

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 583 OF 2003

SAFAI KARAMCHARI ANDOLAN AND ORS. Petitioner(s)

VERSUS

UNION OF INDIA AND ORS. Respondent(s)

(With application for exemption from filing Official Translation, directions, extension of time, permission to file affidavit and office report)

CONMT.PET.(C)No.132/2012 In W.P.(C)No.583/2003  
[SAFAI KARAMCHARI ANDOLAN TR. DIR. Vs. SHRI SUBHASH KUMAR & ORS.]

Date: 03/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SWATANTER KUMAR  
HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr. P.S. Narasimha, Sr. Adv.  
In both Ms. Shomona Khanna, Adv.  
Mr. K. Parameshwar, Adv.  
Mr. Anupam Lal Das, Adv.

For Respondent(s) Mr. Harin P. Rawal, ASG.  
For UOI(RRs 1-5) Mr. T.S. Doabia, Sr. Adv.  
Mr. Ashok Bhan, Sr. Adv.  
Ms. Rachana Srivastava, Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Ms. Sukhbeer Kaur Bajwa, Adv.  
Mr. Keshav Thakur, Adv.  
Mr. Puryanik T., Adv.  
Mr. S.N. Terdol, Adv.  
Mr. Utkarsh Sharma, Adv.  
Ms. Rekha Pandey, Adv.  
Ms. Varuna Bhandari Gugnani, Adv.  
Ms. Satya Siddiqui, Adv.  
Mr. M. Khairati, Adv.  
Ms. Sunita Sharma, Adv.  
Mr. Manpreet Singh Doabia, Adv.  
Mr. S.K. Mishra, Adv.  
Mr. Sarfraz A. Siddiqui, Adv.  
Mr. D.S. Mahra, Adv.  
Ms. Anil Katiyar, Adv,  
Mr. B.V. Balaram Das, Adv.  
Mr. B. Krishna Prasad, Adv.  
Mr. Arvind Kumar Sharma, Adv.

For RR No. 4 Ms. Susmita Lal, Adv.

For the States of:

Andhra Pradesh Mr. G.N. Reddy, Adv.  
Mr. M. Rambabu, Adv.  
Mr. s. Nagarajan, Adv.  
Mr. T.V. George, Adv.(NP)  
Mr. T.V. Ratnam, Adv. (NP)  
Mr. Mohan Prasad Meharia, Adv. (NP)

Arunachal Pradesh Mr. Anil Shrivastav, Adv.  
Mr. Rituraj Biswas, Adv.

Assam Mr. Riku Sharma, Adv.  
Mr. Navnit Kumar, Adv.  
For M/S Corporate Law Group, Adv.

Bihar Mr. Gopal Singh, Adv.  
Mr. Manish Kumar, Adv.

Chhattisgarh Mr. Atul Jha, Adv.  
Mr. Dharmendra Kumar Sinha, Adv.  
Mr. Rajesh Srivastava, Adv.(NP)

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Mr. S. Panda, Adv.  
Ms. Nandini Gupta, Adv.

Haryana Mr. Manjit Singh, AAG.  
Ms. Vivekta Singh, Adv.  
Mr. Tarjit Singh, Adv.  
Mr. Kamal Mohan gupta, Adv.

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Jammu & Kashmir Mr. Sunil Fernandes, Adv.  
Ms. Vernika Tomar, Adv.  
Mr. Shashank K. Lal, Adv.  
Ms. Astha Sharma, Adv.

Jharkhand Mr. Gopal Prasad, Adv.

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Mr. Sanjay R. Hegde, Adv. (NP)

Kerala Mr. Ramesh Babu M.R., Adv.  
Mr. Sushrut Jinda, Adv.  
Mr. G. Prakash, Adv.(NP)  
Mr. K.r. Sasiprabhu, Adv. (NP)

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Maharashtra Ms. Asha G. Nair, Adv.  
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Mr. Ravindra Kumar Adsure, Adv.(NP)

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Mr. Sapan Biswajit Meitei, Adv.

