

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.583 OF 2003

SAFAI KARAMCHARI ANDOLAN AND ORS.

Petitioner(s)

VERSUS

UNION OF INDIA AND ORS.

Respondent(s)

(With appln(s) for exemption from filing O.T., directions,  
extension of time, permission to file affidavit and office report)

Date: 12/01/2011      This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN  
HON'BLE MR. JUSTICE SWATANTER KUMAR

Mr. Goolam E. Vahanvati,AG.  
Mr. Nishanth Patil,Adv.  
Mr. Anoopam Prasad,Adv.  
Ms. Naila Jung,Adv.  
Mr. Rohit Sharma,Adv.

For Petitioner(s)

Mr. P.S. Narasimha,Sr.Adv.  
Ms. Shomona Khanna,Adv.  
Mr. Parmeshwar,Adv.  
Mr. Anupam Lal Das,Adv.

For Respondent(s)

Ms. A. Subhashini,Adv.

Mr. Anip Sachthey,Adv.

Mr. H.P. Raval,ASG.  
Mr. T.S. Doabia,Sr.Adv.  
Ms. Sunita Sharma,Adv.  
Ms. Rekha Pandey,Adv.  
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Ms. Varuna Bhandari Gugnani,Adv.  
Mr. Manpreet Singh Doabia,Adv.

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Mr. Bidyabrata Acharrya,Adv.

Mr. Bharat Sangal,Adv.

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Mr. G. Prakash,Adv.  
Ms. Beena Prakash,Adv.  
Mr. V. Senthil,Adv.

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

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Ms. Nupur Kanungo,Adv.

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Mr. K.K. Gupta,Adv.

Mr. K.K. Mani,Adv.

Mr. M.C. Dhingra,Adv.

Ms. Madhu Sikri,Adv.

Ms. Manoj Swarup,Adv.  
Ms. Lalita Kohli,Adv.  
for M/s. Manoj Swarup & Co.,Adv.

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Ms. Pratibha Jain,Adv.

Mr. R.N. Keshwani,Adv.

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Mr. R. Sathish,Adv.

Mr. Shrish Kumar Misra,Adv.

Mr. T.V. Ratnam,Adv.

Ms. C.M. Chopra,Adv.

Mr. Anil Nag,Adv.

Mr. R. Ayyam Perumal,Adv.

Mr. K.R. Sasiprabhu,Adv.

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Mr. S.C. Ghosh, Adv.

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Mr. V.G. Pragasam, Adv.

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Mr. Tarun Johri, Adv.

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Mr. Rajan Narain, Adv.

Mr. Gopal Prasad, Adv.

Mr. Chanchal Kumar Ganguli, Adv.

Dr. Kailash Chand, Adv.

Mr. Riku Sarma, Adv.

for M/s. Corporate Law Group, Advs.

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Mr. S. Chandra Shekhar, Adv.

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Mr. Jatinder Kumar Bhatia, Adv. (N/P)

Mr. Mohanprasad Meharia, Adv.

Mr. Ajay Sharma, Adv.

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Mr. Sunil Fernandes, Adv.  
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Ms. Renu Gupta, Adv.  
Mr. G.N. Reddy, Adv.  
Mr. V. Pattabhiram Varevu, Adv.

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Ms. Aruna Mathur, Adv.  
Mr. Yusuf Khan, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Megha Gaur, Adv.  
for M/s. Arputham, Aruna and Co., Advs.

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Ms. K. Enatoli Sema, Adv.

Mr. Atul Jha, Adv.  
Mr. D.K. Sinha, Adv.

Mr. Sanjay V. Kharde, Adv.  
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Mr. Anil, Adv.

Mr. Anil Shrivastav, Adv.  
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Mr. T. Harish Kumar, Adv.  
Mr. P. Prasanth, Adv.  
Mr. V. Vasudevan, Adv.  
Mr. S. Thananjayan, Adv.

UPON hearing counsel the Court made the following  
O R D E R

As far back as on 5th October, 2007, this Court had directed the States, which have adopted the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993 ['1993 Act', for short] but had not appointed Executive Authorities, as required under Section 5 of 1993 Act, to appoint such Authorities.

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The position as of today is that, even in 2011, the following States and a Union Territory have failed to comply with our directions dated 5th October, 2007. They are as follows:

- [a] Punjab;
- [b] Tamil Nadu;
- [c] Uttarakhand;
- [d] U.T. of Dadra and Nagar Haveli; and
- [e] Manipur.

We hereby direct the concerned Secretary of each of the above States to remain present in this Court on 18th February, 2011, to explain why our directions dated 5th October, 2007, have not been implemented till date. It is made clear that, in the meantime, if the States take requisite steps to make appointments, as required under Section 5 of 1993 Act before the next date, then the concerned Secretary need not remain present in Court.

We also give liberty to the petitioners to take appropriate action if the directions are not complied with.

We have examined the writ petition. We find that the prayers made in the writ petition are very wide. Be that as it may, in the present case, this Court has been monitoring the issue concerning prohibition and employment of manual scavengers as well as construction or continuance of dry latrines for the last decade. Detailed directions have been given from time to time by this Court vide Orders dated 29th April, 2005, 14th November, 2005, 20th March, 2006, 5th October, 2007, 11th December, 2007,

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30th April, 2009, and 8th May, 2009. For implementation of those directions, we direct the Registry of this Court to forward a copy of the writ petition along with Orders dated 29th April, 2005, 14th November, 2005, 20th March, 2006, 5th October, 2007, 11th December, 2007, 30th April, 2009, and 8th May, 2009, to respective High Court and we

request those High Courts to enforce the directions given by this Court from time to time.

We make it

clear that the High Courts will see to it that the provisions of 1993 Act are implemented by the Authorities within their respective jurisdiction.

In cases where the Railways is the employer, we request the Delhi High Court to enforce the provisions of 1993 Act as also the directions issued by this Court from time to time.

Place this matter on 18th February, 2011, as last item on Board.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Madhu Saxena ]  
Assistant Registrar