengers, particularly girls, and providing vocational training and financial incentives for the rehabilitation of manual scavengers, with a special focus on women who constitute a significant portion of those affected by this practice.

*Submission on behalf of Respondents*

27. This court by order dated May 2, 2023, requested the Additional Solicitor General (ASG) to propose a practical method for operationalization of the CMC. The ASG responded to that CMC did not convene for the past three years that these committees were conducted annually and last being on January 8, 2020. However, subsequent meetings could not be held due to COVID pandemic. Meanwhile, the tenure of the committee members, including those representing civil societies, have expired during this period.<sup>14</sup>

28. Regarding the survey, the ASG emphasized that the responsibility for conducting the survey falls under the mandate of 2013 Act. According to the provisions of this Act, the Chief Executive Officer of the municipality or gram panchayat is responsible for overseeing the completion of the survey. Furthermore, in accordance with the 2013 rules, a "District Level Survey Committee" chaired by the District Magistrate is tasked with monitoring and supervising the survey process at the district level. It was submitted that the 2013 Act itself does not envisage a nationwide survey of manual scavengers conducted by the central government; instead, it mandates localized surveys to be carried out by local bodies.<sup>15</sup> Anyhow, the Ministry of Social Justice and Empowerment has introduced the "Swachhata Abhiyaan" mobile app to allow the general public to report on insanitary latrines and any associated manual scavengers and therefore, the survey of manual scavenging is ongoing through the use of such mobile app. However, the ministry in its affidavit has stated that the app has not received credible data and the same has to be verified by the concerned administration.

29. It was further submitted that the government incurred an expenditure of ₹10.48 Crore for conducting the survey in 2013 followed by payment of

<sup>14</sup> (Union of India's Note dt.12.05.2023 (Vol. 6)/ Union of India's Note dt.26.07.2023 (Vol. 5)

<sup>15</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

compensation to identified manual scavengers to tune of approximately ₹ 55.52 Crores. Based on survey initiated in 2013, state wise details of about 13,881 manual scavengers were prepared.<sup>16</sup> In addition to this, a National Survey was conducted between 2018 and 2020 in 194 districts, which resulted in identification of 44,217 manual scavengers and compensation to the tune of ₹ 176.87 Crore was provided to identified manual scavengers. The Union reported that 663 individuals have lost their lives while cleaning sewers and septic tanks after the year 2013. Out of these cases, compensation has been paid in 631 cases, and FIRs have been lodged in 648 cases.

30. The Union also highlighted that, in addition to providing One-Time Cash Assistance, it had provided capital subsidies (up to 5 lakhs) along with concessional loans to 2,313 manual scavengers or their dependents. Furthermore, they have enrolled 22,294 willing and eligible manual scavengers/dependents in various skill development training programs. Other benefits provided by State/UTs were also listed.<sup>17</sup>

31. Additionally, the Union submitted about its efforts in construction of 62.81 lakh sanitary toilets. Furthermore, it was submitted that out of 766 districts, 650 districts have reported themselves free of manual scavenging, while reports from 116 districts regarding their status on this matter are still pending.<sup>18</sup>

32. With regard to discrepancy in data as pointed out by Amicus, it was submitted that the National Safai Karamchari Finance and Development Corporation (hereafter "NSKFDC") was the Implementing Agency for the National Level Survey constituted under the Aegis of NITI Aayog in

<sup>16</sup> Also dealt in Union of India's Note dt.26.07.2023 (Vol. 5)

<sup>17</sup> Union of India's Note dt.26.07.2023 (Vol. 5) / Union of India's Note dt.05.07.2023 (Vol. 7)

<sup>18</sup> Volume 10, pg. 29, dated 9. 8.23.

consultation with State Government, Central Ministries and Civil Society Organisations. It was submitted that the data pertaining to manual scavengers, as confirmed and verified by NSKFDC, is the only reliable data and should be regarded as the authoritative. According to NSKFDC's data, a total of 58,098 manual scavengers have been identified in the country so far. The NCSK vide reply dated 12.4.2023 stated that the figures of total number of manual scavengers identified vide National Survey 2018 conducted by NSKFDC varies with the progress of the survey mainly due to variations in the number of states and districts surveyed. The apparent discrepancy in data for 24.07.2021 and 08.12.2021 is a result of ongoing identification and subsequent verification processes.<sup>19</sup>

33. Furthermore, there is no inconsistency in the information provided by the Ministry of Social Justice and Empowerment to the Parliament. On December 1, 2021, in response to Unstarred Question No. 450 in the Rajya Sabha, it was conveyed that a total of 58,098 manual scavengers were identified through surveys conducted in accordance with the Act of 2013. Subsequently, in reply to another Rajya Sabha Unstarred Question no. 1254 dated 8.12.2021; the Government reiterated the same number of identified manual scavengers. The Government informed Parliament that there were no reports of individuals currently engaged in manual scavenging across the country and that there were no reported deaths attributed to manual scavenging. However, it was clarified that during the last five years, 321 individuals had lost their lives in accidents while undertaking hazardous cleaning of sewers and septic tanks. In response to Unstarred Question no. 3822 in the Lok Sabha dated 21.12.2021, the Government once again stated that there were no reports of individuals

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<sup>19</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

currently engaged in manual scavenging in the country. The number of manual scavengers identified at different times does not necessarily represent the current number of individuals engaged in manual scavenging as many people have left the work of manual scavenging due to various efforts of Govt. and provisions of Act of 2013.<sup>20</sup>

34. It was further argued that the identification of manual scavengers was primarily for the purpose of extending rehabilitation benefits in accordance with the scheme. It should not be misconstrued to mean that the increase in the number of identified individuals indicates a rise in active manual scavenging activities.<sup>21</sup>

35. In response to the suggestions made by the *Amicus*, the Union argued against the need to establish a Task Force under the CMC as the government had formulated a Scheme of National Action for Mechanize Sanitation Ecosystem (NAMASTE)<sup>22</sup> which proposes to create three tier working committees (working committee, state monitoring committee and district/urban local body-level committee). These committees will meet quarterly to oversee the implementation of NAMASTE. Therefore, it was submitted that there is no requirement for a separate Task Force.<sup>23</sup>

36. Concerning the NCSK, the Union stated that the Chairman, Vice Chairman, and one member have been appointed on 03.03.2023, for a term till 31.03.2025. Nominations are under consideration to fill the remaining four vacant member positions.<sup>24</sup>

37. In response to recommendation contained in the Annual Report of the NCSK for the year 2019-20 regarding "*A National level census of Manual*

<sup>20</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

<sup>21</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

<sup>22</sup> A joint initiative of Department of Social Justice & Empowerment and Ministry of Housing and Urban Affairs in all 4800+ Urban Local Bodies of the country, during the next three years up to 2025-26

<sup>23</sup> Union of India's Note dt.26.07.2023 (Vol. 5)/ Union of India's Note dt.05.07.2023 (Vol. 7)

<sup>24</sup> Union of India's Note dt.26.07.2023 (Vol. 5)/ Union of India's Note dt.05.07.2023 (Vol. 7)

*Scavengers at one platform in the Country at all administrative levels such as Country, State, District, Urban/Rural, Male/Female etc.” as referred by Amicus curiae, the observation made by NCSK in its annual report have been clarified by the Government of India, in its Action Taken Report, wherein it has been submitted that this “does not seem to be feasible, as the basis of identification of the manual scavengers should be verification with reference to their workplace/employer and not merely self-declaration alone. In Census operations, such verifications are generally not done”.*<sup>25</sup>

38. The Union informed that as on date, it received information from 34 States/Union Territories regarding the establishment of various committees mandated by the 2013 Act and Rules except the remaining 2 States (Andhra Pradesh and Telangana). In 23 states, a State Commission for Safai Karamcharis has been established or an agency has been designated. Additionally, 26 States/Union Territories have formed State Monitoring Committees, 27 States/Union Territories have set up District Vigilance Committees, and 23 States/Union Territories have constituted Sub-division level Vigilance Committees.<sup>26</sup> It was further submitted that except for Karnataka and Delhi, no other State or Union Territory has reported about prosecutions under the 2013 Act.<sup>27</sup>

39. In its affidavit dated 02.05.2023, Railways has outlined measures taken to eliminate manual scavenging. It was submitted that they have collaborated with the Defence Research and Development Organization (DRDO) to develop eco-friendly bio-toilets<sup>28</sup> for passenger coaches. As of March 31, 2023, a total of

<sup>25</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

<sup>26</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

<sup>27</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

<sup>28</sup> In these bio-toilets, the waste retention tanks are fitted below the coach floor underneath the lavatories and the human waste, discharged/collected into them, is acted upon by a colony of anaerobic bacteria that convert human waste mainly into water and bio-gases (mainly Methane CH<sub>4</sub> & Carbon Dioxide CO<sub>2</sub>). The gases escape

2,99,880 bio-toilets have been installed in 84,402 coaches. Cleaning of train toilets is carried out using high-pressure jets and specific chemicals at designated Clean Train Stations (CTS).<sup>29</sup>

40. Additionally, in response to concerns raised by the Amicus before this Court, the Ministry of Railways has withdrawn notifications issued dated 04.06.2014<sup>30</sup> and dated 13.10.2014<sup>31</sup> by order dated 26.04.2023. The Railways has also released a model contract for outsourcing cleaning services, which mandates the use of mechanized processes and safety equipment for workers.<sup>32</sup>

41. It was submitted on behalf of NCSK that it has a limited role, primarily focused on recommending measures in respect of Safai Karamcharis and pursuing State Governments and Local Bodies to implement these measures as outlined in the 2013 Act. Unlike other Commissions, NSCK is neither a constitutional nor a statutory body. It does not have the powers to summon officers of the establishments concerned or have their oral evidence. Consequently, the commission is unable to assert itself effectively in providing relief to aggrieved Safai Karamcharis. Additionally, the commission faces challenges due to shortage of staff, with only 16 personnel responsible for all of its functions, including internal administration.

42. Since the lapsing of the NCSK Act, 1993 on 29.2.2004, the commission is functioning as a non-statutory temporary body under the Ministry of Social Justice and Empowerment. Its tenure is periodically extended through notification, with the last extension being granted from 1.4.2022 to 31.3.2025<sup>33</sup>.

43. Pursuant to this court's order and provisions of 2013 Act, the NCSK has taken certain steps such as circulating 20 points check list, advising states to

into the atmosphere and waste water is discharged after disinfection onto the track.

<sup>29</sup> Union of India's Note dt.09.08.2023 (Vol. 10)

<sup>30</sup> Vide GSR 376(E)

<sup>31</sup> Vide GSR 726(E)

<sup>32</sup> Union of India's Note dt.09.08.2023 (Vol. 10)

<sup>33</sup> Effected through Notification No. N-16/5/2021-PLAN dated 3.2.2022.

open appropriate budget heads and allocate funds, etc. It was further submitted that due to continuous monitoring, in 167 cases of sewer deaths during FY 2022-23 till 31.03.2023, compensation of ₹ 10 lakhs has been paid. Commission also took Suo motu enquires, for instance, out of 19 cases of sewer deaths in FY 2022-23, cognizance was taken based on newspaper reports and paid compensation to legal heirs in 15 cases.

44. Regarding the information sought from respondents about the abolition of dry latrines, it was submitted that states are better equipped to provide details about the steps taken and achievements made in this regard. Additionally, the Ministry of Social Justice and Empowerment also submitted that since 1993, 1,035 individuals lost their lives due to accidents while doing hazardous cleaning of sewers and septic tanks. In compliance with a Supreme Court order dated 27<sup>th</sup> March 2014, compensation has been provided to 948 families of those who died while cleaning sewers/septic tanks. However, there have been no reported deaths resulting from manual scavenging.

45. The Union's affidavit dated 18.04.2023, disclosed that there are 4478 permanent and 9897 outsourced *Safai Karamcharis* engaged by Cantonment Boards to upkeep general sanitation<sup>34</sup>. It was further submitted that any dry latrines that existed before the implementation of the 2013 Act were dismantled and converted into sanitary latrines. Furthermore, it was highlighted that there have been no reported incidents of sewerage-related deaths in areas managed by Cantonment Boards since the year 2013.

46. Lastly, it was proposed that this court may consider issuing some directions to all States and Union Territories to ensure that measures (establishment of an Emergency Response Sanitation Unit (ERSU), designation of a Responsible Sanitation Authority, establishment of a Helpline Number<sup>35</sup>,

<sup>34</sup> (pg. 52, Vol.3).  
<sup>35</sup> preferably 14420

assurance of mechanized cleaning methods and the availability of essential safety equipment and machines at the ERSU) are in place in each district within six months from the promulgation of the Court Order.<sup>36</sup> Further, to issue appropriate directions to the States/Union Territories to fully implement the Act, including constitution of various committees under the Act and the implementation of the NAMASTE scheme, in order to prevent deaths resulting from hazardous cleaning.<sup>37</sup>

### ***Analysis and reasoning***

47. The 2013 Act not only criminalizes manual scavenging but also provides for rehabilitation mechanisms to ensure that manual scavengers are emancipated. Chapter IV of the Act, titled '*Identification of Manual Scavengers in Urban and Rural Areas and their Rehabilitation*' spans from Section 11 to 16 and is an entire code in so far as rehabilitation is concerned. The first step towards rehabilitation that the 2013 Act makes, is the identification of manual scavengers through a survey. This survey is under Section 11 for municipalities and Section 14 for panchayats.

48. The methodology [and the institutions created] to conduct the survey are provided under the 2013 Rules. The Rules provide for specific authorities, i.e., the SLSC and DLSCs under Rule 11, to perform detailed roles. Under Rule 11(2), the SLSCs and DLSCs must carry out campaigns at various levels in all areas where insanitary latrines have been found. The local authority is mandated to join hands with community leaders and NGOs working for *safai karamcharis* for their identification as per Rule 11(3). Rule 11(4) provides for self-

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<sup>36</sup> Union of India's Note dt.09.08.2023 (Vol. 10)

<sup>37</sup> Union of India's Note dt.26.07.2023 (Vol. 5)

declaration by manual scavengers whereas Rule 11(5) allows NGOs to submit lists of manual scavengers which may be verified to identify them. A house-to-house survey is mandated under Rule 11(6) to identify manual scavengers who service the insanitary latrines in any area. Overseers are appointed under Rule 11(8) to ensure that the data collected in the survey is correct. Subsequently, a list is made of the manual scavengers after inviting objections and hearings. Ultimately, the list is compiled by the DLSC. After their identification by a survey, a final publication of the manual scavengers is to be published under Section 11(6). Notably, under Section 12, a person can apply to be added to the published list under Section 11.

49. On publication of the list, the emancipatory provision under Section 11(7) read with Section 6(2) takes effect. It declares that the manual scavengers *stand discharged* from any obligation to work as manual scavengers. This provision is the heart of the law – the declaration *frees* manual scavengers from the clutches of their historically oppressive professions. The law consequently empowers them through the process of rehabilitation. The 2013 Act, including the aforementioned provisions, therefore, must be interpreted as being in furtherance of fraternity, assuring the *dignity of the individual*.

50. The entitlements for rehabilitation are provided under Section 13. It envisages that a manual scavengers must be provided, within one month, a photo identity card containing the details of dependent family members and an initial, one-time cash assistance as may be prescribed. The Act also envisages a scholarship for the children of a manual scavenger, allotment of a residential plot, financial assistance for house construction, training of the manual scavenger himself or at least one adult member of his family, in a livelihood

skill with a stipend of not less than ₹ 3,000 during the period of the training, a concessional loan for taking up alternative occupation, etc.

51. These rehabilitation entitlements are available only to those included in the final list of manual scavengers published pursuant to a survey under Section 11(6) or added to the list under Section 12(3) of the Act. It must thus be emphasized that without a survey in accordance with the Act and Rules, there cannot be any further steps of rehabilitation.

52. That rehabilitation can occur only on identification has not been seriously disputed by the Union. The Union however contends that (i) the 2013 Act does not contemplate a national survey but mandates a localized survey at the level of local bodies and (ii) two national surveys have already been conducted in 2013 and 2018.

#### *Interpretation of Section 11*

53. The Union's contention that Section 11 requires localized surveys by local bodies and not a national survey is, facially, attractive. However, the 2013 Act is not a regular statute: it is emancipatory in character and is a manifestation of the constitutional code of upliftment. The groundbreaking purpose of the 2013 Act, as is evident from its title<sup>38</sup> is to ensure that manual scavengers are rehabilitated. Rehabilitation, as found above, is a step after identification. Without a survey, rehabilitation is not workable. The statutory scheme cannot be undermined through an interpretation that would leave the implementation of the 2013 Act solely with the local bodies, without any guidance from the Governments – State and Central. In other words, the salutary commitment

<sup>38</sup> The statute is titled "*the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013*".

made by the 2013 Act must be fulfilled by the local bodies in accordance with a policy-framework laid down by the Central or State Government.

54. The Central and State Governments were and are, duty-bound to lay down the parameters under which a local body was mandated to conduct a survey. While the methodology of the Survey is provided under the 2013 Rules, the trigger for conducting the Survey is conspicuously absent from both the 2013 Rules as well as the 2013 Act. The absence of a trigger cannot render the 2013 Act and its constitutional commitments *otiose* by non-implementation. That is to say, the implementation of the Act cannot be left to the whims and fancies of local bodies. Local bodies must be guided by the central and state governments by laying down guidelines on when a survey must be conducted, and which local bodies must conduct a survey. Without a policy of this nature, a local body cannot be expected to implement the 2013 Act in a proper manner.

