

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 appln(s) for exemption from filing O.T.,directions and permission to file affidavit)

Date: 14/11/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s) Mr. S. Muralidhar,Adv.

Mr. Amit Sharma, Adv.

For Respondent(s)

Mr. B. Dutta,ASG

Mr. Hemant Sharma,Adv.

Ms. Sandhya Goswami,Adv.

Mr. B. Krishna Prasad ,Adv.

For A.P. Mr. Manoj Saxena, Adv.

Mr. Amit Meharia, Adv.

Mr. Mohanprasad Meharia ,Adv

Ms. Sunita Sharma,Adv.

Mr. DS Mahra,Adv.

Mr. T. Raja,Adv.



For Haryana

Mr. Manjeet Singh, Adv.

Mrs. Vivekta Singh, Adv.

Mr. Harikesh Singh, Adv.

Mr. Harikishan Kataria, Adv.

Mr. Sanjay Rathee, Adv.

Mr. Jatinder Kumar Bhatia ,Adv

Ms. Varuna Bhandari Gugnani,Adv.

Mrs Anil Katiyar ,Adv

for Meghalaya

Mr. Ranjan Mukherjee,Adv.

For Goa

Ms. A.Subhashini ,Adv.

for H.P.

Mr. J.S. Attri ,Adv

Ms.Shivani Thakur, Adv.

for Nagaland

Mr. U. Hazarika, Adv.

Mr. Satya Mitra, Adv.

Ms. Sumita Hazarika ,Adv.

For Uttaranchal

Mr. Rajesh Srivastava ,Adv

for Manipur

Mr.Khwairakpam Nobin Singh ,Adv.

For J & K

Mr. Anis Suhrawardy ,Adv.

Mr. T.V. Ratnam ,Adv.

Mr. D.S. Mahra ,Adv

for Bihar

Mr. B.B. Singh ,Adv

Mrs. Sunita R. Singh, Adv.

Mr. Kumar Rajesh Singh, Adv.

Mr. Praneet Ranjan,Adv.

Mr. Manoj Swarup, Adv.

Ms. Lalita Kohli, Adv.

Ms. Mona Rajvanshi, Adv.

Mr. Anubhav Kumar, Adv.

Mrs. Happy Saxena, Adv.

M/S Manoj Swarup & Co. ,Adv.

State of Arunachal Pradesh: Mr. Anil Shrisvastava,Adv.

Mr. Saurabh Srivastava,Adv.

HP State Forest Corpn.: Mr. Sanjay Sarin,Adv.

Ms. Sameena Saikh,Adv.

for Mecon Ltd. Mr. D.P. Mukherjee,Adv.

Ms. Nandini Mukherjee,Adv.

for Bank of Bikaner & Jaipur: Mr. Anil Kumar Sangal,Adv.

Mr. Nalin Sangal,Adv.

Mr. D.P. Mohanty,Adv.

for RITES Ltd. Mr. Altemesh Rein,Adv.

Mr. K.K. Gupta,Adv.

Bank of Baroda: Mr. Dinesh Mathur,Adv.

Ms. Padmini Kumari,Adv.

Mr. Rameshwar Prasad Goyal,Adv.

Mr. K. Rajeev,Adv.

Central Electronics Ltd. Sahibabad: Mr. P.S. Jha,Adv.

Mr. M.D. Pandey,Adv.

Ms. Manjula Gupta,Adv.

Container Corpn India: Mr. T. Mahipal,Adv.

India:

State of Pb. Mr. Sarup Singh,Sr.AAG,Pb.

Mr. Arun K. Sinha,Adv.

State of Sikkim: Mr. A. Mariaputham Adv.

Ms. Aruna Mathur,Adv.

Union Bank of India: Mr. O.P. Gaggar,Adv.



of India: Mr. S. Borthakur,Adv.

for HPCL: Mr. Parijat Sinha,Adv.  
Mr. S. Mukherjee,Adv.

