

ITEM NO.201

COURT NO.4

SECTION PIL

SUPREME COURT OF INDIA
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 appln(s) for exemption from filing O.T., directions and permission to file affidavit and extension of time for filing additional affidavit)
(for final disposal)

Date: 05/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

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Mr. Tarun Johri, Adv.

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Mr. Ritu Raj, Adv.

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Mr. Piyush Jain, Adv.

For Delhi Cantt.

Board

Mr. Sunil Satyarthi, Adv.

For Allahabad HC

Mr. Ashok K.Srivastava, Adv.

Mr. Saurabh Trivedi, Adv.

Mr. Indrajeet Das, Adv.

Mr. R. Ayyam Perumal, Adv.

UPON hearing counsel the Court made the following
ORDER

Pursuant to our order dated 27.04.2007, it appears that all the States and concerned respondents have filed counter-affidavit. The National Commission for Safai Karamcharis constituted under Act, 1993 has also filed affidavit. From the affidavit filed by the National Commission for Safai Karamcharis, it appears that the total number of manual Scavengers, needs to be rehabilitated, comes to about 3,42,468.

To take care of such situation, the Act has now been passed by the Ministry of Law, Justice and Company Affairs, called The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993. Under the Act Implementing Authorities and Schemes have provided under Chapter III of the Act. Sub-section (1) of Section 5 of the Act empowers the State Government by publication in the Official Gazette, appoint a District Magistrate or a Sub-Divisional Magistrate, as an Executive Authority to exercise jurisdiction within such area as may

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be specified in the order.

Section 14 under Chapter V provides procedure for imposing penalties.

It is stated that some of the States have issued notification appointing the implementing agencies in terms of Section 5(1). However, some of the States have not issued such notification so far. We direct that any State who has not issued notification in terms of Section 5(1) of the Act to do so within a period of two months. Such agencies shall carry out investigation as empowered under Section 5(1) of the Act and also impose the penalties to the defaulters in terms of Section 14 of the Act, in the meantime.

List this matter for further orders after two months on a non-miscellaneous day.

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