55. In a similar vein, this Court in *Swaraj Abhiyan v. Union of India*<sup>39</sup>, while monitoring the implementation of the National Food Security Act, 2013, noticed that some states were not implementing the statute. This Court noted:

*"109. It is surprising that the implementation of a law enacted by Parliament such as the NFS Act is left to the whims and fancies of the State Governments, and it has taken more than two years after the NFS Act came into force for Gujarat to implement it and Uttar Pradesh has only implemented it partially. This is rather strange. A State Government, by delaying implementation of a law passed by Parliament and assented to by the President of India, is effectively refusing to implement it and Parliament is left a mute spectator. Does our Constitution countenance such a situation? Is this what "federalism" is all about? Deliberate inaction in the implementation of a parliamentary statute by a State Government can only lead to utter chaos or worse. One can hardly imagine what the consequence would be if a State Government, on a similar logic, decides that it will not implement other parliamentary statutes meant for the benefit of vulnerable sections of society. Hopefully,*

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39 (2016) 7 SCC 498

someone, somewhere, sometime will realise the possible alarming consequences."

56. The disquieting consequences referred to in the *National Food Security Act case* (supra) have also manifested in the case of manual scavengers – the entire statutory scheme of the 2013 Act has been challenged as the first step towards rehabilitation has not been taken. Our constitutional scheme does not approve of a situation where parliamentary enactments are rendered dead-letter by executive inaction. This argument of the Union must therefore be rejected to the extent that while local governments must conduct surveys, it was for the appropriate authorities, at both the central and state levels, to lay down parameters for the surveys to be conducted. It was also incumbent on these authorities to ensure that proper implementation of the 2013 Act had taken place. On both counts, the Central and State Governments do not appear to have taken any steps.

#### ***Insufficiency of the previous (2013 and 2018) Surveys***

57. The second submission of the Union is that two surveys were in fact conducted in 2013 and 2018 and a continuous self-declaring survey is taking place on a mobile application. These submissions, too, are misplaced. It may be noticed that neither the 2013 nor the 2018 surveys could have been conducted as prescribed under the scheme of the 2013 Rules and the 2013 Act for the reason that the institutions entrusted with duties to conduct the Surveys were either not constituted or were not functioning. That is to say, where the Act and Rules prescribe a particular method and manner of survey, that method and manner only ought to have been followed and no other method or manner could have been followed.

58. The principle of law that "*where a power is given to do a certain thing in a certain way, the thing must be done in that way or not at all and that other*

*methods of performance are necessarily forbidden*"<sup>40</sup> would thus apply making the 2013 and 2018 surveys inapplicable to the processes under the 2013 Act. In fact, this very finding was arrived at by the High Court of Karnataka in *All India Council of Trade Unions v. Union of India*<sup>41</sup> where the High Court held that if a survey had been conducted without following the rigors of the 2013 Act and Rules, it would not be a valid survey in so far as the Act and Rules are concerned. It was observed:

*"30. Now, we firstly come to the survey and identification of manual scavengers in urban areas. The Manual Scavengers Act which is brought into the force in the year 2013 virtually accepts that even in 21st century, manual scavenging exists and that also in urban areas. Even assuming that the Local Authorities have carried out survey in terms of Section 11, it cannot be a lawful survey unless the Local Authorities have followed the procedure under Sub-Rules (10) to (12) of Rule 11 of the Manual Scavengers Rules by publishing a final list. ...*

*33. ... The State Government will have to also inform the Court whether District wise lists are made and whether consolidated State list has been prepared. Moreover, the State will have to place on record whether the District Level Survey Committees have been formed in all the Districts and the State Level Survey Committee has been constituted. The State Government will have to point out the details of the number of meetings held of both the Committees."*

59. A similar direction had been passed by the High Court of Bombay in *Vimla Govind Chorotiya and Others v. State of Maharashtra*<sup>42</sup> where it was held:

*"31. ... (iv) Respondent No.1 i.e. State of Maharashtra in the Social Justice and Special Assistance Department shall inform the Court on the next date whether survey of manual scavenging in urban areas in terms of sections 11 and 12 of the 2013 Act and similar exercise by Panchayats in rural areas under sections 14 and 15 of the said 2013 Act have been carried out or not."*

<sup>40</sup> State of U.P. v. Singhara Singh, 1963 SCC OnLine SC 23: (1964) 4 SCR 485 at para 7.

<sup>41</sup> (2020 SCC OnLine Kar 2420)

<sup>42</sup> (2021 SCC OnLine Bom 3002)

60. This court notices that no provisional list under Section 11(4) was prepared; no objections were called for and decided under Section 11(5) and no final list was published under Section 11(6). In the absence of following, the contention that there was a valid survey conducted cannot be accepted. Yet another reason for this conclusion is that the institutions required to conduct the survey under Rule 11 were not in place and were not functioning at the relevant time in 2013 and 2018.

61. The *Amicus Curiae* had pointedly brought out the nature of data collected by the 2013 and 2018 surveys, which appear to be inconsistent and contradictory on the face of it. To this end, the table submitted by the *Amicus Curiae* during arguments would itself demonstrate that the data collected in 2013 and 2018 were not consistent:

State	As per 2013 Survey	As per 2018 Survey	As per reply dt. 08.12.2021 to Rajya Sabha Unstarred Question	As per reply dt. 24.07.2019 to Rajya Sabha Unstarred Question	Union of India's affidavit dt. 18.04.2023	NCSK's affidavit dt. 01.05.2023
Uttar Pradesh	12095	17828	32473	30375	32473	19712
Maharashtra	0	7298	6325	7378 (identified none in the 2013 survey)	0	7378
Uttarakhand	137	4787	4988	4924	0 in urban areas	6033
Rajasthan	338	2590	2673	2928	No clear response	2590
Karnataka	732	1754	2927	2486	7493 identified from 2013 to 2020	1754

Andhra Pradesh	78	1982	1793	2060	1984 (no mention of any survey year)	1982
Bihar	137	0	131	137	No manual scavengers found in 2018, even though 2797 sanitary latrines found	0

62. A few comments on the data are required here. A partial survey seems to have been conducted in Karnataka in 2020 which revealed the presence of 7493 manual scavengers. However, the 2013 survey stated that there were only 732 manual scavengers and the 2018 survey stated that there were 1754 manual scavengers. The exponential increase of the number of manual scavengers from 2013 to 2018 and then in 2020, considerably reduces the credibility of both the 2013 and 2018 surveys.

63. Another reason for this court's skepticism about the survey is the comparison of the survey of manual scavengers with the survey on insanitary latrines. This data was provided by the cantonment boards in pursuance of the orders of this court. The Cantonment Boards stated that they have demolished 574 insanitary latrines in Agra, 153 in Jabalpur and 12 in Jammu. However, they stated that there were no manual scavengers in their jurisdiction. By their very nature, insanitary latrines are serviced by manual scavengers. The manual scavengers which were servicing these insanitary latrines were clearly missed by the 2013 and 2018 surveys. As stated above, the survey under Section 11 read with Rule 11(2), provides that the SLSC and the DLSCs shall carry out adequate campaigns in all areas *especially in all such areas where insanitary latrines are found.*

64. The above statistics demonstrate that the number of manual scavengers identified in the 2013 Survey were substantially lower than the number of manual scavengers identified in the 2018 Survey. Different numbers have also been stated by the Government in the Rajya Sabha on different dates and the Union's Affidavit before this Court. It is also unclear and inconsistent on the number of manual scavengers identified. It is in this context that the anguish expressed by the NCSK in its annual reports for nearly every year since 2015-16 must be seen. In 2015-16, the stance of the NCSK was:

*"Identification of the Manual Scavengers and their subsequent rehabilitation is the soul of the Act. However, despite repeated efforts by the Government of India, the figures with regard to the Manual Scavengers are not forthcoming correctly. It is observed that different figures are being quoted by different Government and Non-Governmental agencies. ... the Commission recommends that there is a need to have correct and authentic figures about the manual scavengers in the country."*

In 2017-18, similarly:

*"Identification of the Manual Scavengers and their subsequent rehabilitation is the soul of the Act. However, despite repeated efforts by the Government of India, the figures with regard to the Manual Scavengers are not forthcoming correctly. It is observed that different figures are being quoted by different Government and Non-Governmental agencies. ... the Commission recommends that there is a need to have correct and authentic figures about the manual scavengers in the country"*

The NCSK stated in 2018-19:

*"Till date, no reliable figure is available with the Government about the manual scavenging in the country and the figure is varying at various places."<sup>43</sup>*

Similarly, in its annual report for 2019-20, the NCSK stated:

*"The data in respect of the number of Manual Scavengers is the first requisite for abolishing the practice of manual scavenging and improving their quality of life. The survey at National or in all State/UT has not been carried out for the identification of manual scavengers. The*

<sup>43</sup> Annual Report of the National Commission for Safai Karamcharis for the year 2018-19.

Government is still not sure about the number of Male and Female Manual Scavengers as on date in the country."

65. In fact, on 05.07.2023, the CMC met after directions given by this Court. In the CMC, the Deputy Advisor to the NITI Aayog yet again stated the need for a survey as, according to him, many manual scavengers were left out of the survey. At this stage, it may be noticed that this Court in *Safai Karamchari Andolan* (supra) had noticed the short-comings of the survey of 2013 and had observed as follows:

*"the Central Government announced a 'Survey of Manual Scavengers'. The survey, however, was confined only to 3546 statutory towns and did not extend to rural areas. Even with this limited mandate, as per the information with Petitioner No. 1, the survey has shown remarkably little progress. State records in the "Progress Report of Survey of Manual Scavengers and their Dependents" dated 27.02.2014 show that they have only been able to identify a miniscule proportion of the number of people actually engaged in manual scavenging. For instance, the Petitioners, with their limited resources, have managed to identify 1098 persons in manual scavenging in the State of Bihar. The Progress Report dated 27.02.2014 claims to have identified only 136. In the State of Rajasthan, the Petitioners have identified 816 manual scavengers whereas the Progress Report of the State dated 27.02.2014 has identified only 46.*

*11. The aforesaid data collected by the Petitioners makes it abundantly clear that the practice of manual scavenging continues unabated. Dry latrines continue to exist notwithstanding the fact that the 1993 Act was in force for nearly two decades. States have acted in denial of the 1993 Act and the constitutional mandate to abolish untouchability.*

*12. For over a decade, this Court issued various directions and sought for compliance from all the States and Union Territories. Due to effective intervention and directions of this Court, the Government of India brought an Act called "The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013" for abolition of this evil and for the welfare of manual scavengers. The Act got the assent of the President on 18.09.2013. The enactment of the aforesaid Act, in no way, neither dilutes the constitutional mandate of Article 17 nor does it condone the inaction on the part of Union and State Governments under the 1993 Act. What the 2013 Act does in addition is to expressly acknowledge Article 17 and Article 21 rights of the persons engaged in sewage cleaning and cleaning tanks as well persons cleaning human excreta on railway tracks."*

66. Hence, when this Court had already found that the survey was insufficient, the Union cannot possibly rely on the same survey once again.

### *III: Institutions*

67. A major short-coming in the implementation of the 2013 Act is the fact that the State and the Central Governments have not even constituted the institutions that are required to implement the Act. A list of institutions required to be constituted under the Act are under:

S. No.	Institution	Section/Rule
1.	National Commission for Safai Karamcharis	Section 3, National Commission for Safai Karamcharis Act, 1993; Given statutory functions under Section 31, 2013 Act.
2.	State Commission for Safai Karamcharis	Section 32, 2013 Act
3.	Central Monitoring Committee	Section 29, Prohibition Act, 2013
4.	State Monitoring Committee	Section 26, Prohibition Act, 2013
5.	Vigilance Committees	Section 24, Prohibition Act, 2013
6.	State Level Survey Committee	Rule 11, Prohibition Rules, 2013
7.	District Level Survey Committee	Rule 11, Prohibition Rules, 2013

68. The implementation of the statute depends on the effective functioning of the aforementioned institutions. Unfortunately, it has been seen that these institutions have not been constituted by the States and the Union and where they have been constituted, the institutions are not functioning at all. The Act has created the institutions to ensure a check and balance on the implementation of the statute. However, instead of being a check on the implementation, the

lack of institutions has effectively brought the implementation of the Act to a total stand-still. This systematic neglect of the statute and inaction by the executive would reduce it to a dead letter. Each of the institutions is dealt with more specifically below-

#### ***National Commission for Safai Karamcharis***

69. The NCSK is a statutory commission which was created under the National Commission for Safai Karamcharis Act, 1993. Under this Act, the Commission was to function only till 1997. However, on amendments and executive instructions, the Commission remained functional till 2013. Section 31 of the 2013 Act, thereafter, bestowed certain powers and functions on the NCSK which are to be fulfilled by it. Therefore, though the NCSK Act, 1993 does not envisage a longer term for the NCSK, by virtue of the 2013 Act, the NCSK must remain functional. The NCSK discharges vital functions: it is to monitor the implementation of the 2013 Act; to enquire into complaints regarding the contravention of the Act; to advise the Central and State Governments for effective implementation of the Act; and to take *suo motu* notice of matter relating to non-implementation of the Act. The non-functioning of the NCSK would therefore paralyze the implementation of the Act.

70. It is in this light that the position of the NCSK must be seen. The NCSK is manned only by a Chairperson and Vice-Chairperson and one member. It is further a matter of fact that the Commission was not even functioning in the year 2022-23. Needless to state, the Commission is short-staffed by executive inaction in appointing members to the Commission.

#### ***State Commissions for Safai Karamcharis***

71. In terms of the 2013 Act, at state level (by Section 31), all states are under a mandate to constitute State Commissions for *Safai Karamcharis*. The functions of the State Commission are identical to functions of the NCSK. The State Commissions, therefore, play an equally important role in the implementation of the Act at the State level. Repeatedly, the NCSK had noted that State Commissions were not constituted. In its Annual Report for the year 2019-20, the National Commission report that persons are approaching the NCSK because of the lack of State Commissions. It stated:

*"The Commission understands that separate State Commissions for Safai Karamcharis exist in very few States. In the absence of State level Commissions in other States, the petitioners from far off corners of the country are forced to take up their grievances with the National Commission for Safai Karamcharis. This, besides being inconvenient for the petitioners, also overburdens the National Commission. If there is State level Safai Karamchari Commission in every State, then the petitioners of that State can approach these State level Commissions for redressal of their grievances and the State level Commission, in turn, can take up the matter with the local authorities concerned in a more effective manner."*

72. The court was appraised that during the pendency of this case, the NCSK and the Union of India submitted affidavits regarding the position of constitution of State Commissions. The *Amicus Curiae* points out that the affidavits reveal glaring inconsistencies in the data for constitution of the State Commissions. The lack of precise data due to the inconsistencies means that there is no clarity regarding the constitution of these Commissions. Nonetheless, from the tables supplied to this Court by the Union and the *Amicus Curiae*, it is clear that very few States have dedicated Commissions for *Safai Karamcharis*. In fact, the data submitted by the Union of India also shows that the Commissions which have been constituted are neither functioning nor even meeting regularly. The implementation of the 2013 Act is wanting for the lack of institutional support from the State Commissions as well.

### *Central Monitoring Committee*

73. A vital institution for the implementation of the Act is the CMC constituted under Section 29 of the 2013 Act, under the chairmanship of the Union Minister for Social Justice and Empowerment. The Committee is to have various *ex officio* members including Minister of State in the Ministry of Social Justice and Empowerment, Chairperson National Commission for Scheduled Castes, Chairperson, NCSK, Member of Planning Commission dealing with development of Scheduled Castes, 3 MPs from SC communities, Secretaries of 7 ministries etc. The functions of this Committee, mandated under Section 30, are equally important. It is to monitor and advise the Central and State Government regarding the implementation of the 2013 Act and to *coordinate the functions of all concerned agencies*. The 2013 Act also empowers the Committee to *look into any other matter incidental to or connected with the implementation of the Act*. The broad and sweeping powers of the Committee demonstrate its importance.

74. Regrettably, though the Committee is statutorily mandated to meet once in six months under Section 29(3), it is seen that the Committee met after a gap of three years on 05.07.2023 after a direction from this Court on 02.05.2023.

The Order passed by this Court is reproduced for clarity:

*"We have heard learned counsel for the parties and are of the opinion that the learned A.S.G. should indicate a practical method for the operationalization of the Central Monitoring Committee. That Committee comprises of more than 20 members and has apparently not met for the last three years. The record also discloses that in the last ten years, the Committee has met seven times. ...*

*This Court is of the opinion that the A.S.G. should, therefore, obtain instructions with regard to the practical method to be undertaken by State Committees and other agencies, created by the Act, for survey, identification and complete operationalization of the Act. The A.S.G. may indicate also the time lines for this purpose."*

The CMC being a central governmental authority which coordinates and monitors the implementation of the 2013 Act, must be proactive. The implementation of the 2013 Act enacted duly and empowering a downtrodden section of the society cannot be left unrealised, and especially not due to executive inaction.

### ***State Monitoring Committees***

75. The State Monitoring Committees, like the CMCs, have a number of *ex officio* members such as the Chief Minister or a Minister nominated by him, the Minister-in-charge of the Scheduled Castes Welfare, representatives of the National Commission for Scheduled Castes and Safai Karamcharis, etc. as mandated by Section 26 of the 2013 Act. Similarly, the functions of the State Monitoring Committee are also broad under Section 27. However, it has been brought to the notice of this Court that the State Monitoring Committees are inactive which is in direct contravention of the statutory mandate under Section 26 of the 2013 Act.<sup>44</sup>

76. The data compiled by the Union and presented by the *Amicus Curiae* in tabular form evidences that the Committees either do not exist or have not met in the recent past. There is no material on record to show that steps have been taken at any stage to constitute the Committees and ensure that they are working.