For BHEL Mr. B.K.Satija ,Adv.  
Mr. Ajay Sharma,Adv.  
Mr. C.N. Sree Kumar ,Adv.  
Mr. Varinder Kumar Sharma,Adv.  
Mr. K.K. Mani ,Adv  
Ms. Monika Pandey, Adv.  
Mrs C.M. Chopra ,Adv  
Mr. Jayanth Muth Raj ,Adv  
Mr. Anil Nag ,Adv  
Mr. K.R. Sasiprabhu ,Adv  
Mr. M.C. Dhingra ,Adv  
Mr. S.B. Upadhyay ,Adv  
Mr. Avijit Bhattacharjee,Adv.  
Mr. Sumit Purakayastha,Adv.  
Mr. Ravindra Kumar,Adv.

for intervenor: Ms. Rachna Joshi Issar,Adv.  
Mr. V.B. Joshi,Adv.  
Mr. Krishan Kumar,Adv.

UPON hearing counsel the Court made the following

O R D E R

This Court on 29.4.2005 passed the following order:-

The Union of India and each State shall ask persons at the higher level in each of its Department and in its Corporation to personally check and then file affidavits in this Court as to whether or not, in their Department or Corporation any Manual Scavenging is still being resorted to, then that Department or Corporation to indicate with details what Scheme it has for eliminating it and for rehabilitating the persons concerned and within what time frame. It is clarified that the person who files the affidavit must be a person who is responsible for taking a decision in the matter. The affidavit to be filed on personal information and we propose to hold the person responsible if it is found that the affidavit does not contain the truth.

The Union of India to also state what funds it has so far allocated and under which particular Schemes and what the utilization of these funds has been, Union of India must state how many people have been rehabilitated each year since 1993.

Such affidavits to be filed within six months from today. We clarify that this does not mean that in the meantime the Union of India and the States do not continue with their efforts to eliminate this degrading practice.

List on 14th November, 2005.

It appears, in response to the aforesaid order some Corporations/ States have filed affidavits

which are not in consonance with the directions by this Court in the above order. That apart, State of

Andhra Pradesh, Madhya Pradesh, Uttar Pradesh, Maharashtra, Tamil Nadu, Rajasthan, Gujarat,

Bihar have not filed affidavits. They are directed to file detailed affidavit within four months from

today. We clarify that in the aforesaid order when we say that the State and each Department and

Corporation, means that Secretary of Health, Secretary, Ministry of Social Welfare and Justice,

Secretary, Ministry of Urban Development and the concerned Department which deals with Manual

Scanvenging shall file detailed affidavit after collecting information from the concerned

Municipality/Corporation or other local Department where Manual Scanvenging is carried on in any

of the State/Corporation/Municipality/Department. The affidavit shall further to state whether any

scheme by the concerned State/Department is prepared for the elimination of Manual Scanvenging

and the time-bound implementation of the scheme shall also be indicated. We further clarify that in

order dt. 29.4.2005, the Banks and other public sector undertakings and financial Institutions are

excluded from the purview of our order. They need not file any separate affidavit.

Mr. B. Datta, learned ASG submits that the Union of India has declared Ministry of Social

Justice and Empowerment as noddle Agency of the Centre in implementation of the various

Schemes. The concerned Department shall file the detailed affidavit by a responsible person not below

the rank of Secretary of Department who is responsible for taking decision in the matter. The said

affidavit shall be filed by the concerned person stating that the contents are true to his information

and to the best of his knowledge to be true, as such person shall be held responsible if it is found that

the affidavit does not contain true facts.

With regard to the Ministry of Railways, the Secretary, Railway Board shall file detailed

affidavit showing the scheme/proposed scheme prepared by the Railway Board and implementation

of

the scheme in time-bound programme for total elimination of Manual Scavenging. This shall also

be done within four months from today.

We make it clear that affidavit so filed should be circulated to the counsel of the other side at

least 10 days ahead of the next date of hearing.

It will not be necessary to circulate the counter to all the other States, except to the Union of

India and the petitioner, amicus curiae.

List this matter on 20th March, 2006.

(Ganga Thakur)

PS to Registrar

(Prem Prakash)

Court Master