

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**W.P.(C) PIL No.14589 of 2021**

***In Re: Deaths of Sanitation Workers* .... *Petitioner***

Mr. B. P. Tripathy, Amicus Curiae and  
Ms. Pami Rath, Amicus Curiae

*-versus-*

***Chief Secretary and others* .... *Opposite Parties***

Mr. P. K. Muduli, AGA,  
Mr. B. P. Pradhan, Advocate and  
Mr. S. N. Das, Advocate for  
Orissa Water Supply Sewerage Board (OWSSB)

**CORAM:**

**THE CHIEF JUSTICE  
JUSTICE G. SATAPATHY**

**ORDER  
03.05.2023**

**Order No.**

18. 1. Three affidavits have been filed pursuant to the order passed by this Court on 2<sup>nd</sup> March, 2023. One affidavit is by Sri Trupti Ranjan Nayak, the Inspector-in-charge of Badagada Police Station, who *inter alia* states that in relation to the incident which led to the registration of Badagada P.S. Case No.0167/2021 dated 29<sup>th</sup> April 2021, a charge-sheet has been filed against accused Ashok Kumar Sahu, Manager WATCO on 17<sup>th</sup> April, 2023 upon completion of investigation, under Section 304(A) IPC. The second affidavit is by Sri Tapas Chandra Pradhan, Assistant Commissioner of Police Zone-III, Cuttack who states that in CDA Phase-II P.S. Case No.33 of 2021 dated 18<sup>th</sup> April 2021, a charge sheet has been filed against Pradyot Kumar Sahoo and Deepak Kumar Nayak under Sections 304(A)/34 IPC/9 Prohibition of Employment as Manual Scavenger

and their Rehabilitation Act, 2013 and Sections 3(1)(j)/3(2)(vii) of S.C. & S.T. (POA) Act.

2. The third affidavit has been filed by the Additional Secretary to Government, Housing & Urban Development Department placing on record the various instructions issued from time to time to all the Urban Local Bodies (ULBs) and Municipal Corporations on taking precautionary and safety measures for persons entrusted with the task of cleaning manholes and sewers. The affidavit also talks of the setting up of Emergency Response Sanitation Units (ERSUs) headed by a Responsible Sanitation Authority (RSA), which are stated to have been set up in all the 115 ULBs in Odisha.

3. It is pointed out by the learned Amicus Curiae that the specific direction in this Court's order dated 2<sup>nd</sup> March, 2023 was for the State to inform the Court whether there is compliance by the various agencies deployed with the SOP and Training Manual prepared by CPHEEO in the Ministry of Housing and Urban Affairs, Government of India and "whether the strict compliance thereof has been made one of the mandatory conditions of the contract entered into with the agencies and the consequence of non-compliance with the said condition." The affidavit filed does not indicate compliance with the above specific directions.

4. Mr. P. K. Muduli, learned Additional Government Advocate assures the Court that before the next date, an affidavit will be filed specific to the issue whether the agreements/contracts entered into with the agencies deployed for undertaking the work of cleaning manholes and sewers incorporate as mandatory conditions the constituent elements of the SOP and the Training Manual and spell

out the consequences of non-compliance with the mandatory safety measures.

5. Learned Amicus Curiae also places before the Court a copy of the “National Action for Mechanised Sanitation Ecosystem” brought out by the Ministry of Social Justice and Empowerment, Government of India, a copy of which is already available with the State of Odisha. The said copy be kept on record.

6. The affidavit to be filed by the State before the next date will also state whether the above ‘National Action’ Plan is being followed in the State of Odisha.

7. List on 17<sup>th</sup> July, 2023.

*M. Panda*