State	NCSK Report 2019-20 (p. 90, Vol. 2)	Union's affidavit dt.18.04.2023 (Vol. 3)	NCSK's affidavit (p. 44 Vol. 4)	Union of India's affidavit dt.05.07.2023 (Vol. 7)
Assam	No information about constitution	Constituted (p.180 of Vol.3)	No information about constitution	DC: 08.08.2018 LDM: 18.07.2019

<sup>44</sup> See the extracted table for easy reference

	of SMC		of SMC	(p.18 of Vol.7)
Manipur	No information about constitution of SMC	State may decide (p. 499 of Vol.3)	No information about constitution of SMC	-
Meghalaya	No information about constitution of SMC	Constituted (p. 503 of Vol. 3)	No information about constitution of SMC	-
Nagaland	No information about constitution of SMC	Under process (p. 522 of Vol. 3)	Constituted	-
Chandigarh	Constituted	Only states that this relates to the Social Welfare Department (p. 846 of Vol. 3)	Constituted	Under action for constitution (p.28 of Vol.7)
Daman & Diu	No information about constitution of SMC	Constituted on 24.11.2022	Constituted	DC: 24.11.2022 LDM: Not given (p.31 of Vol.7)
Delhi	Constituted	No response	Constituted	-
Ladakh		Constituted vide G.O. dated 03.02.2022 (p. 899 of Vol. 3)	No information provided	-
Lakshawad eep	Constituted	Not required (p. 920 of Vol.3)	Constituted	-

Puducherry	No information about constitution of SMC	No response	No information about constitution of SMC	DC: 16.06.2013 LDM: Not given (p.92 of Vol.7)
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### *Vigilance Committees*

77. Vigilance Committees are of two types: district and sub-divisional. DVCs are mandated under Section 24(2) of the 2013 Act and consist of the District Magistrate, MLAs of Scheduled Castes from the district, Superintendent of Police, etc. Similarly, the Sub-divisional Vigilance Committees are constituted under Section 24(3) and comprise of the Sub-Divisional Magistrate, CEOs of Panchayats, Sub-Divisional level Officer in charge of Scheduled Castes Welfare etc. The Committees are mandated to meet once in three months under Section 24(4). These committees' functions under Section 25 are to oversee economic and social rehabilitation, coordinate the functions of all agencies to channelize adequate credit for the rehabilitation of manual scavengers and to monitor the registration of offences and their investigation and prosecution under the 2013 Act.

78. Even though these grass-roots institutions were empowered under the Act with specific functions, many of the States have not even constituted the Committees and where the Committees have been constituted, they are not functional. The *Amicus Curiae* submitted a table to this Court presenting the state of affairs for Vigilance Committees. This table clearly shows that the Vigilance Committees are not functional. No further data is forthcoming from the Union to contravene this position.

State	Date of Constitution and Last	State	Date of Constitution and
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	Date of Meeting		Last Date of Meeting
Andaman and Nicobar	DC: 04.01.2019 LDM: Not given	Puducherry	DC: 16.06.2023 LDM: Not given
Assam	DC: 08.05.2014 LDM: Not given	Punjab	DC: Different dates for different district between 2014 and 2019.  LDM: Different dates for different district between 2018 and 2023.
Chandigarh	Under action for constitution	Rajasthan	DC: 13.05.2016 LDM: No specific date
Dadra & Nagar Haveli and Daman & Diu	DC: 20.09.2022 LDM: Not given	Sikkim	DC: 27.11.2014 LDM: Different dates for different districts in 2023.
Goa	DC: Not given LDM: 06.12.2018	Tripura	DC: 01.03.2019 LDM: Not given as state is free of MS
Karnataka	DC: Different dates for different district between 2014 and 2018.	West Bengal	DC: 26.02.2014 LDM: 27.02.2023
	LDM: Different dates for different district between 2021 and 2023.		

### ***Survey Committees***

79. Survey Committees under Rule 11 are to be created at the State and District level. The function of the Committees is to oversee the survey process from its initiation to the publication of the list in the respective district/state. As per the data supplied to this Court, the State Level Survey Committee has been constituted only in Rajasthan, Karnataka and West Bengal as per the Union of

India<sup>45</sup>. Further, District Level Survey Committee has been constituted only by Odisha. Obviously, a survey under the Act cannot take place without these Committees being constituted.

#### IV Hazardous Cleaning

80. Manual scavenging and hazardous cleaning are separately treated under the 2013 Act. A 'Manual scavenger' is defined under Section 2(g) as a:

*"(g) a person engaged or employed, ... by an individual or a local authority or an agency or a contractor, for manual cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises as the Central Government or State Government may notify, before the excreta fully decomposes in such manner as may be prescribed..."*

81. A manual scavenger under the 2013 Act, therefore, is employed with respect to cleaning human excreta from an insanitary latrine or a similar place.

On the other hand, 'Hazardous cleaning' is defined under Section 2(d) as:

*"(d) "hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;"*

'Septic tank' and 'Sewer' are in turn defined under Section 2(p) and 2(q) respectively:

*"(p) "septic tank" means a water-tight settling tank or chamber, normally located underground, which is used to receive and hold human excreta, allowing it to decompose through bacterial activity;"*

*"(q) "sewer" means an underground conduit or pipe for carrying off human excreta, besides other waste matter and drainage wastes;"*

82. A perusal of the definition would reveal that a person employed for hazardous cleaning has nexus to a sewer or septic tank. The definition of sewer and septic tank would reveal that they are concerned with human excreta and

<sup>45</sup> Union of India's affidavit dated 5.7.2023.

other wastes. It must also be noticed that hazardous cleaning is permitted if protective gear and cleaning devices are provided. These are prescribed under the 2013 Rules. Even though both a hazardous cleaner and a manual scavenger deal with human excreta, the statute only penalizes hazardous cleaning and does not provide for subsequent steps for rehabilitation of hazardous cleaners. Ms. Jayna Kothari, Senior Advocate, urged that the difference in the treatment between manual scavenging and hazardous cleaning violates Article 14 as there is no rational differentiation between the two. However, this court is not faced with a challenge to the statute in this case. Without a challenge to the provisions, the differentiation cannot be held unconstitutional.

#### *MECHANIZATION*

83. While the statutory scheme does not provide for rehabilitation of hazardous workers, especially those who work in sewers, the constitutional underpinnings of the 2013 Act and the prohibition of untouchability must inure to their benefit. Hazardous cleaning, like manual scavenging, is a manifestation of untouchability, and has been abolished by the adoption of Article 17 of the Constitution. This is also evident through the Civil Rights Act, 1955 which specifically proscribes scavenging under Section 7A, as being an instance of untouchability.

84. To this end, the 2013 Act and Rules provide for mechanization of hazardous cleaning through '*cleaning devices*' and '*protective gear*'. Rule 3 of the 2013 Rules begins with the words "*no person shall be allowed to clean a sewer manually with the protective gear and safety devices under these rules except ...*" A scrutiny of the exceptions under the Rule reveals that the situations are only where mechanical equipment cannot be put into operation or when the sewer is not yet operational. In other circumstances, specific approval of the

CEO of the local authority is required where he reasons that *it is absolutely necessary to have manual sewage cleaning* in writing with valid reasons.

85. Notably, Rule 3(2) ensures that even in the exceptional situations of removal of submersible pumps and reconstructions of the manhole, the sewage must be totally emptied. An exhaustive list of protective gear under Rule 4 and of cleaning devices in Rule 5 indicate the extent of mechanization required for hazardous cleaning. The further safeguards under Rule 6, 7 and 8 make it clear that a person must not enter the sewer or septic tank except under exceptional situations.

86. The clear purpose and intent of the 2013 Act and Rules is to ensure the mechanization of sewer and septic tank cleaning. In other words, the 2013 Act and Rules intends that no person should have to come in direct contact with human excreta and that protective gear and cleaning devices must be provided to ensure this. The protective gear and cleaning devices required to be prescribed under the Rules would also be required to be in furtherance with this purpose. That is to say, the prescribing authority must keep in mind that the protective gear and cleaning devices given to a hazardous cleaner ensure that he does not come into contact with human excreta.

87. The data submitted by the Union in its affidavits reveals a significant lack of mechanization to clean sewer lines or septic tanks. A few examples which had been raised by the *Amicus Curiae* pertain to Chittoor, Ongole, Mangalagiri-Tadeppalli in Andhra Pradesh, Kollam in Kerala, Gangtok in Sikkim, Nagercoil in Tamil Nadu all having no machines at all, and the entirety of the cleaning is being undertaken by hazardous cleaners. As held above, such a situation is against the statutory as well as constitutional mandate. Cleaning devices as well as protective gear must be provided to ensure that manual cleaning of sewers and septic tanks is not done.

*STATUS OF HAZARDOUS CLEANING UNDER ARTICLE 23*

88. Article 23 of the Constitution prohibits forced labour and makes it an offence punishable in accordance with law. The expression 'other forms of forced labour' in Article 23 strike at all forms of labour which offend human dignity. This would include not just remuneration but would also include all labour where the absolute minimum standards of safe employment are not met.

89. At the cost of repetition, given the importance of, it would not be out of place to mention that the meaning of *forced labour* was discussed by this Court in *People's Union for Democratic Rights* (supra) where this Court had expanded the scope of the words and included within its sweep situations where basic dignity is violated by not adhering to the minimum wage standards. The court held that employment where minimum wage is not paid is a violation of Article 23 and an instance of forced labour.

90. Drawing from the above principles, it can be held that where minimum protective gear and cleaning devices are not provided to hazardous workers, the employment of hazardous workers amounts to forced labour and is thus prohibited under the Constitution. This attains importance as the provisions for protective gear and cleaning devices are not mere statutory rights or rules, but are entitlements and it is due to these entitlements that the provisions of the 2013 Act are in consonance with the Constitution.

91. Another consequence of this principle is that the defence of any contractor or authority that a hazardous worker had entered into a sewer or septic tank voluntarily without any protective gear or cleaning devices, would not stand constitutional scrutiny. In *People's Union for Democratic Rights* (supra), this Court explained the reasons why the alleged consent is irrelevant, in the context of minimum wages in the following words:

"13. ... It is therefore clear that even if a person has contracted with another to perform service and there is consideration for such service in

the shape of liquidation of debt or even remuneration he cannot be forced, by compulsion of law or otherwise, to continue to perform such service, as that would be forced labour within the inhibition of Article 23. This article strikes at every form of forced labour even if it has its origin in a contract voluntarily entered into by the person obligated to provide labour or service (vide *Pollock v. Williams* [322 US 4: 88 L Ed 1095]). The reason is that it offends against human dignity to compel a person to provide labour or service to another if he does not wish to do so, even though it be in breach of the contract entered into by him. There should be no serfdom or involuntary servitude in a free democratic India which respects the dignity of the individual and the worth of the human person. Moreover, in a country like India where there is so much poverty and unemployment and there is no equality of bargaining power, a contract of service may appear on its face voluntary but it may, in reality, be involuntary, because while entering into the contract, the employee, by reason of his economically helpless condition, may have been faced with Hobson's choice, either to starve or to submit to the exploitative terms dictated by the powerful employer. It would be a travesty of justice to hold the employee in such a case to the terms of the contract and to compel him to serve the employer even though he may not wish to do so. That would aggravate the inequality and injustice from which the employee even otherwise suffers on account of his economically disadvantaged position and lend the authority of law to the exploitation of the poor helpless employee by the economically powerful employer. Article 23 therefore says that no one shall be forced to provide labour or service against his will, even though it be under a contract of service."

A contract for employment of a hazardous cleaner without protective gear and cleaning devices would, similarly, violate Article 23 even if it were voluntary because such an agreement would violate human dignity.

#### REHABILITATION OF HAZARDOUS WORKERS

92. The liberative nature of the statute coupled with the object of Article 17 and 23 require entitlements to be given to the families of those persons who died while working in sewers or septic tanks. This is also because the entire family would be rendered without a bread-winner. The economic and social

status of the already downtrodden and oppressed family would dwindle further. The dignity of the individual, guaranteed by law under Article 21, must be ensured through rehabilitative processes.

93. The Court cannot be blind to such a situation. In fact, it is in pursuance of this aim that this Court in *Safai Karamchari* (supra) granted a sum of ₹ 10 lakhs to every family where a person had died in a sewer. The Court held:

"23.2. 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 gear 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.

23.3. 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.

23.4 Rehabilitation must be based on the principles of justice and transformation."

94. However, mere economic measures would not suffice in the upliftment of the family. Rehabilitation would require elements of long-term and short-term socio-economic measures such as scholarships, etc. To this end, this Court finds that entitlements which are akin to those given to manual scavengers must be granted to families of hazardous workers who had died in sewers and septic tanks.

95. In addition to the families of the hazardous workers, endeavors must be made to rehabilitate such persons who continue to be employed as hazardous workers without any protective gear or cleaning devices. States must suitably frame policies to ensure that all hazardous workers are given access to rehabilitative entitlements.

#### **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., ₹ 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 ₹ 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 ₹ 10 lakhs. If the disability is permanent, and renders the victim economically helpless, the compensation shall not be less than ₹ 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 devise 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 co-ordination 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 co-ordinate 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.

### **Conclusion**

*"For ours is a battle not for wealth or for power. It is a battle for freedom. It is the battle of reclamation of human personality."*<sup>46</sup> Dr. B. R. Ambedkar

97. If we are to be truly equal, in all respects the commitment that the constitution makers gave to *all sections of the society*, by entrenching

<sup>46</sup> Address at the All-India Depressed Classes Conference held at Nagpur in July 1942

*emancipatory* provisions, such as Articles 15 (2), 17, 23 and 24, each of us must live up to its promise. The Union and the States are duty bound to ensure that the practice of manual scavenging is completely eradicated. Each of us owe it to this large segment of our population, who have remained unseen, unheard and muted, in bondage, systematically trapped in inhumane conditions. The conferment of entitlements and placement of obligations upon the Union and the States, through express prohibitions in the constitution, and provisions of the 2013 Act, mean that they are obliged to give real meaning to them, and implement the provisions in the letter and spirit. Upon all of us citizens lie, the duty of realizing true fraternity, which is at the root of these injunctions. Not without reason does our Constitution place great emphasis on the value of dignity and fraternity, for without these two all other liberties are chimera, a promise of unreality. It is all of us who today proudly bask in the achievements of our republic, who have to awake and arise, so that the darkness which has been the fate of generations of our people is dispelled, and they enjoy all those freedoms, and justice (social, economic and political) that we take for granted.

98. Lastly, this court also expresses its gratitude to Amicus Mr. K Parmeshwar for his valuable contribution and efforts. List the matter on 01.02.2024.

.....J.  
[S. RAVINDRA BHAT]

.....J.  
[ARAVIND KUMAR]

Government of Maharashtra

## Collector & District Magistrate Office Palghar (Home Branch)

District Headquarter, Palghar- Boisar Road, Kolgaon, Tal & Dist- Palghar  
Phone No. 02525-253111 email ID : collectorpalghar@gmail.com

No./Home/Desk.1/T.4/Arnala4 labourdeath/Compensation/Ws- 68/23 Dt. 18/04/2024  
R.P.A.D. 22/4/2024

To,

Assitant Director (R&D),  
Hon'ble National Commission for Safai Karmacharis,  
Ministry of Social Justice & Empowerment,  
B Wing, 4<sup>th</sup> Floor, Lok Nayak Bhavan,  
Khan Market, New Delhi-110003.

**Sub:-** Four safai workers suffocated to death in a septic tank of Pollucon Enviro Engineers Private Limited, Pollution Control Project Company, At.Global City Area, Rustomji Gruh Sankul, Virar (E.), Tal.Vasai, Dist. Palghar on dt.09.04.2020.

- Ref:-**
- 1) Assistant Commissioner, Crime, Mira-Bhaingar, Vasai -Virar Commissioner office, Miraroad, Thane letter No.Gu.Sha.Prashasan/ Manual Scavengers/Arnala-158/1071/2024 dt.16/04/2024.
  - 2) Commissioner, Vasai Virar Corporation, Virar letter No.Va.Vi.Sha.ma./ Ati.Ayukt/ 256/2024 dt.12/04/2024.
  - 3) Asst. Commissioner, Social Welfare Department, Palghar letter Saaasaka/ Palghar/Na.So.Durghatna Sthal Pahani Ahaval/202425/359 dt.12/04/2024
  - 4) Tahsildar Vasai letter No./Masha/Kaksha-1/T-2/Faujdari/W.S.- 126/2024 dt.09/04/2024.
  - 5) This office letter No./Home/Desk.1/T.4/Arnala Po.Ste.4Safai Kramachari Mrutu/Ws-66/2024 dt.18/04/2024.
  - 6) Your letter No. No.11059/SD/MH(NEW)2024-R&D (e-f.NO. 84158)/701/-06 dt.12/04/2024.
  - 7) The judgement passed by theHon'ble Supreme Court Dt.20/10/2023

Sir,

On 9<sup>th</sup> April 2024 four labours viz 1) Amol Anant Ghatal Age-28 yrs, At Nankarpada, Aadne Village, Post.Bhatane, Tal. Vasai, Dist.Palghar, 2) Nikhil Anant Ghatal Age-24 yrs, At. Nankarpada, Aadne Village, Post.Bhatane, Tal. Vasai, Dist.Palghar, 3) Sagar Sunil Tandalekar, Age-31yrs, At.Room No.410, Hariom Heights, 4<sup>th</sup> Floor, Off. Zilla Parishad School, Holi Aali, Dongapada, Virar (W.), Tal. Vasai, Dist.Palghar, 4) Shubham Suryakant Parkar, Age-28 yrs, At.A/14, 3<sup>rd</sup> Floor, Aamegh Darshan, Chourghe Aali, Dongarpada, Virar (West), Tal. Vasai, Dist.Palghar, died due to inhaling poisonous gases while repairing chokeup in recycle tank in Pollucon Enviro Engineers Private Limited, Pollution Control Project Company, At.Global City Area, Rustomji Gruh Sankul, Virar (E.), Tal.Vasai, Dist. Palghar on dt.09.04.2020.

Accordingly, F.I.R. registered at Arnala Police Station against accused 1.Mahadev Tukaram Kupte, Age.62 yrs, (Supervisor) At.Shriram Krupa Co.Op.H.Society, Building No.17, Room No.409, Vavatewadi, Virar (East), Ta.Vasai,Dist.palghar & Owner of Pollucon Enviro Engineers Private Limited, Pollution Control Project Company, Virar (E.), Tal.Vasai, Dist. Palghar under C.R. No. 1158/2024 u/s I.P.C. 304, 34 and the Section 7, 8 & 9 of The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 on dt.09/04/2024.

