VERDICTUM.IN

$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010051892023**

\+ W.P.(C) 2088/2023 & CM APPL. 61049/2025, CM APPL. 61050/2025

JAN SEVA WELFARE SOCIETY (REGD) .....Petitioner

Through:

versus

UNION OF INDIA AND ORS .....Respondents

Through: Mr.Tushar Sannu and Mr. Parvin Bansal, Advocates for DJB and NDMC.
Mrs. Avnish Ahlawat, Ms. Aliza Alam and Mr Mohnish Sehrawat, Advocates.
Mr. Manu Chaturvedi, Standing Counsel for MCD with Mr. Arun Mishra Addl. Commissioner (DEMS).
Mr. Manish Kumar Srivastava and Mr Moksh Arora, Advocates with Mr. Amit Singh, AGM legal TPDDL.
Ms. Sakshi Popli, Additional Standing Counsel with Mr. Jitendra Kumar Tripathi and Ms. Sonali, Advocate.
Mr Jagdish Chandra CGSC with Ms Maanya Saxena, Advocate for UOI.
Mr. Rishab Raj Jain, Standing Counsel for BSES RPL with Mr. Sharique Hussain and Mr. Om Swarup Kumar, Advocates for R-8 and 9.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 23/10/2026 at 16:16:16

VERDICTUM.IN

CORAM:
HON'BLE THE ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJAY SHARMA

O R D E R

% **16.10.2026**

1. Apart from the obligations imposed under the Directive Principles of State Policy enshrined in the Constitution, the right to access hygienic public toilets includes Right to Life.

2. It is this violation which has prompted the petitioner to approach this Court.

3. Since 2023, this Court has passed orders in the matter concerning steps to be taken for the improvement, maintenance, and further maintaining hygiene of public toilets.

4. Apart from the availability of the existing number of public toilets, the respondents are equally required to be sensitive to the need for such public toilets *qua* the population of the area falling under the MCD.

5. The learned counsel for the respondent – MCD has submitted a status report, which is yet to be taken on record.

6. The grievance that is sought to be canvassed and addressed by the counsel for the respondents relates to (a) the structural maintenance of these toilets, (b) their hygiene and cleanliness, and (c) ensuring their availability in sufficient numbers.

7. The fact remains that the MCD area is divided into 12 zones and each of these zones is headed by the Deputy Commissioner.

8. Apart from the Chief Engineer (Logistics), who is required to provide infrastructural and logistical support, the final authority in regard to sanitation and maintenance of the public toilet's vests in Additional

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 23/10/2026 at 16:16:16

VERDICTUM.IN

Commissioner.

9. We are informed that the reports are being prepared at the behest of the MCD to ensure not only the maintenance of hygiene but also structural maintenance.

10. The fact remains that, despite the efforts being made by the respondents, the results are not to the satisfaction which led, time and again, complaints being brought before this court.

11. Counsel for the respondent – MCD has informed us that initially, they tried to execute the work on their own by geotagging the sanitation facilities. However, subsequently, in two of the zones, they have taken assistance from an Institution in Chennai on pilot basis.

12. It is claimed that the results of the aforesaid project are satisfactory.

13. Be that as it may, what is expected of the respondent is to discharge their statutory duty under the statute, not only to provide public toilets but also to ensure hygiene.

14. In the aforesaid background, it is not for this Court to supervise the day-to-day functioning of the respondent to whether they are discharging their statutory duties up to the mark.

15. Just to have a check, this Court proposes to put the following mechanism in order.

16. We are informed that there are three social work colleges that can be identified, namely, the Delhi School of Social Work (now known as the Department of Social Work), run by the University of Delhi; Jamia Millia Islamia College of Social Work; and Aditi Mahavidyalaya which functions under the aegis of the University of Delhi.

17. We request the Principals/Highest Director of these Institutions to

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 23/10/2026 at 16:16:16

VERDICTUM.IN

spare teams comprising both male and female students in so as to have surprise inspection of these public toilets.

18. Upon inspection, they shall submit a report on the condition of the public toilets, including photographs, to the Additional Commissioner, who is in charge of sanitation. Based on these reports, the Additional Commissioner shall initiate appropriate steps in the matter and, in case any default is noticed, shall hold the Deputy Commissioner of the concerned zone answerable.

19. Each of the team member shall be paid honorarium for carrying out the aforesaid social work, which, in our opinion, shall be with the intention to meet conveyance charges, photography charges and other incidental expenses.

20. We request the Directors/Principal of Delhi School of Social Work to speak to the Directors/Principals of the other two colleges referred supra and submit a response on or before 2nd November, 2026.

21. We request Mr. Tushar Sannu, learned Standing Counsel for MCD, to communicate this order to the Directors/Principals of Delhi School of Social Work.

22. Similarly, we would also like to have a response from the Additional Commissioner (Sanitation) by the said date.

23. We further intend to put a rider that, in case consecutive defaults are noticed, in regard to the functioning of the Deputy Commissioner with regard to the structural maintenance and hygiene of the public toilets, the respondents shall indicate the action proposed to be initiated against such Deputy Commissioner of the concerned zone, including the Chief Engineer, who is responsible for providing logistic and other support.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 23/10/2026 at 16:16:16

VERDICTUM.IN

24. We further want the respondent officers of the MCD to note that, in case there is a failure in providing financial support to the aforesaid project, this Court would be taking serious note of the same. After the responses of the officers are received, the Court shall pass appropriate orders in the matter.

25. List on 2nd November, 2026.

NITIN WASUDEO SAMBRE, ACJ

SANJAY SHARMA, J

OCTOBER 16, 2026/*UK/OK*

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 23/10/2026 at 16:16:16