

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, modification of Court's Order dt. 3.9.2012, extension of time, permission to file affidavit and office report)

WITH

Contempt Petn.132/2012 In WP(C)NO. 583/2003

(With appln. for exem. from filing OT and office report)

Date: 11/12/2012 This Petition was called on for hearing today.

CORAM :

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HON'BLE MR. JUSTICE MADAN B. LOKUR

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UPON hearing counsel the Court made the following

O R D E R

It is a case where the efforts of the Court to reach or discover the truth has been foiled by calculated attempts on the part of the officers of the State of Uttarakhand. While referring to our earlier order, we reiterate that the affidavits filed by the Patwaris were in a mechanical way without examining the true position on the field. This had compelled us to request the District Magistrate to file affidavit and obviously after verifying the facts. The District Magistrate's affidavit is patently incorrect. It is a matter of great concern for the Court to notice that such senior officers in the hierarchy of the

Government, filed incorrect affidavits without personal verification, with an attempt to defeat the public interest litigation which entails to further the cause of the statutory provisions of the Act and the constitutional mandate contained under Art. 21 of the Constitution. The effort of the State in this case appears to be totally directed towards showing that petitioner has not stated correct facts before this Court rather than to discharge its obligation of putting an end to the social evil of manual scavenging, dry latrines in the District of Haridwar.

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Normally, we would have taken an action against the officer under the provisions of the Contempt of Courts Act as well as for misleading the Court by filing incorrect affidavits which to his knowledge would have been relied upon by the Court while passing certain directions. Be that as it may, we would grant him another opportunity before we pass any final order in this regard.

We must notice that the petitioner has filed in Court today a detailed survey report which has been prepared for the period from 5th December to 10th December, 2012 in District Haridwar, Uttrakhand. In this District, large number of persons have been shown to be working as manual scavenger and there are large number of dry latrines, photographs to that effect have been filed with addresses. The District Magistrate who is present in Court has submitted that he has just gone to two places out of large number of places that were mentioned in the affidavit of the petitioner. Hardly any verification even in regard to these two places is correctly placed on record. All the energy was directed towards obtaining stereo affidavits from different

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persons to show that they are not carrying any manual scavenging works. These affidavits are either factually incorrect or do not appear to be genuine. While granting an opportunity to the District Magistrate, we cannot help but to express our anguish so that he would make a serious effort now to resolve the problem and achieve the object of removing manual scavenging in District Haridwar rather than devote his time and energy to matters which would only aggravate his conduct to prove a contemptuous behavior before the Court.

The District Magistrate shall personally visit all the places which have been stated in the Survey Report of the petitioner and ensure that all of them are corrected by removing dry latrines and by construction of flush latrines and no manual scavenging work be permitted in those areas and to take steps for their rehabilitation as per the statutory policy. He shall file affidavit of compliance. We make it clear that in the event of default, the court will be compelled to take action against this officer.

Stand over for six weeks.

[SUMAN WADHWA]
COURT MASTER

[S.S.R. KRISHNA]
COURT MASTER