Hon'ble Commission directed us to ensure the provision of Section 9 of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 strictly

adhered and pay a compensation of Rs.10 lakhs for each deceased labour, with reference to the judgement passed by the Hon'ble Supreme Court Dt.27/03/2014, to the labourers relative who died allegedly in a septic tank and necessary action is initiated against the persons responsible for engaging persons for hazardous cleaning of sewers in violation of section 7 of the MS Act 2013 and Section 7, 8 & 9 of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

So as per the instructions given by Hon'ble National Commission for Safai Karmacharis, New Delhi this office send notice to the owner of Pollucon Enviuro Engineers Private Limited, Pollution Control Project Company to pay 10 lakhs rupees each to the legal heirs of the deceased within 15 days.

But, as per the your reference letter no.6, the judgement passed by the Hon'ble Supreme Court in WP No.324/2020 dt.20/10/2023 that compensation for sewer death shall be 30 lakhs. So as per the judgement passed by the Hon'ble Supreme Court & your instructions this office again sending notice to the owner of Pollucon Enviuro Engineers Private Limited, Pollution Control Project Company to pay 30 lakhs rupees each to the legal heirs of the deceased within 10 days. If the owner of Pollucon Enviuro Engineers Private Limited is not ready to pay the compensation amount to the lgal heirs of the deceased then this office will instruct Tahsildar Vasai to use the provisions laid down in the Maharashtra Land Revenue Code 1966 and issue notice to the accused and action will be taken to recover the said amount from the company owner.

You are therefore requested to kindly bring this fact to the notice of the Hon'ble Commission.

All the relevant documents are attached herewith for ready reference.

Thanking you,

Yours faithfully,

N. S. S. (10)  
23.04.24

(Govind Bodke)  
District Magistrate Palghar  
o/c  
22/4/2024

Copy :-

- 1) Deputy Secretary to the Government of India, Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, B-2, Ground Floor, Pt. Deendayal Antyodaya Bhawan, C.G.O. Complex, New Delhi-110003
- 2) Hon'ble Maharashtra State Commission for Safai Karmacharis, Administration Building No.2, 3<sup>rd</sup> floor, Ramkrishna Chemburkar Marg, Chembur (E), Mumbai-400071 for information.
- 3) Hon'ble Principal Secretary, Department of Industry Energy and Labour, Mantralaya, Mumbai for information.
- 4) Hon'ble Secretary, Social Justice & Special Welfare Department, Mantralaya, Mumbai for information.
- 5) Hon'ble Commissioner, Welfare Commissionerate, 3 Church Path, Pune-1 for information.
- 6) Commissioner of Police, Mira-Bhaingar, Vasai-Virar, Sector-5, Ramnagar, Shanti Garden, Miraroad (East), Thane-401107 for further necessary action.
- 7) Sub Divisional Magistrate Vasai for further necessary action.
- 8) Asst. Commissioner, Social Welfare Department, Palghar. District Headquarter, Administrative Building No.A, Ground Floor, Room No.1, Palghar- Boisar Road, Kolgaon, Tal & Dist- Palghar for further necessary action.
- 9) Executive Magistrate Vasai for further necessary action.

महाराष्ट्र शासन

## जिल्हाधिकारी तथा जिल्हादंडाधिकारी, पालघर यांचे कार्यालय (गृह शाखा)

जिल्हा मुख्यालय, पालघर-बोईसर रोड कोळगाव, ता.पालघर, जिल्हा-पालघर

दुरध्वनी क्रमांक ०२५२५-२५३१११

Email ID : collectorpalghar@gmail.com

क्र.गृह/का.१/टे.४/अनांळापी.स्टे.४सफाईकर्मचारीमृत्यू.कार्य-६७/२०२४

दि.२२.०४.२०२४

अतितातडीचे/मॅन्युअल स्केव्हेंजर्स/आर.पी.ए.डो.

प्रति,

व्यवस्थापक,  
मे.पोलीसोम इन्व्हायरो इंजिनोअर्स प्रा.लि.  
कार्टड रोड क्र.८, कस्तूरबा पोलीस स्टेशनच्या मागे,  
बोरोवली (पुर्व), मुंबई-४०००६६

**विषय:-** ग्लोबल सिटी परीसर, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विहार (प), ता.बसई, जि.पालघर येथे निवासी इमारतीच्या संकुलाचे सांडपाण्याचे विल्हेवाट लावण्याकरीता उभारण्यात आलेल्या STP प्लांटच्या फाईपमधोल चोकअप काढण्याकरीता प्लांटमध्ये उतरलेल्या मे.पोलीसोम इन्व्हायरो इंजिनोअर्स प्रा.लि. कंपनीच्या ४ कामगारांचा गुदमरून मृत्यू झालेप्रकरणी नुकसान भरपाई देणेबाबत.

- संदर्भ :-**
- १) पोलीस उपायुक्त, गुन्हे, मिर्जा-भंडेवर, बसई-विहार पोलीस आयुक्तालय, मिर्जारोड, टाणे यांचेकडील पत्र क्र.गु.शा.प्रशासन/मॅन्युअल स्केव्हेंजर अनांळी-१५८/१०७१/२०२४ दि.१६.०४.२०२४
  - २) आयुक्त, बसई विहार शहर महानगरपालिका यांचेकडील पत्र क्र. व.वि.श.म./अति.आयुक्त.२५६/२०२४ दि.१२.०४/२०२४.
  - ३) सहायक आयुक्त समाज कल्याण पालघर यांचेकडील पत्र क्र. सआसक पालघर/ना.सो.दुर्घटना स्थळ पाहणी अहवाल.२०२४.२५/३५९ दि.१२/०४/२०२४.
  - ४) तहसूलदार तथा कार्यकारी वंडाधिकारी बसई यांचेकडील पत्र क्र.मशा/कक्ष-१/टे.२/फौजदारी/कार्य.१२६/२०२४ दि.०९/०४.२०२४
  - ५) द प्रोव्हिडेशन ऑफ एम्प्लॉयमेंट एंड मॅन्युअल स्केव्हेंजर्स अॅण्ड देअर रिस्कबिलिटीशन अॅक्ट २०१३.
  - ६) सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय दि.१२/१२/२०१९.
  - ७) या कार्यालयाचे पत्र क्र.गृह/का.१/टे.४/अनांळापी.स्टे.४सफाईकर्मचारी मृत्यू कार्य-६६/२०२४ दि.१८.०४.२०२४
  - ८) असिस्टंट डायरेक्टर, मा राष्ट्रीय सफाई कर्मचारी आयोग, नवी दिल्ली यांचेकडील पत्र No.11059/SD/MH(NEW)2024-R&D (e-f.NO. 84158)/701/-06 dt.12/04/2024

उपरोक्त संदर्भाधिन विषयान्वये बसई विहार शहर महानगरपालिका कार्यक्षेत्रातील ग्लोबल सिटी, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विहार (प), ता.बसई, जि.पालघर येथे निवासी इमारतीच्या संकुलाचे सांडपाण्याचे शास्त्रीय पध्दतीने विल्हेवाट लावण्याकरीता STP प्लांटची उभारणी करण्यात आलेली आहे. सदर प्लांटचे व्यवस्थापन करण्याचे काम आपणास देण्यात आलेले असून मंगळवार दिनांक ०९.०४.२०२४ रोजी साधारणतः सकाळी ११.०० ते ११.३० वाजता सदर प्लांटची देखभाल पाहणारे मे.पोलीसोम इन्व्हायरो इंजिनोअर्स प्रा.लि. कंपनीचे कामगारांपैकी ४ कामगार सदर STP प्लांटच्या टाकीमध्ये चोकअप झालेल्या फाईपमधोल चोकअप काढण्याकरीता सुरक्षिततेसाठी लागणाऱ्या उपकरणाशिवाय उतरले असता सदर टाकीतील विपारी वायु गळतीने गुदमरून त्यांचा मृत्यू झाला आहे.

मा.सर्वोच्च न्यायालयाने रिट पिटीशन क्र.५८३/२००३ मध्ये दि.२७/०३/२०१४ अन्वये सफाई कामगार/मॅन्युअल स्केव्हेंजरचे काम करताना दुर्घट गटारांमध्ये मृत्यू पावलेल्या कामगारांचा शोध घेऊन अशा मृत्यू पावलेल्या कामगारांवर अवलंबून असणाऱ्या कुटुंबातील सदस्यांना रुपये १० लाख नुकसान भरपाई देण्याबाबत आदेश दिलेले आहेत. सदर आदेशाच्या अनुषंगाने सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हामैऊ-२०१९/प्र.क्र.२६८/अजाक दि.१२/१२.२०१९ च्या शासन निर्णयान्वये रुपये १० लक्ष रुपयांचो नुकसान

भरपाई देण्यासाठी विविध स्क्षम प्राधिकारी निश्चित केलेले आहेत. सदरचे प्रकरण खाली क्षेत्रामार्फत सदरचे काम सोपविण्यात आलेले असल्याने सदर प्रकरण शासन निर्णयातील अ.क्र.११ नुसार सदरची रक्कम खाली क्षेत्र प्रमुखांकडून मिळाल्याबाबतची खात्री जिल्हाधिकारी करतील, असे नमूद आहे.

सबब मा.सर्वोच्च न्यायालयाने रिट पिटीशन क्र.५८३/२००३ मध्ये दि.२७.०३.२०१४ मधील तरतुदीनुसार व सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हा.म.क्र. २०१९.प्र.क्र.२६८/अजाक दि.१२.१२.२०१९ या शासन निर्णयातील अ.क्र.११ नुसार आपणास या पत्राव्दारे कळविण्यात येते की, आपण मयत कामगार १) अमोल अनंत घाटाळ, वय-२८ वर्षे, रा.नानकरपाडा, गाव आडणं, पो.भाताणं, ता.वसई, जि.पालघर, २) निखिल अनंत घाटाळ, वय-२४ वर्षे, नानकरपाडा, गाव आडणं, पो.भाताणं, ता.वसई, जि.पालघर, ३) सागर सुनिल तांदळेकर, वय-३१ वर्षे, रा.रुम नं.४१०, हरीओम हाईटम, चौथा मजला, जिल्हा परिषद शाळेसमोर, होळी आळी, डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर व ४) शुभम सुर्यकांत पारकर, वय-२८ वर्षे, रा.ए.१४, तिसरा माळा, आमेश दर्शन, चांगणे आळी डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर यांचे वारसांना प्रत्येकी १० लाख या प्रमाणे एकूण ४० लाख रुपये सहाय्य आयुक्त समाज कल्याण पालघर व तहसूलदार वसई यांचे मार्गदर्शनाखाली व त्यांचे समक्ष जाऊन मयतांचे वारसांना सदरचे पत्र प्राप्त होताच १५ दिवसांचे आत प्रदान करावी, असे आपणास या कार्यालयाचे संदर्भिय पत्र क्र.७ अन्वये कळविण्यात आले आहे.

मात्र प्रस्तुत प्रकरण अॅसिस्टंट डायरेक्टर, महाराष्ट्र सफाई कर्मचारी आयोग, नवी दिल्ली यांचेकडील संदर्भिय पत्र क्र.८ प्राप्त झाले असून सदर पत्रान्वये ग्वांबल पिटी पिटीसर, सीजे विरार, ता.वसई, जि.पालघर येथे पॉलीकॉम नावाच्या कंपनीचा एमटीपी प्लॉट साफ करण्यासाठी उतरलेल्या ४ कामगारांचा गृहमरून मृत्यू झालेला प्रकरण मा.सुप्रीम कोर्ट यांचेकडील याचिका क्र.३२४/२०२० च्या अनुषंगाने दि.२०.१०.२०२३ रोजी दिलेल्या निर्णयानुसार प्रकरण सफाई कामगारम्युनिल स्केव्हेजरचे काम करताना दुर्घटनेत गटारामध्ये मृत्यू पावलेल्या कामगारांचा शोध घेऊन अशा मृत्यू पावलेल्या कामगारांवर अवलंबून असणाऱ्या कुटुंबातील सदस्यांना रु.३० लाख नुकसान भरपाई देण्याबाबत निर्देश दिले आहेत.

सबब, मा.सुप्रीम कोर्ट यांचेकडील याचिका क्र.३२४/२०२० च्या अनुषंगाने दि.२०.१०.२०२३ रोजी दिलेल्या निर्णयानुसार आपणास कळविण्यात येते आहे की, आपण मयत कामगार १) अमोल अनंत घाटाळ, वय-२८ वर्षे, रा.नानकरपाडा, गाव आडणं, पो.भाताणं, ता.वसई, जि.पालघर, २) निखिल अनंत घाटाळ, वय-२४ वर्षे, नानकरपाडा, गाव आडणं, पो.भाताणं, ता.वसई, जि.पालघर, ३) सागर सुनिल तांदळेकर, वय-३१ वर्षे, रा.रुम नं.४१०, हरीओम हाईटम, चौथा मजला, जिल्हा परिषद शाळेसमोर, होळी आळी, डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर व ४) शुभम सुर्यकांत पारकर, वय-२८ वर्षे, रा.ए.१४, तिसरा माळा, आमेश दर्शन, चांगणे आळी डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर यांचे वारसांना प्रत्येकी २० लाख (अठरा तोस लाख रुपये) या प्रमाणे एकूण रु.८०,००,०००/- अक्षरी एक कोटी चौस लाख रुपये सहाय्य आयुक्त समाज कल्याण पालघर व तहसूलदार वसई यांचे मार्गदर्शनाखाली व दिलेल्या निर्देशान्वये त्यांचे समक्ष जाऊन मयतांचे वारसांना सदरचे पत्र प्राप्त होताच १० दिवसांचे आत प्रदान करावी, जर आपण विहीत मुदतीत सदरची रक्कम मयत कामगारांचे वारसांना दिली नाही तर आपले विरुद्ध नियमानुसार योग्य ती कार्यवाही करून आपणाकडून सदरची रक्कम वसूल करून ती मयत कामगारांचे वारसांना देणेकामी कार्यवाही करण्यात येईल व नंतर आपले कोणतेही म्हणणे विचारात घेतले जाणार नाही, याची नोंद घ्यावी.

N  
28.11.24  
आषक/जावक  
महसूल सहाय्यक  
जिल्हाधिकारी कार्यालय, पालघर

(गोविंद बोर्डे)  
जिल्हादंडाधिकारी पालघर  
28/11/24

- १) मा. महाराष्ट्र राज्य सफाई कर्मचारी आयोग, मुख्य कार्यालय, प्रणामकोय इमारत क्र.३, २ ग मजला, रामकृष्ण चेंबुरकर मार्ग, चेंबुर, मुंबई (पूर्व)-४०००७१ यांना माहितीस्तव सविनय सादर.
- २) मा. प्रधान सचिव, उद्योग, ऊर्जा व कामगार विभाग, मादाम कामा मार्ग, हुतात्मा राजगुरू चौक, मंत्रालय, मुंबई यांना माहितीस्तव सविनय सादर.
- ३) मा. सचिव, सामाजिक न्याय व विशेष सहाय्य विभाग, हुतात्मा राजगुरू चौक, मादाम कामा मार्ग, मंत्रालय, मुंबई-४०००३२ यांना माहितीस्तव सविनय सादर.
- ४) मा. आयुक्त, समाज कल्याण आयुक्तालय, ३ चांगणे पथ, पुणे-०१ यांना माहितीस्तव सविनय सादर.
- ५) आयुक्त, वसई विरार शहर महानगरपालिका यांना माहिती तथा आवश्यक त्या कार्यवाहीसाठी

Government of Maharashtra

**Collector & District Magistrate Office Palghar  
(Home Branch)**

District Headquarter, Palghar- Boisar Road, Kolgaon, Tal & Dist- Palghar  
Phone No. 02525-253111 [email ID : collectorpalghar@gmail.com](mailto:collectorpalghar@gmail.com)

No./Home/Desk.1/T.4/Arnala4 labourdeath/Compensation/Ws-74/24 Dt.27/04/2024  
**R.P.A.D.**

To,

Assitant Director (R&D),  
Hon'ble National Commission for Safai Karmacharis,  
Ministry of Social Justice & Empowerment,  
B Wing, 4<sup>th</sup> Floor, Lok Nayak Bhavan,  
Khan Market, New Delhi-110003.

**Sub:-** Death of Four safai workers due to suffocation in a septic tank of  
Pollucon Enviro Engineers Private Limited, Pollution Control Project  
Company. At Global City Area, Rustomji Gruh Sankul, Virar (E.),  
Tal.Vasai, Dist. Palghar on dt.09.04.2020.

- Ref:-** 1) Assistant Commissioner, Crime, Mira-Bhaindar, Vasai -Virar  
Commissioner office, Miraroad, Thane letter No.Gu.Sha.Prashasan/  
Manual Scavengers/Arnala-158/1071/2024 dt.16/04/2024.  
2) Commissioner, Vasai Virar Corporation, Virar letter No.Va.Vi.Sha.ma./  
Ati.Ayukt/ 256/2024 dt.12/04/2024.  
3) Asst. Commissioner, Social Welfare Department, Palghar letter  
Saaasaka/ Palghar/Na.So.Durghatna Sthal Pahani Ahaval/202425/359  
dt.12/04/2024  
4) Tahsildar Vasai letter No./Masha/Kaksha-1/T-2/Faujdari/W.S.-  
126/2024 dt.09/04/2024.  
8) This office letter No./Home/Desk.1/T.4/Arnala Po.Ste.4Safai  
Kramachari Mrutu/Ws-66/2024 dt.18/04/2024.  
9) Your letter No. No.11059/SB/MH(NEW)2024-R&D (e-f NO.  
84158)/701/-06 dt.12/04/2024.  
10)The judgement passed by the Hon'ble Supreme Court Dt.20/10/2023  
11)No./Home/Desk.1/T.4/Arnala4 labourdeath/Compensation/Ws-68/23  
Dt.22/04/2024  
12)Your tour programme letter No/20012/01/HCP/2023-ADNB/090  
dt.26/04/2024.

