

GOVERNMENT OF NCT OF DELHI
URBAN DEVELOPMENT DEPARTMENT
10TH LEVEL, C-WING, DELHI SECRETARIAT
I.P. ESTATE, NEW DELHI-02

प्रमुख अभियन्ता
आवती नं. 5310
दिनांक 25/4/18
प्रमुख अभियन्ता / DD (M)
निदेशक (कार्य एवं स्था.) ADM
निदेशक (अनुस्वाप) 04/18
उप सहायक अधिकारी
उप निदेशक (कार्य एवं स्था.)

F. No. 13/56/CC/MB/UD/2016/Part File-I/ 1887-1909

Dated:- 26/4/18

Minutes of the meeting held in the conference hall of Principal Secretary (UD)/Director (Local Bodies) on 25/04/2018 at 4.00 PM

A meeting with officers of all Local Bodies, DJB, PWD, Divisional Commissioner, District Magistrates, Deptt. of Welfare of SC/ST/OBC/Minority had been called with the objective of collating the action taken by the various Departments/District Committee in view of the Hon'ble High Court Orders dated 01.02.2018 & 04.04.2018.

List of officers who attended the meeting is enclosed as Annexure 'A'

The following issues were discussed and decision taken:

1. At the outset the Principal Secretary, UD/Director (Local Bodies) briefed about the Hon'ble High Court order dated 04.04.2018 in the matter of WP(C) 841/1998 Ashok Agarwal Vs Union of India & Ors and WP(C) 5232/2007 & CM APPL. 20465/2016 titled National Campaign For Dignity & Rights of Sewerage & Allied Workers Thr. Hemlata Kansotia Vs MCD & Ors wherein the court has observed that "*the Government of NCT of Delhi has not filed any action taken report in view of the previous directions. All details mentioned in the previous orders shall be collated and an appropriate action taken report, in the form of an affidavit, be filed by the concerned Directors (Local bodies of the GNCTD). In the event of non-compliance, the Principal Secretary, Department of Urban Development, shall be present in the Court to assist in the proceedings. The Court was informed that the Delhi Jal Board has provided a helpline in the form of no. 1916 which may be given due publicity – in the print and electronic media at regular intervals to bring about awareness about the facility of cleaning drains falling within the Municipal areas (SDMC, EDMC and NDMC)*".
2. Earlier in the same matter Hon'ble High Court vide order dated 01.02.2018 had issued the following directions and a copy of these orders dated 01/02/2018 were sent to all ULB's, Secretary (SC/ST) & Revenue Department for necessary compliance. The operative part of the judgement states that

"A standard operating procedure (SOP) known as an action plan for switching over from manual sewer cleaning to a mechanised sewer cleaning, was finalised and circulated by orders of the Lieutenant Governor on 05.09.2017. Having regard to these developments every District Committee is hereby directed to complete its task within eight weeks and indicate the following:-

- (i) The extent of sewer lines in the concerned District;

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① Pr CE (M)
② Pr CE (P)
③ PWD web site

- (ii) *The number of cleaners/baidars who are performing scavenging tasks, known by any affiliation or name whatsoever, and engaged in such functions, either directly or indirectly or through intermediates, such as contractors in each District, under the jurisdiction of the concerned local authority (Municipal Authorities/Board/ Cantonment Board) etc.;*
- (iii) *The safety mechanised equipment available in each District and its utilisation – whether it is issued to the concerned employee or any contractor etc.;*
- (iv) *The nature of employment of such baildar/individual performing the scavenging tasks i.e. either he is on the roll of a contractor or is employed indirectly by the Corporation for its tasks;*
- (v) *If some of the cleaning/scavenging tasks are outsourced to contractors, whether a policy of ensuring legal compliance by such contractors and accountability to the Act and other provisions of law is mandated and ensured on an on going basis and whether such outsourcing is permissible, having regard to and policy of licensing, either formulated or in law?*
- (vi) *Provisions with respect to health security, insurance cover, both for life as well as for sickness etc., of such employees and their families;*
- (vii) *Provision for education and training as part of the rehabilitation measures to be adopted in respect of such individuals.”*