Meghalaya Mr. Ranjan Mukherjee, Adv.  
Mr. S. Bhowmick, Adv.  
Mr. S.C. Ghosh, Adv.

Mizoram Mr. K.N. Madhusoodhanan, Adv.

Mr. R. Sathish, Adv.

Mr. Pragyan Sharma, Adv.  
Mr. Heshu Kayina, Adv.  
Mr. Gautam Dhamija, Adv.  
Mr. Rupesh Gupta, Adv.

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Mr. Amit Kumar Singh, Adv.

Ms. Sumita Hazarika, Adv.(NP)

Orissa Mr. Shibashish Mishra, Adv.

Punjab Mr. Anil Grover, AAG.  
Ms. Noopur Singhal, Adv.

Mr. Kuldip Singh, Adv.

Mr. Jatinder Kumar Bhatia, Adv. (NP)

Rajasthan Mr. Ansar Ahmad Choudhary, Adv.(NP)

Mr. R. Gopalakrishnan, Adv.(NP)

Tamil Nadu Mr. R. Ayyam Perumal, Adv. (NP)

Tripura Mr. Gopal Singh, Adv.  
Mr. Rituraj Biswas, Adv.

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Ms. Archana Singh, Adv.  
Mr. Pradeep Misra, Adv. (NP)

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Ms. Alka Sinha, Adv.

Sikkim Ms. Aruna Mathur, Adv.  
Mr. Yusuf Khan, Adv.  
Ms. Movita, Adv.  
For M/s Arputham Aruna & CO., Adv.

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Mr. Abhuijit Sengupta, Adv.  
Mr. Faisal M., Adv.  
Mr. D. Banerjee, Adv.  
Mr. Avijit Bhattacharjee, Adv.(NP)

Union Territories  
Andaman & Nicobar(RR35)  
Lakshadweep(RR 36) &  
Daman & Diu(RR 40)

Mr. D.S. Mahra, Adv.

Chandigarh

Puducherry Mr. V.G. Pragsam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. Praburamasubramanian, Adv.

For Organisations/Authorities

For Airport Authority  
of India Ms. Rachana Joshi Issar, Adv.

BHEL Mr. B.K. Satija, Adv.

Bharat Ophthalmic

Glass Ltd.	Mr. K.K. Mani, Adv.
Central Elec. Ltd. Sahibabad	Mr. Prem Sunder Jha, Adv.
Contained Corpn. India	Mr. T. Mahipal, Adv.
CSWB	Mr. L.R. Singh, Adv.
Delhi Cantt. Board	Mr. Sunil Satyarthi, Adv.
FCI	Mr. Ghanshyam Joshi, Adv.
GRSE Ltd.	Mr. Chanchal Kumar Ganguli, Adv.
Heavy Engg. Hindustan Salts Ltd.	Mr. S. Chandrashekhar, Adv. Mr. T. Mahipal, Adv.
HP Env. Prot. & Pollu Cent. Bd.	Mr. Devendra Singh, Adv. Mr. P. Narasimhan, Adv. (NP)
HP State Forest Corpn.	Mr. Ashok Mathur, Adv.
HPCL	Mr. Parijat Sinha, Adv.
MSTC Ltd.	Mr. Praveen Chaturvedi, Adv.
NTPC	Mr. Bharat Sangal, Adv.
MCD Shimla Noida & Greater Noida	Mr. Anil Nag, Adv. Mr. Ravindra Kumar, Adv.
Rashtriya Ispat Nigam Ltd.	Mr. K.J. John, Adv.
RITEs Ltd.	Mr. K.K. Gupta, Adv.
SAIL	Mr. Sushil Kumar Jain, Adv.
UPFC	Mr. Shrish Kumar Mishra, Adv. Mr. C.N. Sree Kumar, Adv. Mr. Anip Sachthey, Adv. Mr. H.S. Parihar ,Adv Mr. M.C. Dhingra, Adv. Ms. Madhu Sikri, Adv. For M/S Manoj Swarup & Co., Adv. Ms. Pratibha Jain, Adv. Mr. R.N. Keshwani, Adv. Ms. C.M. Chopra ,Adv Mr. Shakil Ahmed Syed, Adv.