Sir,

With the reference to the above mentioned subject Hon'ble Chairman, National  
Commission for Safai Karmacharis, New Delhi is schedule to visit incident spot on  
Dt.30/04/2024 i.e. Pollucon Enviro Engineers Private Limited, Virar (E.), Tal.Vasai, Dist.  
Palghar and then after will chair meeting along with District Magistrate Palghar,  
Commissioner of Police, Mira-Bhaindar-Vasai-Virar, Commissioner, Vasai Virar Corporation  
and other concern officers.

However, Collector Palghar is the Returing Officer for 22-Palghar (S.T.)  
Loksabha constituency and date for filing nomination paper has been declaired from  
dt.26/4/2024 to dt.03/05/2024. Thus, I will not be able to join you for the site visit and  
attend the meeting thereafter. The detail report dt.22/04/2024 regarding action taken has  
been mail to your good office on dt.23/04/2024.

Hon'ble Commission has directed us to ensure the provision of Section 9 of  
The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013  
strictly adhered and pay a compensation of Rs.30 lakhs for each legal heirs of the deceased  
labour. As per the directions of the Hon'ble Supreme Court in WP No.324/2020  
dt.20/10/2023 and the necessary action be initiated against the persons responsible for  
engaging persons for hazardous cleaning of sewers in violation of section 7 of the MS Act

2013 and Section 7, 8 & 9 of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.

So as per the instructions given by Hon'ble National Commission for Safai Karmacharis, New Delhi this office has issued notice to the owner of Pollucon Enviro Engineers Private Limited, Pollution Control Project Company to pay 30 lakhs rupees each to the legal heirs of the deceased within 10 days. If the owner of Pollucon Enviro Engineers Private Limited is not ready to pay the compensation amount to the legal heirs of the deceased then this office will instruct Tahsildar Vasai to use the provisions laid down in the Maharashtra Land Revenue Code 1966 and issue notice to the accused and action will be taken to recover the said amount from the company owner.

You are therefore requested to kindly bring this fact to the notice of the Hon'ble Commission.

Thanking you,

Yours faithfully,

*Mickel*  
(Govind Bodke)  
District Magistrate Palghar  
o/c  
*U*  
20/1/2024

Copy :-

- 1) Deputy Secretary to the Government of India, Ministry of Social Justice and Empowerment, Department of Social Justice and Empowerment, B-2, Ground Floor, Pt. Deendayal Antyodaya Bhawan, C.G.O. Complex, New Delhi-110003.
- 2) Hon'ble Maharashtra State Commission for Safai Karmacharis, Administration Building No.2, 3<sup>rd</sup> floor, Ramkrishna Chemburkar Marg, Chembur (E), Mumbai-400071 for information.
- 3) Hon'ble Principal Secretary, Department of Industry Energy and Labour, Mantralaya, Mumbai for information.
- 4) Hon'ble Secretary, Social Justice & Special Welfare Department, Mantralaya, Mumbai for information.
- 5) Hon'ble Commissioner, Welfare Commissionerate, 3 Church Path, Pune-1 for information.
- 6) Commissioner of Police, Mira-Bhaindar, Vasai-Virar, Sector-5, Ramnagar, Shanti Garden, Miraroad (East), Thane-401107 for further necessary action.
- 7) Commissioner of Vasai Virar Corporation, Virar for further necessary action.
- 8) Sub Divisional Magistrate Vasai for further necessary action.
- 9) Asst. Commissioner, Social Welfare Department, Palghar, District Headquarter, Administrative Building No.A, Ground Floor, Room No.1, Palghar- Boisar Road, Kolgaon, Tal & Dist- Palghar for further necessary action.
- 10) Executive Magistrate Vasai for further necessary action.

*7/3/24*  
30/04/24  
आवक/जावक  
महसुल सहाय्यक  
जिल्हाधिकारी कार्यालय, पालघर



# POLLUCON ENVIRO ENGINEERS PVT. LTD. POLLUTION CONTROL PROJECTS

Admi. Off.: 1002/3, Paras Business Center, Kasturba Road No.1, Borivali (East), Mumbai - 400 066.  
E-mail: info@pollucon.com, polluconenviro2010@gmail.com • Web.: www.pollucon.com  
Tel.: 022 - 2809 0134, 022 - 2801 0014

E-1921335/24

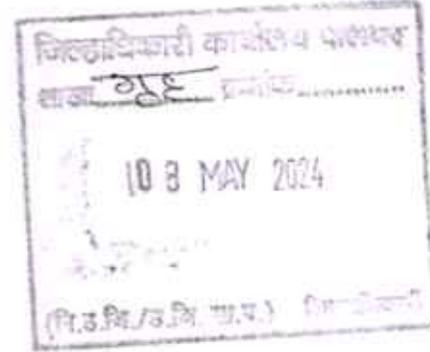
दिनांक:- 03/05/2024

प्रति,

जिल्हाधिकारी तथा जिल्हा दंडाधिकारी पालघर,  
जिल्हा मुख्यालय.

महोदय,

सविनयसादर



विषय: अर्नाळा पो -STPमधील ४ कामगारांचा अपघाती मृत्यू.

संदर्भ: आपल्याकडील पत्र क्र/गृह/का.१/टे.४/ अर्नाळापो.स्टे.४सफाईकर्मचारीमृत्यु/कावि-  
६७/२०२४ दि. 22/4/2024 रोजीचे 29/04/2024 ला मिळालेल्या पत्राबाबत...

- आपले वरील संदर्भीय पत्र मिळाले. सदर पत्रात नमुद केल्याप्रमाणे, The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 च्या कायद्यानुसार व मान.सर्वोच्च न्यायालयाच्या 20/10/2023 in WRIT PETITION (CIVIL) NO(S). 324 OF 2020 अंतिम निर्देशानुसार, मयत कामगारांना नुकसान भरपाई द्यावी असे निर्देशित केले आहे.
- वरील संपूर्ण पत्राचे अवलोकन केले आहे. सदरचे निर्देश हे मयत कामगार Manual Scavenger असल्याचे गृहीत धरून देण्यात आल्याचे लक्षात आले आहे. ह्याचे बाबत खुलासा करणे क्रमाप्राप्त आहे याबाबत आमचा खुलासा खालीलप्रमाणे आहे :
- सदरचा STP प्लांट हा आमच्या कंपनी मार्फत जुन २०२३ पासून स्वतंत्ररीत्यादेखरेख व चालविला जातो. सदरचे काम आमच्या कार्यादेशाप्रमाणे Manual Scavenger कामाला लावले जात नाहीत. सदरचे काम करण्यासाठी विविध प्रकारची यांत्रिक उपकरणे वापरून काम केले जाते. सदरचा प्लांट हा (Domestic Waste Water Treatment and Recycling Plant) आहे. संपूर्ण प्रक्रिया स्वयंचलित असून यात कोणत्याही ठिकाणी माणसाने हाताने काम करण्याची आवश्यकता नाही.सोबतसदर प्लांट चे मान्यतापान्न परियोजनाकालीन जोडपत्र जोडले आहेत(जोडपत्र १)

गृह शाखा

प्राप्त दिनांक : 8 MAY 2024 टि. क्र.

CIN No : U99999MH1997PTC110593



# POLLUCON ENVIRO ENGINEERS PVT. LTD. POLLUTION CONTROL PROJECTS

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४. हि संपूर्ण प्रक्रिया यांत्रिक पद्धतीने काम करते. या प्रक्रियेमध्ये ब्लोअर, फिल्टर्स, सेंट्रीफ्युज तसेच वेगवेगळ्या प्रकारचे पंप यांचा समावेश असतो. सदरचे मृत कामगार हे STP प्लांट ऑपरेटर म्हणून ऑगस्ट २०२३ पासून काम करत होते.सोबत त्यांचे पगार पावती जोडल्या आहेत (जोडपत्र २)
५. सदर कामगारांचे PF व व्यवसाय कर देखील लागू होते व त्यानुसार भरणा केला आहे. सोबत(जोडपत्र-३)जोडलेले आहे.तसेच सदर काम हे यांत्रिक पद्धती शिवाय करता येण्यासारखे नाही. याचे कारण की तेथे स्वयंचलित पंप आहेत. येथे काम फक्त protective gears आणि other devices चा वापर करावा लागतो आणि त्याचा वापर कारणे अनिवार्य आहे . त्याबद्दलचे सदर मृत कामगारांना प्रशिक्षण ही दिले गेले होते सोबत ट्रेनिंगचे Manualहि जोडले आहे (जोडपत्र४) त्यांच्या कार्यक्षेत्रात साफसफाई चे कामयेतनाही; तसेच सदर काम हे Hazardous cleaning या संज्ञेतही येत नाहीआपण जे वरील पत्रात म्हटले प्रमाणे नुकसानभरपाई देण्याबाबत जे निर्देश केलेले आहेत ते व माननीय सर्वोच्च न्यायालयाचे आदेश या कर्मचारांना लागू होत नाहीत. या साठी manual scavenger, hazardous cleaning याची व्याख्या बघणे गरजेचे आहे. THE PROHIBITION OF EMPLOYMENT AS MANUAL SCAVENGERS AND THEIR REHABILITATION ACT, 2013 मधील सदरच्या व्याख्या खालील प्रमाणे

(d) "hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder;

(g) "manual scavenger" means a person engaged or employed, at the commencement of this Act or at any time thereafter, by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or



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on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify, before the excreta fully decomposes in such manner as may be prescribed, and the expression "manual scavenging" shall be construed accordingly.

Explanation.—For the purpose of this clause,—

(a) "engaged or employed" means being engaged or employed on a regular or contract basis;

(b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a 'manual scavenger'

६. सबब Manual Scavenger या संज्ञेमध्ये मयत कामगार येत नाहीत..

सदर कर्मचाऱ्यांच्या नुकसान भरपाई पोटी आम्ही रुपये 62,55,675/- हे कामगार न्यायालय मध्ये तथा Commissioner for Employees Compensation यांच्याकडे जमा केले आहेत. याचा तपशील खालीलप्रमाणे :

1) मयत अमोल अनंत घाटाळ - रुपये 16, 01,775/-DD number 008529dated 03/05/2024 drawn on HDFC bank.

2) मयत निखिल अनंत घाटाळ - रुपये 16, 38,525/-DD number 008528dated 03/05/2024 drawn on HDFC bank.

3) मयत सागर सुनील तांदळेकर - रुपये 14, 26,950/- DD number008531dated 03/05/2024 drawn on HDFC bank.

4) मयत शुभम सूर्यकांत पारकर - रुपये 15, 88,425/- DD number 008532dated 03/05/2024 drawn on HDFC bank.

एकूण - रुपये 62,55,675/-सोबत सदरची भरणा पावती जोडली आहे {जोडपत्र-५}

महोदय मृत कामगारांना भरपाई मिळणे गरजेचेच आहे तरी मृत कामगारांच्या Dependant ना कामगार ठाणे न्यायालयातून भरपाई मिळवून देण्यात आमचे सहकार्य देऊ.



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नुकसान भरपाई जमा केलेली असून याप्रकरणी मृताच्या वारसांना ठाणे कामगार न्यायालयातून रक्कम काढण्याचे निर्देश देऊन हे प्रकरण बंद करण्यात यावे.

आपले

कृपाभिलाषी

*(Signature)*  
पोल्युकॉनइंज्यारो इंजीईनीस प्रा लि  
नारायणवाळके  
सोबत एकूण जोडपत्रे ५

प्रत माहिती साठी

१. आयुक्त वसई विरार महानगरपालिका
२. पोलीस उपायुक्त गुन्हे वसई विरार पोलीस आयुक्तालय
- ✓ ३. सहायक आयुक्त समाज कल्याण पालघर
४. तहसीलदार तथा करकरी दंडाधिकारी वसई
५. महाराष्ट्र राज्य सफाई कर्मचारी आयोग
६. प्रधान सचिव उद्योग उर्जा व कामगार विभाग
७. मा. सचिव सामाजिक न्याय व विशेष सहाय्य विभाग
८. आयुक्त समाज कल्याण पालघर
९. उपायुक्त कामगार, पालघर

Encl: As above

## जिल्हाधिकारी तथा जिल्हादंडाधिकारी, पालघर यांचे कार्यालय (गृह शाखा)

जिल्हा मुख्यालय, पालघर-बोईसर रोड कोळगाव, ता.पालघर, जिल्हा-पालघर

दुरध्वनी क्रमांक ०२५२५-२५३१११

Email ID : collectorpalghar@gmail.com

क्र.गृह/का १/टे ४/अनांळगा सटे, ४सफाईकर्मचारीमृत्यू कार्या, ८० २०२४

दि.०९.०५/२०२४

अतिसानडीचे/मॅन्युअल स्केव्जर्स/आर.पी.ए.डी.

प्रति,

श्री नारायण बाळके,  
पोल्युकॉन इन्फ्रॉर इंजिनिअर्स प्रायव्हेट लिमिटेड,  
रा. १००२३, पारस बिझिनेस सेंटर,  
कस्तूरबा रोड क्र १, चोरीवली (पूर्व),  
मुंबई-४०००६६

**विषय:-** ग्लोबल सिटी परोसर, रुस्तमजी शाळंजबडोल रुस्तमजी गृह संकुल, विरार (प), ता.वसई, जि.पालघर येथे निवासो इमारतीच्या संकुलाचे सांडपाण्याचे विल्हेवाट लावण्याकरीता उभारण्यात आलेल्या STP प्लांटच्या पाईपमधील चाकअप काढण्याकरीता प्लांटमध्ये उतरलेल्या मे पोल्युकॉन इन्फ्रॉर इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनीच्या ४ कामगारांच्या गुदमरून मृत्यू झालेप्रकरणी नुकसून भरपाई तात्काळ देण्याबाबत

- संदर्भ :-**
- १) पालीम उपायुक्त, गुन, मिरा,भाईंदर, वसई,विरार पालीम आयुक्तालय, मिरारोड, टाणे यांचेकडोल पत्र क्र गु.शा.प्रशासन मॅन्युअल स्केव्जर्स/अनांळगा-१५८/१०७१/२०२४ दि.१६.०४.२०२४
  - २) आयुक्त, वसई विरार शहर महानगरपालिका यांचेकडोल पत्र क्र च वि श म अति आयुक्त/२५६/२०२४ दि.१२.०४.२०२४
  - ३) सहायक आयुक्त संपात कल्याण पालघर यांचेकडोल पत्र क्र सआमक पालघर-ना सो दुर्घटना स्थळ पाहणी अहवाल २०२४-२५-३५९ दि.१२.०४.२०२४
  - ४) तहसिलदार तथा कार्यकारी वॅडाधिकारी वसई यांचेकडोल पत्र क्र मशा.कअ-१ ट २ फौजदारी कार्या.१२६/२०२४ दि.०९/०४.२०२४
  - ५) द प्रॉक्सिमेशन ऑफ एमप्लॉयमेंट ऐज मॅन्युअल स्केव्जर्स ऑफ द रिव्हॉबिलिटेशन ऑफ २०१३
  - ६) सामाजिक न्याय व विराय सहाय्य विभाग, संपालय, मुंबई यांचेकडोल शासन निर्णय दि.१२/१२/२०१९
  - ७) या कार्यालयाचे पत्र क्र.गृह/का १/टे ४/अनांळगा सटे ४सफाईकर्मचारी मृत्यू कार्या.६६/२०२४ दि.१८.०४.२०२४
  - ८) असिस्टंट डायरेक्टर, मा राष्ट्रीय सफाई कर्मचारी आयोग, नवी दिल्ली यांचेकडोल पत्र No.11059/SD/MH(NEW)2024-R&D (e-I.NO. 84158)/701/-06 dt.13/04/2024
  - ९) या कार्यालयाचे पत्र क्र.गृह/का १/टे ४/अनांळगा सटे ४सफाईकर्मचारीमृत्यू कार्या.६३/२०२४ दि.१२.०४.२०२४
  - १०) आपणाकडोल पत्र दि.०३.०५.२०२४ (प्रति दि.१८.०५.२०२४)

उपरोक्त संदर्भांघिन विषयान्वये वसई विरार शहर महानगरपालिका कार्यक्षेत्रातील ग्लोबल सिटी, रुस्तमजी शाळंजबडोल रुस्तमजी गृह संकुल, विरार (प), ता.वसई, जि.पालघर येथे निवासो इमारतीच्या संकुलाचे सांडपाण्याचे शासकीय पध्दतीने विल्हेवाट लावण्याकरीता STP प्लांटची उभारणी करावयात आलेली आहे. सदर प्लांटचे व्यवस्थापन करण्याचे काम आपणास देण्यात आलेले असून संपूर्ण कार्या दिनांक ०९.०४.२०२४ रोजी माधारणतः सकाळी ११.०० ते ११.३० वाजता सदर प्लांटची देखभाल पाहणी मे पोल्युकॉन इन्फ्रॉर इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनीचे कामगारांपैकी ४ कामगार सदर STP प्लांटच्या टाकीमध्ये चाकअप झालेल्या पाईपमधील चाकअप काढण्याकरीता सुरक्षिततेसाठी लागणाऱ्या उपकरणांशिवाय उतरले असता सदर टाकीतील विभाग घायु गळतीने गुदमरून त्यांच्या मृत्यू झाला आहे.

