

ITEM NO.201

COURT NO.1

SECTION PIL

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

WRIT PETITION (C)NO.583/2003

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 for  
filing addl.affidavit,permission to file affidavit)  
(for final disposal)

Date: 08/05/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE DR. JUSTICE ARIJIT PASAYAT  
HON'BLE MR. JUSTICE P.SATHASIVAM

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

For Respondent(s) Mr. Anis Suhrawardy ,Adv  
Mr.S.Mehdi Imam, Adv.  
Mr.Tabrez Ahmad, Adv.  
  
Mr.J.R.Das,Adv.  
Mr.P.P.Nayak,Adv.  
  
Mr.Mohan Prasad Meharia, Adv.(NP)  
  
Mr.Gopal Prasad, Adv.(NP)  
  
Mr.Shibashish Mishra, Adv.  
  
Mr.Ramesh Babu M.R., Adv.  
  
Mr.Pradeep Misra, Adv.(NP)  
  
Mr.Ravindra K.Adsure, Adv.  
  
Mr.Ranjan Mukherjee, Adv.

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

Mr.Jatinder Kumar Bhatia, Adv.(NP)

Ms.A.Subhashini, Adv.

Mr.K.K.Mahalik, Adv.  
Mr.Kuldip Singh, Adv.  
Ms.Nitu Kumari Sinha, Adv.

Mr.B.Dutta, ASG  
Mrs.Sunita Sharma, Adv.

Mrs.Rekha Pandey, Adv.  
Ms.Savitri Pandey, Adv.  
MR.A.K.Sharma, Adv.  
For Mr.D.S.Mahra, Adv.  
Mr.S.N.Terdal, Adv.(NP)

Mrs Anil Katiyar ,Adv(NP)  
ms.Sushma Suri, Adv.(NP)  
Mr.B.Krishna Prasad, Adv.(NP)

Mr.Naresh K.Sharma, Adv.

Ms.Sumita Hazarika, Adv.(NP)

Mr.Rajesh Srivastava, Adv.

Mr.T.V.Ratnam, Adv.

Mr.B.B.SIngh, Adv.(NP)

Mr.Praneet Ranjan, Adv.

M/s.Manoj Swarup & Co., Advs.(NP)

Mr.B.K.Satija, Adv.(NP)

Mr.ajay Sharma, Adv.

Mr.C.N.Sree Kumar, Adv.(NP)

Mr.Varinder Kumar Sharma, Adv.(NP)

Mr.K.K.Mani, Adv.(NP)

Mr.C.M.CHopra, Adv.

Mr.Jayant Muth Raj, Adv.(NP)

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Mr.Anil Nag, Adv.

Mr.K.R.Sasiprabhu, Adv.(NP)

Mr.M.C.Dhingra, Adv.(NP)

Mr.Shakil Ahmed Syed,Adv.(NP)

Mr.Shrish Kumar Misra, Adv.(NP)

Mr.Ghanshyam Joshi, Adv.

Mr.Prem Sunder Jha, Adv.

Mr.M.J.Paul, Adv.(NP)

Ms.Sumita Lal, Adv.(NP)

Mr.Amit Kumar, Adv.

Mr.K.J.John, Adv.(NP)

Mr.H.S.Parihar, Adv.

Dr.Kailash Chand, Adv.(NP)

Mr.Praveen Chaturvedi, Adv.

Mr.Parijat Sinha, Adv.

Mr.Anip Sachthey, Adv.(NP)

Mr.Chanchal Kumar Ganguli, Adv.(NP)

Mr.T.Mahipal,Adv.(NP)

Ms.Madhu Sikri, Adv.

Mr.R.S.Suri, Adv.(NP)

Mr.Tarun Johri, Adv.

Ms.Vernika Tomar, Adv.

Ms.Mrinalini Oinam, Adv.

For Mr.Bharat Sangal, Adv.

Mr.V.B.Joshi, Adv.(NP)

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Mr.Rajan Narain, Adv.

Mr.S.K.Jain, Adv.

Mr.Puneet Jain, Adv.

For Ms.Pratibha Jain, Adv.

Mr.Rauf Rahim,Adv.

Mr.K.K.GUpta, Adv.

Mr.Ravindra Kumar, Adv.

Mr.C.P.Pandey, Adv.

Mr.Devendra Singh, Adv.

Mr.P.Narasimhan, Adv.(NP)

Mr.R.N.Keswani, Adv.(NP)

Mr.S.Rajappa, Adv.(NP)

Mr.G.Prakash, Adv.

Mr.M.P.Singh, Adv.

Mr.Vikrant Singh Bais, Adv.