3. Representative of Deptt. of Welfare of SC/ST/OBC briefed about the various orders and notifications issued w.r.t. the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 and the same are as under.:-

- (i) Notifications dated 22.12.2017 vide which State Monitoring Committee and Eleven District Vigilance Committees have been constituted under section 26 (1) and 24 (2) of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
- (ii) Deptt. for the Welfare of SC/ST/OBC Order dated 03.02.2014 vide which it is declared that no person, local authority or any agency shall engage or employ, either directly or indirectly, any person for hazardous cleaning of a sewer or a septic tank in the National Capital Territory of Delhi under section 7 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 (25 of 2013).
- (iii) Deptt. for the Welfare of SC/ST/OBC Notification dated 03.02.2014 vide which Delhi Commission for Safai Karamcharis has been designated to perform, within the National Capital Territory of Delhi, mutatis, mutandis, the functions specified in sub – section (1) of section 31 of the aforesaid Act.

- a) To monitor the implementation of this Act;
- b) To enquire into complaints regarding contravention of the provision of this Act, and to convey its findings to the concerned authorities with recommendations requiring further action; and
- c) To advise the Central and the State Governments for effective implementation of the provisions of this Act.
- d) To take Suo – Moto notice of matter relating to non-implementation of this Act.

- (iv) Deptt. for the Welfare of SC/ST/OBC Notification dated 27.02.2014 vide which Local Authorities have to construct adequate number of sanitary community latrines by 06.12.2016 to eliminate the practise of open defecation as per section 4 (2) of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
- (v) Deptt. for the Welfare of SC/ST/OBC Order dated 03.03.2014 vide which the Hon'ble Lt. Governor has authorised the Commissioner's of all the three corporations, Secretary of NDMC and Deputy Commissioners (Revenue) of all District to ensure that the provisions of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 are properly carried out. Further, the Commissioners of all the three Corporations i.e North Delhi Municipal Corporation, South Delhi Municipal Corporation, East Delhi Municipal Corporation and Secretary of New Delhi Municipal Council and Deputy Commissioners (Revenue) of all the eleven Revenue Districts may, specify the subordinate officers, who shall exercise all or any of the powers, and performs all or any of the duties, so conferred or imposed, and the local limits within which such powers or duties shall be carried out by the officer or officers so specified.
- (vi) Deptt. for the Welfare of SC/ST/OBC Notification dated 21.04.2014 vide which Additional District Magistrate have been conferred the powers of the Executive Magistrate in the National Capital Territory of Delhi, the powers of the Judicial Magistrate of the first class for trial of offences under the said Act in their respective jurisdiction for the purpose of the Code of Criminal Procedure, 1973 to be a Judicial Magistrate of the first class as per section 21 (1) of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013.
- (vii) Deptt. for the Welfare of SC/ST/OBC Notification dated 22.11.2017 vide which District Level Survey Committee for each District of National Capital Territory of Delhi, has been constituted with District Magistrate as its Chairman with members as Deputy Director/Assistant Director/Section Officer of the department for the Welfare of Schedule Caste, District Statistical Officer, Executive Engineer Delhi Jal Board, Executive Engineer MCD, Officer of Divisional Railway Manager Northern Railway,

two representatives of NGO, upto two community representative of whom one should be woman to be nominated by DMC concerned.