त्या अनुषंगाने मा.सुप्रीम कोर्ट यांचेकडील याचिका क्र.३२४/२०२० च्या अनुषंगाने दि.२०/१०/२०२३ रोजी दिलेल्या निर्णयानुसार आपणास सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हार्मिऊ-२०१९/प्र.क्र.२६८/अजाक दि.१२/१२/२०१९ या शासन निर्णयातील अ.क्र.११ नुसार मंदरची रक्कम खाजगी क्षेत्र प्रमुखोंकडून मिळाल्याबाबतची खात्री जिल्हाधिकारी करतील, असे नमूद असल्याने या कार्यालयाचे संदर्भिय पत्र क्र.०९ अन्वये सदर शासन निर्णयातील सक्षम प्राधिकारी म्हणून आपणास मयत कामगार १) अमोल अनंत घाटाळ, वय-२८ वर्षे, रा.मलकरपाडा, गाव आडणे, पो.भाताणे, ता.वसई, जि.पालघर, २) निखिल अनंत घाटाळ, वय-२४ वर्षे, नानकरपाडा, गाव आडणे, पो.भाताणे, ता.वसई, जि.पालघर, ३) सागर सुनिल मांदळकर, वय-३१ वर्षे, रा.रुम नं.४१०, हरीओम हाईटम, चौथा मजला, जिल्हा परिषद शाळेसमोर, होळी आळी, डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर व ४) शुभम सुर्यकांत पायकर, वय-२८ वर्षे, रा.११४, तिमरा मजला, अमोघ दर्शन, रायध आळी डोंगरपाडा, विरार पश्चिम, ता.वसई, जि.पालघर यांचे वारसांना प्रत्येकी र.रु.३०,००,०००/- (अक्षरी तीस लाख रुपये) या प्रमाणे एकूण र.रु.१,२०,००,०००/- (अक्षरी एक कोटी वीस लाख रुपये) १० दिवसांचे आत प्रदान करणेकामी कळविण्यात आले असता, आपणाकडील संदर्भिय पत्र क्र.१० नुसार खुलासा प्राप्त झाला आहे.

आपण सादर केलेल्या खुलाशाच्या अनुषंगाने कळविण्यात येते की, आपले सुपरवायझर व आपले विरध अनांदा पोलिस ठाण्याचे दाखल ग.र.क्र.१५८/२०२४ चे अन्वयांकन केले असता, त्यात भादविम कालम ३०४,३४ सहा हाताने मेल्या उद्यलगाऱ्या मफाई कर्मचाऱ्यांच्या सेवा योजनेस प्रतबंध आणि त्याचे पुनःवसन अधिनियम २०१३ चे कालम ७,८,९ प्रमाणे गुन्हा दाखल केले असल्याने मेल्या उद्यलगाऱ्या मफाई कर्मचाऱ्यांच्या सेवा योजनेस प्रतबंध आणि त्याचे पुनःवसन अधिनियम २०१३ चे कालम ७,८,९ प्रमाणे गुन्हा दाखल होतो, तेव्हा मा.सर्वोच्च न्यायालयाने रिट पिटीशन क्र.५८३/२००३ मध्ये दि.२७/०३/२०१४ मधील तरतुदीनुसार व सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हार्मिऊ-२०१९/प्र.क्र.२६८/अजाक दि.१२/१२/२०१९ च्या शासन निर्णयान्वये मयत कामगारांचे वारसांना रुपये १० लाख रुपयांचो नुकसान भरपाई देण्यासाठी विशिष्ट सक्षम प्राधिकारी निश्चित केलेले आहेत. प्रस्तुत प्रकरणी सदरचे काम खाजगी अडामार्फत सोपविण्यात आलेले असल्याने सदर प्रकरणी शासन निर्णयातील अ.क्र.११ नुसार सदरची रक्कम खाजगी क्षेत्र प्रमुखोंकडून मिळाल्याबाबतची खात्री जिल्हाधिकारी करतील, असे नमूद आहे. परंतु मा.सुप्रीम कोर्ट यांचेकडील याचिका क्र.३२४/२०२० च्या अनुषंगाने दि.२०/१०/२०२३ रोजी दिलेल्या निर्णयानुसार सदरची रक्कम १०,००,०००/- (अक्षरी दहा लाख रुपये) वरून र.रु.३०,००,०००/- (अक्षरी तीस लाख रुपये) इतकी करण्यात आलेली असल्याने मयत ४ कामगारांचे वारसांना प्रत्येकी ३० लाख रुपये या प्रमाणे एकूण र.रु.१,२०,००,०००/- (अक्षरी एक कोटी वीस लाख रुपये) आपण अदा करणे गरजेचे आहे. सदर कर्मचाऱ्यांच्या नुकसान भरपाई पोटी आपण र.रु.६२,५५,६०५/- ही रक्कम या कामगार न्यायालय मध्ये तथा Commissioner for Employees Compensation यांच्याकडे जमा केली असे, त्या रक्कमचा व मा.सुप्रीम कोर्ट यांचेकडील याचिका क्र.३२४/२०२० च्या अनुषंगाने दि.२०/१०/२०२३ रोजी दिलेल्या निर्णयानुसार अदा करावयाच्या रक्कमेचा एकमेकांशी कोणताही संबंध नाही. सबब उपरोक्त नमूद र.रु.६२,५५,६०५/- ही रक्कम आपण जरी अदा करणेकामी मा.न्यायालयात जमा केलेली असली तरी आपणाविरुध्द होताने मेल्या उद्यलगाऱ्या मफाई कर्मचाऱ्यांच्या सेवा योजनेस प्रतबंध आणि त्याचे पुनःवसन अधिनियम २०१३ चे कालम ७,८,९ प्रमाणे गुन्हा दाखल असल्याने मयत ४ कामगारांचे वारसांना मा.सुप्रीम कोर्ट यांचेकडील याचिका क्र.३२४/२०२० च्या अनुषंगाने दि.२०/१०/२०२३ रोजी दिलेल्या निर्णयानुसार व सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हार्मिऊ-२०१९/प्र.क्र.२६८/अजाक दि.१२/१२/२०१९ या शासन निर्णयातील तरतुदी प्रमाणे एकूण र.रु.१,२०,००,०००/- (अक्षरी एक कोटी वीस लाख रुपये) इतकी रक्कम मयत कामगारांचे वारसांना आपणास तातडाने अदा करणे गरजेचे आहे.

सबब आपण मा.सर्वोच्च न्यायालयाचे निर्णयानुसार मयत कामगारांचे वारसांना एकूण र.रु.१,२०,००,०००/- (अक्षरी एक कोटी वीस लाख रुपये) इतकी रक्कम १० दिवसांचे आत अदा करणेकामी आपणास या कार्यालयाचे संदर्भिय पत्र क्र.९ नुसार यापुढीचे कळविण्यात आलेले असून सदरची रक्कम आपण अनुक्ती अदा केलेली नसल्याचे आपले खुलाशावरून दिसून येते आहे. सबब सदरचे पत्र प्राप्त होताने सदरची रक्कम आपण तातडात अदा न केले्यास आपण सदरची रक्कम अदा करू शकत नाही असे गुनित धरून सदरची रक्कम वसूल करणेकामी सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.हार्मिऊ-२०१९/प्र.क्र.२६८/अजाक दि.१२/१२/२०१९ च्या शासन निर्णयातील अ.क्र.११ नुसार स्वकीया मार्गाने रक्कम वसूल करणे तो मयत कामगारांचे वारसांना अदा करण्यात येईल, याची नोंद घ्यावी.

आयक/जातक  
महसूल सहाय्यक  
जिल्हाधिकारी कार्यालय, पालघर

(गाविंद वांडके)  
जिल्हादंडाधिकारी पालघर



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### Case Details

**Bench :-** Bombay

**CNR No. :-** HCBM010267472024

**Stamp No. :-** WPST/15387/2024

**Filing Date** 21/05/2024

**Reg. No. :-** WP/7616/2024

**Reg. Date :-** 21/05/2024

**Petitioner :-** M/S. POLLUCON ENVIRO ENGINEERS PVT LTD. THR. MR. NARAYAN M WALKE - v

**Respondent :-** THE STATE OF MAHARASHTRA THR. PRINCIPAL SECRETARY MINISTRY OF SOCIAL JUSTICE AND ANR - v

**Petn. Adv. :-** YOGENDRA M PENDSE v

**District :-** PALGHAR **Bench :-** DIVISION

**Status :-** Pre-Admission

**Next Date :-** 22/05/2024 **Stage :-** FOR CIRCULATION

**Coram :-** HON'BLE SHRI JUSTICE N. R. BORKAR  
HON'BLE SHRI JUSTICE SOMASEKHAR SUNDARESAN

**Act :-**

**Under Section :-** na

Constitution of India

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A

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO \_\_\_\_\_ of 2024

DIST: Palghar

M/s. Pollucon Enviro engineers Pvt. Ltd. ....Petitioner

Versus

The State of Maharashtra &amp; Ors. ... Respondents

**CHALLENGE IN BRIEF:-**

The Petitioner seeking the Writ Petition challenging the Order and Directions of The Collector District Magistrate dated 09/05/2024, wherein the Petitioner is directed to pay Rs. 30 Lakh per deceased considering them as manual scavengers. Whereas, the Petitioner states that the said Order is arbitrary in nature since it is passed without giving the Petitioner an opportunity to be heard.

**SYNOPSIS OF EVENTS**

Sr. No.	Date	Particulars
1.	09/04/2024	At around 11:00 - 11.30 am, 4 employees were unfortunately found in the STP plant at Global City, Virar - West, the said employees were taken to the Hospital and then declared as dead.

A

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO Sl 15387 of 2024

DIST: Palghar

M/s. Pollucon Enviro engineers Pvt. Ltd., ....Petitioner

Versus

The State of Maharashtra & Ors. .... Respondents

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C

5.	03/05/2024	The Petitioner further states that they replied to the letters received from The Collector/ District Magistrate on 03/05/2024 venting their grievances on the facts of the matter and along with the same they deposited Demand Draft's amounting to Rs.62,55,675/- (Rupees Sixty Two Lakh Fifty Five Thousand Six Hundred and Seventy Five) as compensation towards the deceased employees with the Commissioner for Employees Compensation.
6.	09/05/2024	The Petitioner received another communication stating that the Petitioner ought to adhere to the direction of the Hon'ble Apex Court and shall pay the deceased employees Rs. 30,00,000/- (Rupees Thirty Lakhs) each, considering that the deceased employees are manual scavengers. The communication is directing the Petitioner to pay the amount within 10 days from the date of receiving the letter, failing which they shall consider that the Petitioner is not interested in paying the compensation amount and shall proceed to

B

2		The Arnala Sagari Police Station registered an F.I.R. bearing No. 158/2024 initially the State added section 304, 34 of Indian Penal Code a/w sec. 7, 8 & 9 of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, alleging that the deceased were manual scavengers.
3.	18/04/2024	The Petitioner received a letter from The Collector/ District Magistrate, Vasai - Virar, Maharashtra stating that the petitioner ought to pay Rs.10,00,000/- (Rupees Ten Lakh) each to the 4 employees, presuming they were manual scavengers who were found in the STP plant.
4.	22/04/2024	The Petitioner received another communication from The Collector- District Magistrate, Vasai-Virar, Maharashtra inter alia stating that the petitioner pursuant to the directions given by the Hon'ble Supreme Court in Writ Petition No. 324 of 2020 ought to pay Rs. Rs.30,00,00/- (Rupees Ten Lakh) each to the 4 employees who were found in the STP plant, thereby directing the petitioner to pay <u>Rs. 1,20,00,000/- (Rupees One Crore Twenty Lakh)</u> in total

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I



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO \_\_\_\_\_ of 2024

DIST: Palghar

In the matter of Article 226  
of the Constitution of India.

AND

In the matter of Order &  
Directions dated 09/05/2024  
issued by The Collector /  
District Magistrate, Vasai-  
Virar.

AND

*(Signature)*

D

		recover the said amount from the Petitioner in the manner that they so deem fit.
7.	/05/2024	The Petitioner being aggrieved and dissatisfied by the Order and Directions of The Collector/ District Magistrate dated 09/05/2024 is preferring this Writ Petition

**POINTS TO BE URGED**

1. Is the Collector/ District Magistrate justified in issuing directions without giving an opportunity to the Petitioner of being heard?
2. Is the amount justified without adjudicating if the deceased employees were STP operators or manual scavengers?

**ACTS TO BE REFERRED**

1. Constitution of India
2. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

**AUTHORITIES**

Authorised to be cited at the time of hearing

MUMBAI

DATE: 21/05/2024

Advocate for the Petitioner



District Magistrate, Palghar,  
Palghar-Boisar Road,  
Kolgaon, Palghar 401404

... Respondents

TO,

THE HON'BLE CHIEF JUSTICE OF HIGH COURT,  
AND OTHER HON'BLE JUDGES OF THE HON'BLE  
HIGH COURT OF JUDICATURE AT BOMBAY.

THE HUMBLE PETITION OF THE  
APPLICANT ABOVENAMED,

MOST RESPECTFULLY SHWETH:



1. The Petitioner is an incorporated company having its address as mentioned in the cause title. It is the business of the Petitioner to carry out the operation and maintenance work of Sewage Treatment Plant (for the sake of brevity herein after referred to as STP) on material plus labour basis for Global City, Virar West. The said STP is used as Domestic Waste Water Treatment and Recycling Plant. The Petitioner states that the entire operation is an automatic process and manual labour is no-where required. The process of STP is completely automatic and workers make use of protective gears while operating the said STP, the workers are even given training as to the operation and maintenance of STP. The Petitioner is also paying the PF amount as well as Professional Tax of its

2

In the matter of The  
Prohibition of Employment as  
Manual Scavengers and their  
Rehabilitation Act, 2013

AND

In the matter of Government  
Resolution No. शसन विरोध क.  
हमेक-2019/क. 268 अवर dated  
12/12/2019.

M/s. Pollucon Enviro engineers Pvt. Ltd.,

Through Mr. Narayan M Walke,

1002/3, Paras Business Centre,

Carter Road No. 1, Borivali (East)

Mumbai 400-066

...Petitioner



Versus

1. The State of Maharashtra  
Through Principal Secretary,  
Ministry of Social Justice,  
Mantralay, Mumbai.
2. The Collector/ District Magistrate  
Office of the Collector and



Waste water is collected in first tank as collection tank. In the same screen chamber is provided for the removal of floating material if any which can harm to further mechanical equipment's.

Collected domestic waste water for further treatment is pumped to Aeration Tank. In the aeration tank air is provided by the means of mechanical blowers. Aeration Grid is provided at the bottom of the tank, aerobic bacteria are added for the biological growth of bacteria. Bacteria eats organic material from the waste water and reduces Biological Oxygen Demand (BOD) and Chemical Oxygen Demand (COD) of the water. After aeration tank, settling tanks are provided for the separation of bacteria and clear water. Settled bacteria either recycled to aeration tank or passed to Centrifuge for the manure formation.



For pumping from collection tank to aeration tank and for sludge recycle pumps are provided, no man power is used during the entire process.

For the further treatment settling tank water is collected in filter feed tank, from where with the help of filter feed pumps water is passed through Pressure sand filter and Activated carbon Filter.

During the same alum is added for more clarity of water and hypo/UV is provided for making zero bacteria.

After activated carbon filter, water is stored in treated water tank for further recycling to garden or for flushing.

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employees. Respondent No. 1 is The Department of Social Justice, the responsible administrative head for enforcement of Prohibition of Manual Scavengers & their Rehabilitation Act, 2013 and Respondent No. 2 is the authority who is entrusted the duty to recover the compensation under the 2013 Act and has issued the Order qua directing the Petitioner to pay the compensation amount to the deceased employees. The Petitioner state both the Respondents are State therefore says and submits that this Court does have jurisdiction to entertain this Writ Petition under Article 226 of the Constitution of India.

- The Petitioner states that the STP plant that they are operating is a unique system of processing the sewerage. It is submitted that by using various processes the water in the sewerage is made reusable except for human drinking and remaining solid waste is used for compost fertilizers etc. The above process is completely automated process where there is no requirement of human labour. The entire process of STP is as below:-

PROCESS OF SEWAGE TREATMENT PLANT:-

Sewage Treatment Plant is designed for the treatment of Domestic waste water and after treatment treated water is used for gardening and flushing purposes.

Process of the same is as below -





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Vasai-Virar, Maharashtra dated 22/04/2024 inter alia stating that the petitioner pursuant to the directions given by the Hon'ble Supreme Court in Writ Petition No. 324 of 2020 ought to pay Rs. Rs.30,00,00/- (Rupees Ten Lakh) each to the 4 employees who were found in the STP plant, thereby directing the petitioner to pay Rs.1,20,00,000/- (Rupees One Crore Twenty Lakh) in total. Hereto marked and annexed as Exhibit D is the copy of the letter dated 22/04/2024.



6. The Petitioner states that they were shocked and surprised to find out that they were directed to pay such a huge amount without being given an opportunity to be heard. The Petitioner further states that they replied to the letters received from The Collector/ District Magistrate on 03/05/2024 ventilating their grievances on the facts of the matter and along with the same the Petitioner has deposited Demand Draft's amounting to Rs.62,55,675/- (Rupees Sixty Two Lakh Fifty Five Thousand Six Hundred and Seventy Five) as compensation towards the deceased employees with the Commissioner for Employees Compensation as a law abiding person. Details as follows:-

Name of the deceased employee	Amount (Rs.)	Demand Draft No. drawn on HDFC Bank	Dated

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- 9
- marked and annexed as Exhibit F is the copy of the letter by the Petitioner dated 09/05/2024
8. The Petitioner being aggrieved and dissatisfied by the Order and Directions of The Collector/ District Magistrate dated 09/05/2024 is preferring this Writ Petition on the grounds as stated here in under:-
- a. The Order dated 09/05/2024 is *ipso facto* bad in law and has been issued not in good faith but in colourable exercise of their right.
  - b. The Communication/Direction to pay compensation under the Act is arbitrary.
  - c. The Communication/Direction to pay compensation is without application of mind.
  - d. The Direction was passed without appreciating the facts by the Respondents.
  - e. The Directions are passed in so much haste which clearly shows that nothing is considered mentioned in the reply given by the Petitioner, thus arbitrary.
  - f. The said Directions are without any adjudication but on simple presumption that the deceased employees were manual scavengers, thus it is absolutely unreasonable and unfair.
  - g. The definition of the word "hazardous cleaning" as stated in section 2 (d) of The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 states as

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Amol Anant Ghatal	16,01,775/-	008529	03/05/2024
Nikhil Anant Ghatal	16,38,525/-	008528	03/05/2024
Sagar Sunil Tandelkar	14,26,950/-	008531	03/05/2024
Shubham Suryakant Parker	15,88,425/-	008532	03/05/2024
Total Amount		Rs. 62,55,675/-	

Hereto marked and annexed as Exhibit E is the copy of the letter by the Petitioner dated 03/05/2024.

