

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.4911 OF 2008

(@SPECIAL LEAVE PETITION (CIVIL)NO.5145 OF 2006)

PEOPLES' UNION FOR CIVIL LIBERTIES

Appellant(s)

VERSUS

GOVT. OF NCT OF DELHI & ORS.

Respondent(s)

O R D E R

1. Leave granted.

2. The appellant, a public charitable society, had filed a writ petition before the Delhi High Court alleging that there were large number of sewerage workers who met with accidents in the course of their employment; that these workers were engaged by the Municipal Corporation of Delhi/Delhi Jal Board; that the workers were not provided with safety equipments; and that the departments do not take precautionary measures to save the lives of these workers. The appellant alleges that under similar situation the Bombay High Court had entertained a writ petition and issued certain directions. The appellant wants that as regards Municipal Corporation of Delhi/Delhi Jal Board also, similar directions should be issued. The appellant also prays that the National Human Rights Commission (NHRC) has framed an elaborate scheme and the same shall be implemented by the Delhi Municipal Corporation. It also prays that the Delhi Jal Board, under whose jurisdiction the sewerage work is being done, shall

also take care of all the lives of these workers.

3. In view of the scheme formulated by the NHRC the High Court declined to interfere and the writ petition was dismissed. Challenging the same, the appellant is before this Court by way of this appeal.

4. Heard learned counsel for the appellant and also learned counsel for the respondents.

5. Counsel for the appellant pointed out that in spite of the scheme being approved by the NHRC, these organisations are not implementing the scheme effectively and sincerely, and the workers are met with serious accidents and they are not being taken care of well when they met with accidents.

6. Learned counsel for the Delhi Jal Board has stated that the scheme suggested/recommended by the NHRC has been fully implemented and the additional posts have also been created and a separate department, namely, Department of Safety and Disaster Management has been set up and a Special Consultant for Safety Measures appointed. It is also submitted that all the directions suggested by the NHRC are being fully implemented.

7. It is important to note that the NHRC has suggested very detailed guidelines and some of the guidelines deal primarily with measures to be taken when a sewerage worker is engaged to clean the sewerage. It is suggested by the NHRC that (i) emergency first aid treatment kits should be provided to take care of all minor injuries like cuts and burns; (ii) a

physician's services should be available for emergencies; (iii)

the workers should be educated about the hazards of waterborne diseases, such as typhoid and cholera through sewage and tetanus through cuts and wounds. Cuts and grazes should be covered with waterproof plasters. Effective immunization of workers against diseases such as typhoid, cholera, tetanus, etc. should be done by vaccination; (iv) the importance of personal hygiene should be emphasized and the workers should be instructed to keep finger- nails short and well trimmed, wash hands with soap and hot water before taking food or smoking and to keep fingers out of nose, mouth and eyes, because the hands carry most infections; (v) use of rubber glove should be insisted so that sewage or sludge does not come in direct contact with the hands. Before starting work, skin likely to be exposed to sewage should be covered with barrier cream or worker should be provided with wadder suit; (vi) the workers should be provided with a complete change of work clothes to be worn during working hours. Gum boots should also be provided for the workers; (vii) when the work is completed, all contaminated parts of the body should be thoroughly washed; (viii) in laboratory work only pipettes with rubber teats should be used to prevent contamination of the mouth, laboratory glassware should not be used for drinking purposes. In no event food should be prepared in the laboratory; (ix) adequate facility of clean water and soap should be provided for the workers for cleaning their body after completion of the job; (x) the gangs/JE/site-in-charge must have telephone numbers for call of an ambulance, fire service, police and nearby hospital for any emergency; and (xi) those who are regularly engaged in sewerage work should be given proper training. These guidelines and the other guidelines issued by the NHRC may also be implemented by the

Municipal Corporation/Delhi Jal Board whenever the occasion arises.

8. The appeal is disposed of accordingly. No costs.

.....CJl.
(K.G. BALAKRISHNAN)

.....J.
(A.K. MATHUR)

NEW DELHI;
6th August, 2008.