Mr. M.J. Paul, Adv.  
Mr. S. Rajappa, Adv.  
Mr Tarun Johri, Adv.  
Mr. Varinder Kumar Sharma, Adv.  
Mr. Rajan Narain, Adv.  
Dr. Kailash Chand, Adv.  
Mr. Ajay Sharma ,Adv  
Mr. Amit Kumar, Adv.  
Mr. Praneet Ranjan, Adv.  
Mr. Rauf Rahim, Adv.  
Mr. Jayanth Muth Raj, Adv.

For RR No. 3 in CP      Mr. Mukesh Verma, Adv.  
                                 Mr. Jatinder Kumar Bhatia, Adv.

UPON hearing counsel the Court made the following

O R D E R

In Writ Petition

Despite repeated orders and opportunity having been granted by this Court, the States of Madhya Pradesh, Uttar Pradesh, Bihar and Jammu and Kashmir have not filed affidavits. It is a matter of record that despite a contempt petition having been filed, the concerned authorities of the States have not taken care to comply with the orders of the Court. Such attitude of the State Administration hierarchy needs to be deprecated.

Counsel appearing for the State of Jammu and Kashmir and Uttar Pradesh state that their affidavits are ready and the same could be filed. This is hardly an excuse. The order was passed on 16th January, 2012 to file affidavits within a period of four weeks. The non-compliance of the order cannot be ignored. Thus, we direct the Secretaries of the concerned Department i.e. Secretary (Health & Social Welfare) of the above States to remain present in this Court on the next date of hearing.

Liberty is granted to file affidavits within one week from today subject to payment of costs of `10,000/- to be recovered from the erring officers of the respective States.

Learned Additional Solicitor General appearing for the Union of India submits that as recorded in the order dated 2nd April, 2012, the appropriate bill has already been introduced in the Parliament namely, "Prohibition of Employment as Manual Scavengers and their Rehabilitation Bill, 2012" and is scheduled as item No. 12 for today.

Contempt Petition No. 132 of 2012

There are three respondents from the State of Uttarakhand. One is the Chief Secretary, other the Secretary, Urban Development Department, Uttarakhand and thirdly, the District Magistrate, Haridwar, Uttarakhand. While the first two have not even cared to file an affidavit, the District Magistrate, Haridwar has filed an affidavit, the correctness and authenticity of which is questioned by the learned counsel appearing for the petitioner who points out that the Census Report, 2011 published by the Government of India shows that there are a large number of manually serviced latrines in the State of Uttarakhand and nearly in 12 districts stated therein. A copy of the Report has been placed before us.

Prima facie, we are of the view that the affidavit filed by the District Magistrate, Haridwar, has been filed in a very casual manner and without actually verifying the facts. The Chief Secretary and the concerned Secretary expected and were in fact the competent authority who should have filed the affidavits in regard to the entire State. We are not prepared to condone this attitude adopted by the senior officers of the State. Consequently, we grant them by way of last opportunity, one week's time to file affidavit subject to payment of costs of `10,000/- and direct the Secretary as well as the District Magistrate, Haridwar to be present in Court.

We issue notice to show cause why the affidavit filed by the District Magistrate, Haridwar, be not struck off the record if the same is found to be incorrect and appropriate action in accordance with law be also not taken against the said officer.

Stand over for two weeks.

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|[KALYANI GUPTA]  
|COURT MASTER

| | [SHARDA KAPOOR]  
| | COURT MASTER

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