4. As per section 25 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, the functions of the District Vigilance Committee are defined as ;
 - (i) To advise the District Magistrate or, as the case may be, the Sub-Divisional Magistrate, on the action which needs to be taken, to ensure that the provisions of this Act or of any rule made thereunder are properly implemented;
 - (ii) To oversee the economic and social rehabilitation of manual scavengers;
 - (iii) To co-ordinate the functions of all concerned agencies with a view to channelize adequate credit for the rehabilitation of manual scavengers;
 - (iv) To monitor the registration of offences under this Act and their investigation and prosecution.
5. Each District Vigilance Committee has the District Magistrate as its Chairperson with members from Delhi Police, SC member of State Legislature, all the heads of Urban Local Bodies, Indian Railways, four social worker, Accounts Officer, Department for Welfare of SC/ST/OBC/Minorities.
6. As per section 27 of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013, the functions of the State Monitoring committee are defined as ;
 - (i) To monitor and advise the State Government and local authorities for effective implementation of this Act;
 - (ii) To co-ordinate the functions of all concerned agencies;
 - (iii) To look into any other matter incidental thereto or connected therewith for implementation of this Act.
7. State Monitoring Committee has Chief Minister as its Chairperson with members from Home Department, Department for Welfare of SC/ST/OBC/Minorities, Delhi Police, SC member of State Legislature, all the heads of Urban Local Bodies, Indian Railways, four social worker and head of State Commission for Safai Karamcharis. The Secretary, Department for the Welfare of SC/ST/OBC/Minority, Govt. of NCT of Delhi is the Member Secretary of the said committee.
8. Representative of Delhi Jal Board informed that instructional order regarding safety of workers and implementation of PEMS Act and their Rehabilitation Rule, 2013 have been issued for further necessary action vide their letter no. F. No. 2(4)/M(Dr.)/2018/ 139-151

dated 09.02.2018 to South DMC, North DMC, East DMC, New Delhi Municipal Council, Delhi Cantonment Board, DUSIB, DSIIDC. It was discussed that all the concerned agencies should adhere to the same in letter and spirit.

9. Hon'ble High Court in its order dated 01.02.2018 had ordered the District committees to carry out certain tasks. The progress on the said tasks was reviewed. It was observed that the progress has been a bit slow. The representative from Deptt. for the Welfare of SC/ST/OBC/Minorities intimated that only four District(West, South, NE and Shahdara) have submitted the survey report. It was informed that no meeting of the State Level monitoring Committee has been held till now. Principal Secretary, UD/Director (Local Bodies) directed all the DMs to check the status of surveys conducted by them within 12 weeks and also recheck the status if any survey has been earlier done any District Committee. It was decided that the District Magistrates through the District committees will immediately carry out the tasks in a time bound manner. Divisional Commissioner being the controlling officer of the District Magistrates will review the progress made on a weekly basis. Divisional Commissioner will on a weekly basis to send a compiled and collated report in respect of all eleven Districts Vigilance Committees to Secretary, Deptt. for the Welfare of SC/ST/OBC/Minorities being the nodal agency in the matter. Accordingly a short Affidavit may be filed before the Hon'ble High Court, Delhi through Standing Counsel in the said matter by the UD Deptt. as per the Hon'ble High Court order dated 04.04.2018. In view of the little progress made, it was decided on twelve weeks time may be sought from the Hon'ble High Court. Given the paucity of time the UD Deptt. will file an affidavit in respect of the Court order dated 04.04.2018 and seek time of 12 weeks for completion of the task specified in the order dated 01.02.2018.
10. It was decided that since Deptt. of Welfare of SC/ST/OBC/Minority is the main deptt dealing with the welfare of the said communities, the said deptt. would be the nodal department to represent GNCT of Delhi in the court matters including the present writ petition. All the reports/affidavit would henceforth be filed by them. All the concerned departments/organisations, all municipal corporations, Delhi Jal Board, PWD, District Magistrates etc. will send their reports on the subject covered under the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013 & Rules framed there under to the said department. All the departments will cooperate and send ATRs in a time bound manner w.r.t. the said petition. Henceforth the said matter will be dealt by Secretary, Deptt. for the Welfare of SC/ST/OBC/Minorities.