7. The Petitioner states that thereafter upon the reply it received another communication dated 09/05/2024 with appreciating the reply of the Petitioner stating that the Petitioner ought to adhere to the direction of the Hon'ble Apex Court and shall pay the deceased employees Rs. 30,00,000/- (Rupees Thirty Lakhs) each, considering that the deceased employees are manual scavengers. The communication is directing the Petitioner to pay the amount within 10 days from the date of receiving the letter, failing which they shall consider that the Petitioner is not interested in paying the compensation amount as directed and shall proceed to recover the said amount from the Petitioner in the manner that they so deem fit. Hereto





be prescribed, and the expression "manual scavenging" shall be construed accordingly.

*Explanation.—For the purpose of this clause,— (a) "engaged or employed" means being engaged or employed on a regular or contract basis; (b) a person engaged or employed to clean excreta with the help of such devices and using such protective gear, as the Central Government may notify in this behalf, shall not be deemed to be a "manual scavenger".*

It is pertinent to note that the deceased employees were not manual scavengers but were "Operators" of the STP plant, who were never involved or had any involvement in the cleaning or entering any tank in the plant. Hence, as per the definition the deceased employees are not deemed to be manual scavengers.

- i. Since the STP is an automated system, no question arises of any employee entering the tank for cleaning or removing any blockages from the pipe, there are skilled employees to perform such kind of work and such maintenance work is performed every six months, and if there is any blockage, complaint is raised in the head office and skilled labours are appointed to clear such blockage with the use of safety measures including protective gears.
- j. At the time of the said incident, only two operators ought to have been on duty along with one supervisor but it is seen that 4 employees were present, out of which one Late

*(Signature)*

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*"hazardous cleaning" by an employee, in relation to a sewer or septic tank, means its manual cleaning by such employee without the employer fulfilling his obligations to provide protective gear and other cleaning devices and ensuring observance of safety precautions, as may be prescribed or provided in any other law, for the time being in force or rules made thereunder:*

The said STP is an automatic waste water treatment plant and no chemicals are used in the said plant, therefore no question of hazardous gas leakage arises.

- h. The definition of the word "manual scavenger" as stated in section 2 (g) of The Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 states as

*"manual scavenger" means a person engaged or employed at the commencement of this Act or at any time thereafter by an individual or a local authority or an agency or a contractor, for manually cleaning, carrying, disposing of, or otherwise handling in any manner, human excreta in an insanitary latrine or in an open drain or pit into which the human excreta from the insanitary latrines is disposed of, or on a railway track or in such other spaces or premises, as the Central Government or a State Government may notify before the excreta fully decomposes in such manner as may*



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9. The Petitioner says and submits that the Ld. Collector / District Magistrate has failed to apply its mind in proper prospects and has not appreciated the fact that the case has merits. It is therefore, absolutely necessary that this Hon'ble Court be pleased to verify the legality of the Order dated 09/05/2024 and after verifying its legality and propriety be pleased to quash and set aside the same.

10. The Petitioner state that the direction of Respondent No. 2 to pay compensation is without application of mind. The Respondents have not considered that STP is totally automated process. The Respondents have failed to appreciate that the employees were not manual scavengers not entrusted to do the work of cleaning much less hazardous cleaning. The Respondents have mechanically directed to pay compensation to the legal heirs of the victims. The Petitioner says and submits that even the said G.R is also fastening excessive liability exceeding the liability under the Workmen's Compensation Act, 1923. The Petitioner says and submits that there is no other adequate and equally efficacious remedy in the matter other than the one prayed for, and if not granted, the Petitioner would suffer an irreparable loss which could never be compensated as the balance of convenience lies in the favour of the petitioner.

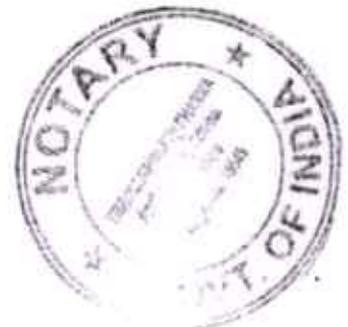
11. The Petitioner craves leave to add after amend modify the Petition suitably as and when required



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Mr. Sagar Sunil Tandelkar had quit his this job 6 months ago.

- k. The Collector/ District Magistrate out to have issued notice to the respondent and as per the principle of *Audi Alteram Partem*, should have adjudicated the matter after giving an opportunity to the Petitioner and ought to have being heard.
- l. The said Order of the Collector District Magistrate is arbitrary in nature and causes grave injustice on the Petitioner.
- m. The Collector/ District Magistrate should have taken into consideration that the deceased employees were never employed as "manual scavengers" but were operators of the STP plant.
- n. The Petitioner was not only paying the employee's salary but was also paying their Provident Fund and Professional Tax since they were Operators and not manual scavengers.
- o. The Collector District Magistrate should have taken into consideration the formula of granting compensation as prescribed under the Employees Compensation Act.
- p. The fact that the Petitioner has already deposited the compensation amount in the form of Demand Draft with the Commissioner for Employees Compensation highlights the fact that the Petitioner is not shrugging off his liability but is only seeking that the matter be adjudicated on merits and in a just and fair manner





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f. Any other and further relief as the Hon'ble Court may deem just and proper in interest of the Petitioners.

FOR WHICH ACT OF KINDNESS, THE PETITIONER SHALL AS IN DUTY BOUND, EVER PRAY.

Dated: 21/5/24  
Place: Mumbai

Advocate for Petitioner

VERIFICATION

I, Mr. Narayan M Walke, above named Petitioner, herein having office address at 1002/3, Paras Business Centre, Carter Road No. 1, Borivali (East), Mumbai 400-066, solemnly declare that whatever stated in paragraph no. 1 to 7 are true to my own knowledge, information and belief and whatever is stated in paragraph no. 8 to 15 are grounds, legal submissions which I believe to be true and correct and therefore, I verify the same.



Solemnly affirmed at Mumbai

This 15<sup>th</sup> day of May 2024.

Advocate for Petitioner

DEPONENT  
**BEFORE ME**



TRIBHUWANNATH SHARMA  
M.A., Literature (English), LL.B. (6<sup>th</sup>)  
ADVOCATE & NOTARY, GOVT. OF INDIA  
Regn. NO. 15545

Reg No. 05  
Sr. No. 67  
Dt. 15/05/24

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12. The petitioner has not received any caveat with respect to this subject matter.
13. The Petitioner has not preferred any other Application, Petition, Revision and / or Appeal on the subject matter of this Petition either before this Hon'ble Court or before the Hon'ble Supreme Court of India.
14. The Petitioner has filed this Petition as expeditiously as possible and there is no delay or latches in filing this Petition. The present Petition filed today is in time.
15. It is hereby prayed that:-
  - a. This Hon'ble Court be pleased to verify the legality of the Order and Directions dated 09/05/2024 issued by The Collector District Magistrate and after verifying its legality and propriety be pleased to quash and set aside the same.
  - b. The Hon'ble Court be pleased to direct the Respondents to not proceed with the recovery from the Petitioner till this matter is finally heard and disposed off.
  - c. That this Hon'ble Court be pleased to pass an order restraining the Respondents from taking any coercive action against the petitioner and or its directors and employees including recovery of money, pending the hearing and final disposal of the petition.
  - d. The Hon'ble Court be pleased to issue ad-interim in terms of prayer clause (b) and (c).
  - e. For costs of and incidental to the Petition.



D



[1] WP-7616-2024 JDS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7616 OF 2024

Digitally  
Signed by  
NIRAJ KUMAR  
KAMLESH  
TALPADA  
Date  
2024.05.22  
10:32:41  
+0530

M/s. Pollucon Enviro Engineers Pvt. Ltd.  
through Mr. Narayan M. Walke

...Petitioner

*Versus*

1. The State of Maharashtra  
Through Principal Secretary, Ministry  
of Social Justice & Anr.

..Respondents

**Mr. Yogendra M. Pendse, Advocate for Petitioner.**

**Mr. B.V. Samant, Addl.G.P. a/w. Smt. S.D. Chipade, AGP for  
Respondent Nos.1 and 2-State**

CORAM : N. R. BORKAR &  
SOMASEKHAR SUNDARESAN, JJ.

DATE : MAY 22, 2024  
(VACATION COURT)

PC :

1. Learned Addl. GP seeks time to take instructions. At his request, stand over to 19<sup>th</sup> June, 2024.

2. Learned Counsel for the Petitioner submits that the Petitioner has already deposited an amount of Rs.62,55,675/- with the Labour Court cum Commissioner for Employees Compensation.

Page 1 of 2

MAY 22 2024

Shri. J. K. ...

Learned Counsel further submits that the Petitioner without prejudice to his rights and contentions is ready and willing to deposit Rs.25 lakhs.

3. Subject to depositing of an amount of Rs.25 lakhs with the office of the Collector/District Magistrate within a period of two weeks from today, no coercive action shall be taken against the Petitioner pursuant to the impugned order dated 9<sup>th</sup> May, 2024, till next date.

4. All concerned to act on an authenticated copy of this order.

[ SOMASEKHAR SUNDARESAN, J.]

[N. R. BORKAR, J.]

तहसीलदार तथा कार्यकारी दंडाधिकारी वसई याचे कार्यालय  
(महसूल शाखा)

किल्लाबंदर रोड, मालोडे-वसई गाव, ता. वसई, जि. पालघर, पिन ४०१२०१

दुरध्वनी क्र. (०२५०) २३२२००७

क्र.मशा/कक्ष-१/ट.२/फौजदारी/कावि/६०/२०२४

दिनांक २६/०५/२०२४

प्रति,

मा. जिल्हाधिकारी पालघर

**विषय:** ग्लोबल सिटी परीसर, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल विहार (प) ता. वसई, जि. पालघर येथे निवासो इमारतीच्या संकुलनाचे सांडपाण्याचे विल्हेवाट लावणेकरीता उभारण्यात आलेल्या STP प्लॉटच्या पाईपमधील चाकअप काढण्याकरीता प्लॉटमध्ये उतरलेल्या मीने मॅपोल्युकीन इन्व्हिरो इन्जिनिअर्स प्रायव्हेट लिमिटेड कंपनीच्या ४ कामगारांच्या गुदमरून मृत्यू झालेप्रकरणी नुकसान भरपाई तात्काळ देणेबाबत

**संदर्भ:-** १) आपणा वतीने पत्र क्र.पत्र क्र. गृह/का-१/ट-४ सफाई कर्मचारी मृत्यू/कावि-८५/२०२४ दि. २४/०५/२०२४

उपरोक्त संदर्भाधिन विषयान्वये वसई विहार शहर महानगरपालिका कार्यक्षेत्रातील ग्लोबल सिटी परीसर रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल विहार (प) ता. वसई, जि. पालघर येथे निवासो इमारतीच्या संकुलनाचे सांडपाण्याचे विल्हेवाट लावणेकरीता उभारण्यात आलेल्या STP प्लॉटच्या पाईपमधील चाकअप काढण्याकरीता प्लॉटमध्ये उतरलेल्या मॅपोल्युकीन इन्व्हिरो इन्जिनिअर्स प्रायव्हेट लिमिटेड कंपनीच्या ४ कामगारांच्या गुदमरून मृत्यू झालेप्रकरणी नुकसान भरपाई तात्काळ देणेबाबत संबंधितांनी मा. उच्च न्यायालय मुंबई यांचेकडे याचिका क्र. ७६१६/२०२४ दाखल केली असून सदर याचिकेत मा. न्यायालयाने मॅपोल्युकीन इन्व्हिरो इन्जिनिअर्स प्रायव्हेट लिमिटेड कंपनी यांना रु. २५ लाख इतकी रक्कम जिल्हाधिकारी पालघर यांचेकडे २ आठवड्यांच्या आत करणेकामि निर्देश दिले आहेत.

उपरोक्त संदर्भिय पत्राच्या अनुषंगाने सदरची रक्कम मा. जिल्हा दंडाधिकारी पालघर यांचे वतीने या कार्यालयाच्या खात्यात जमा करून घेणेकामी बँक खातेची माहिती सावस्तर विवरण पत्रात भरून सादर करित आहोत.

अ. क्र.	बाब	विवरण
१	खातेदाराचे नांव	तहसीलदार वसई
२	बँक खाते क्रमांक	300184966754
३	बँकेचे नांव	भारतीय स्टेट बँक
४	बँकेच्या शाखेचे नांव	वसई पारनाका
५	आयएफएससी कोड क्रमांक ( IFSC Code )	SBIN 0000326

( अविनाश कापटी )  
तहसीलदार वसई

महाराष्ट्र शासन

जिल्हाधिकारी तथा जिल्हादंडाधिकारी, पालघर यांचे कार्यालय  
(गृह शाखा)

जिल्हा मुख्यालय, पालघर-बोईसर रोड कोळगाव, ता.पालघर, जिल्हा-पालघर

दुरध्वनी क्रमांक ०२५२५-२५३१११

Email ID : collectorpalghar@gmail.com

क्र.गृह/का.१/टे.४/अर्नाळापो.स्टे.४सफाईकर्मचारीमृत्यू.कार्वा.८७/२०२४

दि.२७/०५/२०२४

अतितातडीचे/मॅन्युअल स्कॅव्हेजर्स

प्रति,

सहाय्यक सरकारी अभियंता,  
मा.उच्च न्यायालय, मुंबई

**विषय:-** ग्लोबल सिटी परीसर, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प), ता.वसई, जि.पालघर येथे निवासी इमारतीच्या संकुलाचे सांडपाण्याचे विल्हेवाट लावण्याकरीता उभारण्यात आलेल्या STP प्लांटच्या पाईपमधोल चोकअप काढण्याकरीता प्लांटमध्ये उतरलेल्या मं.पोल्युकोन इन्फिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनीच्या ४ कामगारांचा गुदमरून मृत्यू झालेप्रकरणो नुकसान भरपाई तात्काळ देणेबाबत.

- संदर्भ :-**
- १) पोलिस उपायुक्त, गुन्हे, मिरा-भाईंदर, वसई-विरार पोलिस आयुक्तालय, मिरारोड, टाणे यांचेकडील पत्र क्र.गु.शा.प्रशासन/ मॅन्युअल स्कॅव्हेजर्स/अर्नाळा-१५८/२००१/२०२४ दि.१६/०४/२०२४.
  - २) आयुक्त, वसई विरार शहर महानगरपालिका यांचेकडील पत्र क्र. व.वि.श.म./अति.आयुक्त/ २५६/२०२४ दि.१२/०४/२०२४.
  - ३) सहाय्यक आयुक्त सनाज कल्याण पालघर यांचेकडील पत्र क्र. सआसका/पालघर/ना.सी.दुर्घटना स्थळ पाहणी अहवाल/२०२४-२५/३५९ दि.१२/०४/२०२४.
  - ४) तहसीलदार तथा कार्यकारी दंडाधिकारी वसई यांचेकडील पत्र क्र.मशा/कश.१/टे.२/फौजदारी/कार्वा.१२६/२०२४ दि.०९/०४/२०२४
  - ५) द प्रॉन्क्विशन ऑफ एम्प्लॉयमेंट एंड मॅन्युअल स्कॅव्हेजर्स अॅण्ड देअर रिस्कविलोटेसन अॅक्ट २०१३.
  - ६) सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय दि.१२/१२/२०१९.
  - ७) या कार्यालयाचे पत्र क्र.गृह/का.१/टे.४/अर्नाळापो.स्टे.४सफाईकर्मचारी मृत्यू/कार्वा.६६/२०२४ दि.१८/०४/२०२४
  - ८) असिस्टंट डायरेक्टर, मा.राष्ट्रीय सफाई कर्मचारी आयोग, नवी दिल्ली यांचेकडील पत्र No.11059/SD/MH(NEW)2024-R&D (e-f.NO.84158)/701/-06 dt.12/04/2024.
  - ९) या कार्यालयाचे पत्र क्र.गृह/का.१/टे.४/अर्नाळापो.स्टे.४सफाईकर्मचारीमृत्यू/कार्वा.६७/२०२४ दि.२२/०४/२०२४.
  - १०) आपणाकडील पत्र दि.०३/०५/२०२४ (प्राप्त दि.०८/०५/२०२४)
  - ११) या कार्यालयाचे पत्र क्र.गृह/का.१/टे.४/अर्नाळापो.स्टे.४सफाईकर्मचारीमृत्यू/कार्वा.८०/२०२४ दि.०९/०५/२०२४.
  - १२) मा.उच्च न्यायालय, मुंबई यांचेकडील सुनावणी दि.२२/०५/२०२४.

उपरोक्त संदर्भांघन विषयान्वये वसई विरार शहर महानगरपालिका कार्याक्षेत्रातील ग्लोबल सिटी, रुस्तमजी शाळेजवळील रुस्तमजी गृह संकुल, विरार (प), ता.वसई, जि.पालघर येथे निवासी इमारतीच्या संकुलाचे सांडपाण्याचे शास्त्रीय पध्दतीने विल्हेवाट लावण्याकरीता STP प्लांटची उभारणी करण्यात आलेली आहे. सदर प्लांटचे व्यवस्थापन करण्याचे काम आपणास देण्यात आलेले असून मंगळवार दिनांक ०९/०४/२०२४ रोजी साधारणत: सकाळी ११.०० ते ११.३० वाजता सदर प्लांटची देखभाल पाहणारे मं.पोल्युकोन इन्फिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनीचे कामगारपैकी ४ कामगार सदर STP प्लांटच्या टांक्रीमध्ये चोकअप झालेल्या पाईपमधोल चोकअप काढण्याकरीता सुरक्षिततेसाठी लागणाऱ्या उपकरणांशिवाय उतरले असता सदर टांक्रीतील विषारी वायु गळतीने गुदमरून त्यांचा मृत्यू झाले.