For Ms.Vibha Datta Makhija, Adv.

Mr.Shailendra Kumar, Adv.

Ms.Nidhi Tewari, Adv.

For Mrs.Rachana Joshi Issar, Adv.

Mr. Avijit Bhattacharjee ,Adv.

Mr.BIKas Kargupta, Adv.

Mr.V.G.Pragasam, Adv.

Mr.S.J.Aristotle, Adv.

Mr.Prabu Ramasubramanian, Adv.

Ms.Sonia Rajput, Adv.

Mr.Rahul Srivastava, Adv.

For Mr.Ram Swarup Sharma, Adv.

Mr.Kh.Nobin Singh, Adv.

State of Bihar

Mr.Manish Kumar, Adv.

For Mr.Gopal Singh, Adv.

Dr.Manish Singhvi, AAG  
Mr.Milind Kumar, Adv.

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

Mr.Ashok K.Srivastava, Adv.  
Mr.Shaiwal Srivastava, Adv.  
Mr.Indrajeet Das, Adv.

Mr.Riku Sarma, Adv.  
For M/s.Corporate Law Group, Adv.

Mr.Majit Singh, AAG  
For Mr.T.V.George, Adv.

Mrs.Aruna Mathur, Adv.  
Mr.Vimal Dubey, Adv.  
For M/s.Arputham, Aruna & Co., Adv.

Mr.Manoj Saxena, Adv.  
For Mr.T.V.George, Adv.

Mr.L.R.Singh, Adv.  
Mr.S.W.A.Qadri, Adv.  
Mr.Zubair A.Khan, Adv.  
Mrs.Shaheen, Adv.  
Miss Vanita, Adv.

Mr.Sunil Kumar Singh, Adv.  
For Mr.Anuvrat Sharma, Adv.

Mr.K.N.Madhusoodhanan, Adv  
Mr.R.Sathish, Adv.

Mr.Edward Belho, Adv.  
Mr.P.Atuhuimei R.Naga, Adv.

Mr.Manish Kumar, Adv.  
Mr.Ansar Ahmad Chaudahry, Adv.  
Mr.Rakesh Kumar, Adv.

Mr.Amit Kr.Chawla, Adv.  
For Mr.Sanjay R.Hegde, Adv.

Mr.Manoj Jain, Adv.  
Mr.Manoj Kumar, Adv.  
For Mr.S.Chandra Shekhar, Adv.

Mr.Krishan Kumar, Adv.  
Mr.Mukesh Kumar, Adv.

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For M/s.M.V.Kini & Associates, Adv.

Mrs.Hemantika Wahi, Adv.  
Ms.Pinky Behra, Adv.

Ms.Shalini Kumar, Adv.  
For Ms.Niranjana Singh, Adv.

UPON hearing counsel the Court made the following

ORDER

Issue notice to the State of Uttaranchal (Respondent No.22). The respondent State is directed to file an affidavit to the following effect within six weeks:

a) The information given by the petitioners shows that survey confined to one District (Haridwar) reveals that there are 88 manual scavengers working in 159 dry latrines in the urban area of Rourkee alone;

b) Pending information regarding the prevalence of manual scavenging in other districts in the State, the District Magistrate, Haridwar must show cause why prosecution has not been initiated against the dry latrine owners;

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c) The State to file affidavit indicating the position with regard to other districts after conducting re-survey in all the districts. It may be noted that according to the National Commission for Safai Karmacharis, in 2007 there were 1,477 manual scavengers in the State of Uttaranchal;

d) State government to comply with the directions contained in order dated 11.12.2007 to appoint Executive Authorities under Section 5 of the 1993 Act.

Issue notice to State of Delhi (Respondent NO.34). The State is directed to file an affidavit to the following effect within six weeks :

a) As per letter dated 26.5.2008 of the PIO, Delhi SC/ST/OBC/Minorities & Handicapped Financial & Development Corpn. Ltd. it has been stated that there are 1085 manual scavengers in Delhi;

b) Further, a letter dated 30.1.2008 of the Director in Chief, MCD annexed to the Affidavit filed by the State of Delhi, admits that dry latrines are in existence in Delhi;

c) The survey conducted by the petitioners gives details that in the North-East District alone, there are 5 manual scavengers and 15 individual dry latrines at present;

d) In view of the above, it is mandatory that action must be taken under the 1993 Act. Unfortunately, the State of Delhi not yet adopted the 1993 Act and notified the same, and as such Executive Authorities which can launch prosecutions under the 1993 Act do not Exist.

List after six weeks.

(G.V.Ramana)  
Court Master

(Veera Verma)  
Court Master