(P. K. Goel)
Deputy Secretary (MB)

F. No. 13/56/CC/MB/UD/2016/Part File-I/ 1887 - 1909 Dated:- 26/7/18

Copy to:-

1. The Chairperson, NDMC, Palika Kendra, New Delhi
2. The Divisional Commissioner, Revenue Department, Govt of NCT of Delhi, 5th Sham Nath Marg, Delhi-54
3. The Engineer-in-Chief, PWD, 5th Level, Delhi Secretariat, New Delhi.
4. The Chief Executive Officer, Delhi Jal Board, Varunalya, Karol Bagh, Delhi.
5. The Commissioner, North Delhi Municipal Corporation, Dr. S.P.M Civic Centre, JLN Marg, New Delhi
6. The Commissioner, South Delhi Municipal Corporation, Dr. S.P.M Civic Centre, JLN Marg, New Delhi.
7. The Commissioner, East Delhi Municipal Corporation, Udog Sadan, Industrial Area Patparganj, Delhi.
8. The Secretary, Deptt. of SC/ST/OBC, Vikas Bhawan, ITO, Delhi.
9. The Chief Executive Officer, Delhi Cantonment Board, Delhi Cantt., New Delhi.
10. District Magistrate (CENTRAL) 14, Darya Ganj, New Delhi- 110002
11. District Magistrate (EAST) L.M. Bund, Shastri Nagar, Delhi-31
12. District Magistrate (NEW DELHI) 12/1, Jam Nagar House, Sahajahan Road, New Delhi 110011
13. District Magistrate (NORTH) 1, Kripa Narain Marg, Delhi - 110054
14. District Magistrate (NORTH EAST) D.C. Office Complex, Nand Nagri, Opposite Gagan Cinema, Delhi-93
15. District Magistrate (NORTH WEST) Kanjhawala, Delhi - 110081
16. District Magistrate (SHAHDARA) Nand Nagri, Opposite Gagan Cinema, Delhi-93
17. District Magistrate (SOUTH) M.B. Road, Saket, New Delhi-110068
18. District Magistrate (SOUTH EAST) Mehrauli Badarpur Road, Saket New Delhi- 110039
19. District Magistrate (SOUTH WEST) Old Terminal Tax Building Kapashera, New Delhi-37

Copy for information to:-

1. OSD to Chief Secretary, GNCTD, Delhi Secretariat, New Delhi
2. PS to Pr. Secretary (UD), Urban Development Deptt.
3. PS to ADLB, UD Deptt., Delhi Secretariat, New Delhi.
4. Sh. Siddharth Dutta, Advocate Panel Counsel GNCTD 16, Todarmal Road (Near Bengali Market), New Delhi - 110 001 (INDIA)


(P. K. Goel)
Deputy Secretary (MB)

**GOVERNMENT OF N.C.T. OF DELHI
DEPARTMENT OF URBAN DEVELOPMENT
10TH LEVEL: C-WING, DELHI SECRETARIAT
I.P. ESTATE NEW DELHI**

ATTENDENCE SHEET

Your attention is brought to the judgment in Hon'ble High Court order dated 04.04.2018 (copy enclosed) in the matter of WP(C) 841/1998 Ashok Agarwal Vs Union of India & Ors and WP(C) 5232/2007 & CM APPL. 20465/2016 titled National Campaign For Dignity & Rights of Sewerage & Allied Workers Thr. Hemlata Kansotia Vs MCD & Ors. Earlier in the same matter Hon'ble High Court vide order dated 01.02.2018 has issued the following directions:-

"A standard operating procedure (SOP) known as an action plan for switching over from manual sewer cleaning to a mechanised sewer cleaning, was finalised and circulated by orders of the Lieutenant Governor on 05.09.2017. Having regard to these developments every District Committee is hereby directed to complete its task within eight weeks and indicate the following:-


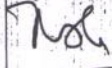




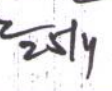
- (1) The extent of sewer lines in the concerned District;
- (2) The number of cleaners/baidars who are performing scavenging tasks, known by any affiliation or name whatsoever, and engaged in such functions, either directly or indirectly or through intermediates, such as contractors in each District, under the jurisdiction of the concerned local authority (Municipal Authorities/Board/ Cantonment Board) etc.;
- (3) The safety mechanised equipments available in each District and its utilisation - whether it is issued to the concerned employee or any contractor etc.;
- (4) The nature of employment of such baildar/individual performing the scavenging tasks i.e. either he is on the roll of a contractor or is employed indirectly by the Corporation for its tasks;
- (5) If some of the cleaning/scavenging tasks are outsourced to contractors, whether a policy of ensuring legal compliance by such contractors and accountability to the Act and other provisions of law is mandated and ensured on an ongoing basis and whether such outsourcing is permissible, having regard to and policy of licensing, either formulated or in law?
- (6) Provisions with respect to health security, insurance cover, both for life as well as for sickness etc., of such employees and their families;
- (7) Provision for education and training as part of the rehabilitation measures to be adopted in respect of such individuals."