त्या अनुषंगाने मे.पोल्युकोन इन्व्हिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनी यांना मा.सर्वोच्च न्यायालयाचे निर्णयानुसार मयत कामगारांचे वारसांना एकूण ₹.१,२०,००,०००/- (अक्षरी एक करोड वीस लाख रुपये) इतकी रक्कम १० दिवसांचे आत अदा करणेकामी मे.पोल्युकोन इन्व्हिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनी यांना या कार्यालयाचे संदर्भिय पत्र क्र.१ नुसार यापुर्वीच कळविण्यात आलेले असून सदरची रक्कम मे.पोल्युकोन इन्व्हिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनी यांनी अजूनही अदा केलेली नसल्याचे त्यांचे खुलास्यावरून दिसून येत आहे, सबब सदरचे पत्र प्राप्त होताच सदरची रक्कम मे.पोल्युकोन इन्व्हिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनी यांनी तात्काळ अदा न केल्यास ते सदरची रक्कम अदा करू इच्छित नाही असे गृहीत धरून सदरची रक्कम वसूल करणेकामी सामाजिक न्याय व विशेष सहाय्य विभाग, मंत्रालय, मुंबई यांचेकडील शासन निर्णय क्र.११९/२०१९/प्र.क्र.२६८/अजाक दि.१२/१२/२०१९ च्या शासन निर्णयातील अ.क्र.११ नुसार सक्तीच्या मार्गाने रक्कम वसूल करून ती मयत कामगारांचे वारसांना अदा करण्यात येईल, असे या कार्यालयाचे संदर्भिय पत्र क्र.११ अन्वये संबंधितांना कळविण्यात आले होते.

सदर पत्राने व्यथित होऊन संबंधितांनी मा.उच्च न्यायालय मुंबई यांचेकडे याचिका क्र.७६१६/२०२४ दाखल केली असून सदर याचिकेची सुनावणी दि.२२/०५/२०२४ रोजी पार पडली असून सदर सुनावणीच्या अनुषंगाने मा.न्यायालयाने मे.पोल्युकोन इन्व्हिरो इंजिनिअर्स प्रायव्हेट लिमिटेड कंपनी यांना ₹.२५ लाख इतकी रक्कम जिल्हादंडाधिकारी पालघर यांचेकडे २ आठवड्यांच्या आत जमा करणेकामी निर्देश दिले आहेत.

सबब, सदर निर्देशान्वये सदरची रक्कम जिल्हादंडाधिकारी पालघर यांचे घटाने तहसीलदार वसई यांचे खात्यात जमा करून घेणेकामी तहसीलदार वसई यांचे खात्याचे सविस्तर विवरण खालील प्रमाणे आहे.

अ.क्र.	बाब	विवरण
१	खातेदाराचे नाव	Tahasildar Vasai
२	बँक खाते क्रमांक	30018496754
३	बँकेचे नाव	State Bank of India
४	बँकेच्या शाखेचे नाव	Bassein Branch
५	आयएफएससी कोड क्रमांक (IFSC Code)	SBIN0000326

(सुभाष भागडे)

अपर जिल्हादंडाधिकारी पालघर

२७/५/२०२४  
२७/५/२०२४  
२७/५/२०२४

प्रत:-

- १) तहसीलदार वसई यांना माहिती तथा आवश्यक त्या कार्यवाहीसाठी.
- २) विधी अधिकारी, जिल्हाधिकारी कार्यालय, पालघर यांना माहिती तथा आवश्यक त्या कार्यवाहीसाठी.
- ३) श्री.नारायण चाळके, पोल्युकोन इन्व्हिरो इंजिनिअर्स प्रायव्हेट लिमिटेड, रा. १००२/३, पारस बिझनेस सेंटर, कस्तूरबा रोड क्र.१, बोरीवली (पुर्व), मुंबई-४०००६६ यांना माहिती तथा आवश्यक त्या कार्यवाहीस्तव.

२७/५/२४  
आयक/जायक  
महसूल सहाय्यक  
जिल्हाधिकारी कार्यालय, पालघर

YOGENDRA M. PENDSE  
B.Com., LL.B.  
ADVOCATE HIGH COURT, BOMBAY

To,

Date: 03/06/2024

The Collector/ District Magistrate  
Office of the Collector and  
District Magistrate, Palghar,  
Palghar-Boisar Road,  
Kolgaon, Palghar 401404

Sub: Compliance of directions of Hon'ble High Court  
Re: In the High Court of Judicature at Bombay  
Writ Petition No. 7616 of 2024

In the about proceedings the Hon'ble High Court has directed vide its Order dated 22.05.2024 directed to deposit Rs. 25 lakhs subject to with interim order is granted. Please find enclosed herein with the copy of the said order for your reference.

My client has deposited said amount as and by way of RTGS to the Tahasildar account. Please find enclosed herein with the copy of the deposit receipt of RTGS transaction for your information of compliance.

You are requested not to disburse any amount in view of directions of Hon'ble Court not to take any coercive action.

Thanking you



Yours sincerely

*Yogendra M Pendse*  
Yogendra M Pendse



14-WP-7616-2024.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 7616 OF 2024

Digitally  
signed by  
SHRADHA  
KAMLESH  
TALBekar  
Date  
2024.05.22  
10:32:41  
+0530

M/s. Pollucon Enviro Engineers Pvt. Ltd.  
through Mr. Narayan M. Walke

...Petitioner

*Versus*

1. The State of Maharashtra  
Through Principal Secretary, Ministry  
of Social Justice & Anr.

...Respondents

*Mr. Yogendra M. Pendse, Advocate for Petitioner.*

*Mr. B.V. Samant, Addl.G.P. a/w. Smt. S.D. Chipade, AGP for  
Respondent Nos.1 and 2-State.*

CORAM : N. R. BORKAR &  
SOMASEKHAR SUNDARESAN, JJ.

DATE : MAY 22, 2024

(VACATION COURT)

PC :

1. Learned Addl. GP seeks time to take instructions. At his request, stand over to 19<sup>th</sup> June, 2024.

2. Learned Counsel for the Petitioner submits that the Petitioner has already deposited an amount of Rs.62,55,675/- with the Labour Court cum Commissioner for Employees Compensation.

Page 1 of 2

MAY 22, 2024

Shradha Talbekar PS

Learned Counsel further submits that the Petitioner without prejudice to his rights and contentions is ready and willing to deposit Rs.25 lakhs.

3. Subject to depositing of an amount of Rs.25 lakhs with the office of the Collector/District Magistrate within a period of two weeks from today, no coercive action shall be taken against the Petitioner pursuant to the impugned order dated 9<sup>th</sup> May, 2024, till next date.

4. All concerned to act on an authenticated copy of this order.

[ SOMASEKHAR SUNDARESAN, J.]

[N. R. BORKAR, J.]

## तहसीलदार तथा कार्यकारी दंडाधिकारी वसई यांचे कार्यालय

(महसूल शाखा)

फिल्दाबंदर रोड, मालोडे-वसई गाव, ता. वसई, जि. पालघर, पिन ४०१२०१

दुरध्वनी क्र. (०२५०) २३२२००७

क्र. मशा/कक्ष-१/टे-२-फौजदारी/कावि-१२६/२०२४

दिनांक: ०९/०४/२०२४

प्रति,

मा. जिल्हाधिकारी पालघर.

**विषय:-** ग्लोबल सिटी परीसर मौजे विरार ता. वसई जि. पालघर येथे पॉलीकॉम नावाच्या कंपनीचा एसटीपी प्लॉट साफ करण्यासाठी उतरलेल्या ४ कामगारांचा गुदमरून मृत्यू झालेबाबत.

**संदर्भ:-** १) आपले कडोले पत्र क्र. गृह/का-१/टे-४/ अनांळा पो.स्टे. ४ सफाई कर्मचारी मृत्यू/ कावि-६२/२०२४ दि.१०/०४/२०२४  
२) मंडळ अधिकारी बोळीज यांचा दिनांक ०९/०४/२०२४ रोजीचा अहवाल

उपरोक्त विषयान्वये अहवाल सादर करणेत येता की, मौजे डोंगर येथील ग्लोबल सिटी परीसरात रुस्तमजी केंद्राज इंटरनॅशनल स्कूल जवळ असलेल्या सांडपाणी निचरा प्रकल्पामध्ये साफसफाई करण्यासाठी उतरलेल्या चार मजुरांचा गुदमरून मृत्यू झाला आहे. सदरची घटना दि. ०९/०४/२०२४ रोजी सकाळी ११.३० वाजे दरम्यान घडली आहे. आरोपीचे नांव व पत्ता, मृत व्यक्ती यांचे नांव, वय, पत्ता व त्यांचे वारस यांची माहिती खालीलप्रमाणे आहेत.

अ. क्र.	मृत व्यक्ती यांचे नांव,	वय	पत्ता	वारसांची नावे व त्यांचे वय	भयताशी नाते
१.	अमोल अनंत घाटाळ	२८	रा. नानकर पाडा, आडणे, ता. वसई, जिल्हा पालघर	१) पुजा अमोल घाटाळ वय. २५ २) आराधना अमोल घाटाळ वय. ५ दिवस	पत्नी मुलगी
२.	निखिल अनंत घाटाळ	२४	रा. नानकर पाडा, आडणे, ता. वसई, जिल्हा पालघर	१) अनंत घाटाळ, वय. ४९ २) रजना अनंत घाटाळ, वय. ४५ ३) समीर अनंत घाटाळ, वय. २९	वडील आई भाऊ
३.	सागर सुनिल तांदळेकर	३१	रा. प्रथमेश अपार्ट. जवळ, फुलपाडा रोड, विरार पुर्व, ता. वसई, जिल्हा पालघर	१) सुनिल गोपाळ तांदळेकर, वय. ६१ २) सुनिता सुनिल तांदळेकर, वय. ५० ३) रोशन सुनिल तांदळेकर, वय. ३०	वडील आई भाऊ

उपविभागाध्यक्ष अधिकारी वसई  
यांचे कार्यालय

संक्रमांक : 1793  
15 APR 2024

का. वि. अ.

कावि २५८

४.	शुभम सुर्यकांत पारकर	२८	रा.अमोघ,दर्शन, डोंगरपाडा, विरार (प.) ता.वसई, जि. पालघर	१)पुजा शुभम पारकर, वय-२६	पत्नी
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सदर भयत मजुरांना अग्निशमक दलाच्या जवानांना बाहेर काढून शर्वाविच्छेदन करीता पाठविले आहे. सदरचे काम हे पॉलीकॉन इन्व्हायरो इंजिनियर्स प्रा. लि. पल्मुसन कंट्रोल प्रोजेक्ट यांचे मार्फत होत असल्याचे मंडळ अधिकारी बोळीज यांनी त्यांच्या अहवालात सांगितले आहे. ससेच पोलीस निरीक्षक अनांळा पो. स्टे.येथे सुपरवायझर श्री.महादेव तुकाराम कुपटे रा.रु.नं.४०९,बि.नं.१७, श्रीराम कृपा को.ऑप. सांसा.वाकटेवाटी, विरार, ता.वसई,जि.पालघर यांचे विरुद्ध गुन्हा र. नं. ०१५८/ २०२४ दाखल करण्यांत आला आहे. तरी सदरचा अहवाल पुढील कार्यवाहीसाठी सादर करीत आहोत.

सोबत मंडळ अधिकारी बोळीज, पोलीस निरीक्षक अनांळा पो. स्टे. यांचेकडील FIR ची प्रत जोडलेली आहे.

( अविनाश काष्टी )  
तहसिलदार वसई

✓ प्रत:- मा. उपाविभागीय अधिकारी वसई यांना माहीतीसाठी सविनय सादर

E-MAIL/RPADBEFORE THE NATIONAL GREEN TRIBUNAL NGT/WZB/PUNE/473/2024  
WESTERN ZONE BENCH, PUNEORIGINAL APPLICATION NO. 112/2024 WZ  
(EARLIER ORIGINAL APPLICATION NO. 377/2024 (PB))NEWS ITEM TITLED "FOUR SUFFOCATE TO DEATH CLEANING SEWAGE PLANT  
IN MUMBAI'S VIRAR" APPEARING IN THE TIMES OF INDIA DATED 10.04.2024.

VS.

CENTRAL POLLUTION CONTROL BOARD &amp; ORS.

E-2103647/24

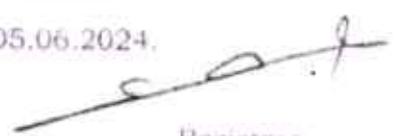
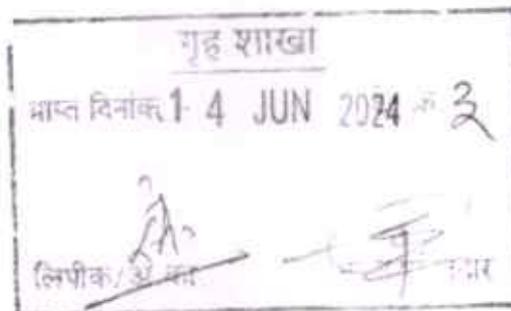
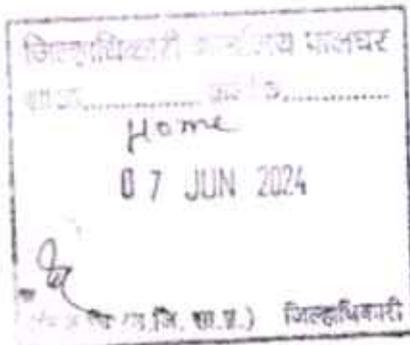
MEMO OF PARTIES

1. Collector and District Magistrate Palghar,  
Office of the Collector and District Magistrate Palghar,  
Palghar-Boisar road, Kolgaon,  
Palghar 401404.  
Collector.palghar@maharashtra.gov.in

Respondent No. 3

NOTICE

1. The above titled Original Application is posted for hearing on **05.09.2024** at 10.30 AM through Video Conferencing before The National Green Tribunal, Western Zone Bench, Pune.
2. Please note that you shall make yourself available, or represent through authorized legal representative, on the date and place indicated herein above. In default, the said Original Application will be heard and determined in your absence.
3. Given under my hand and the seal of this Tribunal, this the 05.06.2024.

  
Registrar,  
NGT, WZB, Pune


Item No.6

(Pune Bench)

**BEFORE THE NATIONAL GREEN TRIBUNAL  
WESTERN ZONE BENCH, PUNE**

THROUGH PHYSICAL HEARING (WITH HYBRID OPTION)

**Original Application No.112/2024(WZ)  
Earlier Original Application No.377/2024(PB)**

News item titled "Four suffocate to death cleaning  
sewage plant in Mumbai's Virar" appearing in  
The Times of India dated 10.04.2024

Date of hearing: 28.05.2024

**CORAM: HON'BLE MR. JUSTICE DINESH KUMAR SINGH, JUDICIAL MEMBER  
HON'BLE DR. VIJAY KULKARNI, EXPERT MEMBER**

Respondent(s) : Mr. Mayur Oihal, Advocate h/f  
Mr. Rahul Garg, Advocate for R-1/CPCB  
Ms. Manasi Joshi, Advocate for R-2/MPCB

**ORDER**

1. This Original Application is being considered by us for the first time today after having been received by transfer from the Principal Bench of this Tribunal.

2. This matter relates to four persons having died due to suffocation after inhaling toxic gases while cleaning a private sewage treatment plant in a residential township in Mumbai's Virar.

3. The Hon'ble Principal Bench of this Tribunal by order dated 19.04.2024 had directed three respondents to be impleaded in the present Original Application i.e. CPCB, MPCB and District Collector/District Magistrate, Mumbai. But we are of the view that since the occurrence happened in the Palghar District, therefore, District Collector, Palghar should be the relevant party as respondent No.3 instead of the District Collector/District Magistrate, Mumbai. We direct



the Registry to incorporate the amendment accordingly while preparing the memo of parties.

4. From the side of respondent No.1- CPCB, learned counsel Mr. Mayur Ovhal holding brief of learned counsel Mr. Rahul Garg has appeared, who prays for four weeks' time to be allowed to file reply affidavit. The said time is allowed.

5. From the respondent No.2- MPCB, learned counsel Ms. Manasi Joshi has appeared, who prays for four weeks' time to be allowed to file reply affidavit. The said time is allowed.

6. We direct the Registry to issue notice to the District Collector, Palghar to submit reply affidavit in this matter after providing copy of the earlier order passed by the Hon'ble Principal Bench of this Tribunal as well as all the relevant documents.

Put up this matter for further consideration on 05.09.2024

Dinesh Kumar Singh, JM

Dr. Vijay Kulkarni, EM

May 28, 2024  
Original Application No.112/2024(WZ)  
Earlier Original Application No.377/2024(PB)  
P.M.



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## Case Details

Bench :- Bombay

CNR No. :- HCBM010267472024

Stamp No. :- WPST/15387/2024

Filing Date :- 21/05/2024

Reg. No. :- WP/7616/2024

Reg. Date :- 21/05/2024

Petitioner :- M/S. POLLUCON ENVIRO ENGINEERS PVT LTD. THR. MR. NARAYAN M WALKE - v

Respondent :- THE STATE OF MAHARASHTRA THR. PRINCIPAL SECRETARY MINISTRY OF SOCIAL JUSTICE AND ANR - v

Petit. Adv. :- YOGENDRA M PENDSE v

District :-  
PALGHAR

Bench :- DIVISION

Status :- Pre-Admission

Last Date :- 19/06/2024 Stage :- FOR CIRCULATION

Last Coram :- HONBLE SHRI JUSTICE N R BORKAR

HONBLE SHRI JUSTICE SOMASEKHAR SUNDARESAN

Act :-

Under Section :- na

Constitution of India

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Bombay High Court, Fort, Mumbai -32.

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