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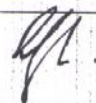



A copy of these orders dated 01/02/2018 have already been sent to your office for necessary compliance vide this office letter of even number 1384-97 dated 23/03/2018. However, the copy of the same is again enclosed herewith for ready reference.

In this regard, the State Level Monitoring Committee and Eleven District Vigilance Committees have been notified vide notification dated 22.12.2017 under the provisions of various sections of the prohibition of Employment as Manual Scavengers and Rehabilitation Act, 2013 (25 of 2013). Prior to the same the relevant notifications under the provisions of this act have been issued by the Deptt. for the Welfare of SC/ST/OBC/Minorities.

In view of the directions of Hon'ble High Court in the WP (C) 841/1998 and WP (C) 5232/2007, an urgent meeting has been convened by Pr. Secretary (UD)/Director Local Bodies in the Conference Room at 9th level, Delhi Secretariat, New Delhi on **25.04.2018 at 4:00 P.M** to know the status of compliance done and progress made by your department as per the directions of Hon'ble High Court in the said matter.

S.No.	Name of the Officer	Designation/ Office	Tel. No.	E-mail address	Signature
1.	K Mehra	DM (Shahdola) + N.G.	9891687870	mahemkumars 1301@ palms.com	
2.	N.K. SHARMA	SDM (N.G.) North	9891346722		
3.	Mukesh Jindal	EE (NW)-III D.J.R.	9650291130	eeunit@nt3@gnl.co	
4.	RICHA	ADM (Central)	9999986- 568		
5.	D.S. Khatri	Comptroller	7351111674		
6.	A.K. SEIVASTAV	Dy Director SC/ST/OBC/Welfare	9811368512		
7.	AJAY GUPTA	SE (PH) NDMC	9011606869	seph.civil @ndmc.gov.in	

S.No.	Name of the Officer	Designation/ office	Tel. No.	E-mail address	Signature
8	Himanshu Agamul	EE, D J B	9680291104	himanshu. agarwal1970 @gmail.com	
9	R.K. Gupta	EE, D J B South III	9650591677	ee9k1@ yahoo.co.in	
10	S.K. BHARDWAJ	EE (EAST) D J B	9670290748	ee east.djb@ gmail.com	
11	RAKESH SAHNI	SE (E) D J B	9682914		
12	Arun Gupta	SDM o/o DC (NW)	8800489 -470	de n w @ nic.in	
13	ASHWEEET SAPRA	SDM o/o DC (SOUTH EAST)	98125665		
14	HC Sharma	S.O CSE)	981866522		
15	T.C. Sharma	SDM (Hwy) Dist East	9811954388	sdm hwy delhi @gmail.com	
16	R K SINGH	EE/EDMC	9717788340	rksingh.098 @gmail.com	
17	VK SINGH	EE(S) II	9680290920	VKSingh.26 @guy.in	
18	Shiv Kumar	DC, WST	9910529315	de west @ nic .in	
19	Rajesh Khanna	SE(D) North DMC	8588283980	eedems@ Gmail.com	
20	Dr. Pooja Tachi	DM (N Dely)	9910952020	de nd nic . in	
21	M. KHAN	EE(SM) N.D.M.C.	9810612383	m.khan ndmc 2012 @ gmail .com	

S.No.	Name of the Officer	Designation/ office	Tel. No.	E-mail address	Signature
22.	Rashmi Sph	Secretary NORMC	9810590919		
23	M. K. Jain	SE (C) DJB	9650291092		
24.	ARUN KUMAR	SDM (HQ)	9990481799		
25	Kulanand Joshi	DM (Ent)	9871251284		 28/4/18
26	Dilip Channaray	C. & S. D. M. C	8588888222		