

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

WITH

CONTEMPT PETITION (C) NO. 132/2012 IN W.P.(C) NO. 583/2003

SAFAI KARAMCHARI ANDOLAN TR.DIR. Petitioner(s)

VERSUS

SHRI SUBHASH KUMAR & ORS. Respondent(s)

(With Office Report)

Date:04/12/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SWATANTER KUMAR  
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)	Ms. Shomona Khanna, Adv. Mr. K. Parameshwar, Adv. Mr. Anupam Lal Das, Adv.
For Respondent(s) For UOI(RRs 1-5)	Mr. Harin P. Rawal, ASG. Mr. Rakesh K. Khanna, ASG Mr. R.K. Rathore, Adv. Mr. S.K. Bajwa, Adv. Mr. Harish Prabhakar, Adv. Mr. Ashok K. Srivastava, Adv. Mr. Mohan Prasad Gupta, Adv. Ms. Sushma Suri, Adv. Mr. S. Wasim A. Qadri, Adv. Ms. Rekha Pandey, Adv. Ms. Sukhbeer Kaur Bajwa, Adv. Mr. S.N. Terdal, Adv. Mr. D.S. Mahra, Adv. Ms. Anil Katiyar, Adv, Mr. B.V. Balaram Das, Adv. Mr. B. Krishna Prasad, Adv. Mr. Arvind Kumar Sharma, Adv.
For Uttarakhand	Mr. Dinesh Dwivedi, Sr. Adv. Mr. Prateek Dwivedi, Adv. Mrs. Alka Sinha, Adv. Mr. Manish Shankar Srivastava, Adv. Mr. Abhishek Kr. Singh, Adv. Mr. Anuvrat Sharma, Adv.
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Andhra Pradesh Mr. G.N. Reddy, Adv.  
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Mr. S. Nagarajan, Adv.  
  
Mr. T.V. Ratnam, Adv.  
  
Mr. Mohan Prasad Meharia, Adv.

Arunachal Pradesh Mr. Anil Shrivastav, Adv.  
Mr. Rituraj Biswas, Adv.

Assam Mr. Riku Sharma, Adv.  
Mr. Navnit Kumar, Adv.  
For M/S Corporate Law Group, Advs.

Bihar Mr. Ranjit Kumar, Sr. Adv.  
Mr. Gopal Singh, Adv.  
Mr. Manish Kumar, Adv.  
Mr. Chandan Kumar, Adv.

Chhattisgarh Mr. Atul Jha, Adv.  
Mr. Sandeep Jha, Adv.  
Mr. Dharmendra Kumar Sinha, Adv.

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Mr. S. Panda, Adv.  
Ms. Nandini Gupta, Adv.

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Mr. Shashank K. Lal, Adv.  
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Central Elec. Ltd.  
Sahibabad Mr. Prem Sunder Jha, Adv.

Container Corpn. India	Mr. T. Mahipal, Adv.
CSWB	Mr. L.R. Singh, Adv.
Delhi Cantt. Board	Mr. Sunil Satyarthi, Adv.
FCI	Mr. Ghanshyam Joshi, Adv.
GRSE Ltd.	Mr. Chanchal Kumar Ganguli, Adv.
Hindustan Salts Ltd.	Mr. S. Chandrashekhar, Adv. Mr. T. Mahipal, Adv.
HP Env. Prot. & PCB	Mr. Devendra Singh, Adv. Mr. P. Narasimhan, Adv.
HP State Forest Corpn.	Mr. Ashok Mathur, Adv.
HPCL	Mr. Parijat Sinha, Adv.
MSTC Ltd.	Mr. Praveen Chaturvedi, Adv.
NTPC	Mr. Bharat Sangal, Adv. Ms. Srijana Lama, Adv. Ms. Ramandeep Kaur, Adv.
MCD Shimla	Mr. Anil Nag, Adv.
Noida & Greater Noida	Mr. Ravindra Kumar, Adv.
Rashtriya Ispat Nigam Ltd.	Mr. K.J. John, Adv.
RITEs Ltd.	Mr. K.K. Gupta, Adv.
SAIL	Mr. Sushil Kumar Jain, Adv.
UPFC	Mr. Shrish Kumar Mishra, Adv. Ms. Susmita Lal, Adv. Mr. V.N. Raghupathy, Adv. Mr. Raghuvir Sharma, Adv. Mr. Vipin Kumar Sharma, Adv. Mr. C.N. Sree Kumar, Adv. Mr. Anip Sachthey, Adv. Mr. H.S. Parihar, Adv. Mr. M.C. Dhingra, Adv. Ms. Madhu Sikri, Adv. None For M/S Manoj Swarup & Co., Adv. Ms. Pratibha Jain, Adv. (N.P.) Mr. R.N. Keshwani, Adv. Ms. C.M. Chopra, Adv. Mr. Shakil Ahmed Syed, Adv.

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Mr. Rajan Narain, Adv.  
Dr. Kailash Chand, Adv.  
Mr. Ajay Sharma ,Adv  
Mr. Amit Kumar, Adv.  
Mr. Praneet Ranjan, Adv.  
Mr. Rauf Rahim, Adv.  
Mr. Jayanth Muth Raj, Adv.

For Respondent No.3  
in CP(C) No.132/2012 Mr. Dinesh Dwivedi, Sr. Adv.  
Mr. Mukesh Verma, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.

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

We may notice that on behalf of the State of Uttarakhand, affidavits have been filed earlier stating that there were no dry latrines or manual scavenging in the entire State, particularly with respect to District Haridwar. According to the petitioners, these affidavits were not correct and are factually contrary to the position existing on site. Certain material was placed on record including the Consensus of 2011, which showed that there were a large number of manual scavengers and dry latrines in the State of Uttarakhand. These affidavits on behalf of the State were filed by the Tehsildar or such other equivalent rank. They were identical in language and were filed in a mechanical manner. Keeping in view the facts and circumstances, this Court had directed the District Magistrate, Haridwar to file an affidavit meeting the allegations made by the petitioners.

The District Magistrate, Haridwar has filed an affidavit on 8.10.2012 reiterating the position and particularly referring to the District of Haridwar, that there were neither any dry latrine nor any manual scavengers were working. At that time the petitioners took time to verify the position and then to file an affidavit. On their request, the matter was adjourned and directed to be listed today.

An affidavit dated 30th November, 2012 has been filed on 1.12.2012 by the petitioner. In paragraph 4 of this affidavit, it has been stated that the petitioner Organisation through various volunteers had conducted a fresh survey between 15th and 25th of October, 2012 at Haridwar. The name of the persons with designations, who conducted the survey, have been stated in this paragraph. In paragraph 5 it has been stated that there are 174 manual scavengers and 937 dry latrines in the District of Haridwar. To substantiate this, they have even annexed an affidavit. Details of the persons who

are owners of the dry latrines as also the names of manual scavengers with their addresses are mentioned in the Annexures. Not only this, even the photographs have been placed on record, particularly the photographs of one manual scavenger M.S. Jaipal taken on 1st of October, 2012.

The affidavit filed by the petitioners, thus, is in complete contradiction to the affidavit filed by the District Magistrate. It is certain that one of them is not stating the true facts on affidavit. Both the petitioners as well as the District Magistrate of Haridwar are expected to know that these are the affidavits which are being placed on the Court files and would be taken on record as evidence and the orders of the Court would be based upon these affidavits. We do not expect any person much less a District Magistrate/Tehsildar or Head of the voluntary organisation to file incorrect affidavits in the highest Court of the land. In our opinion, it is a fit case where this Court should initiate proceedings under the Contempt of Courts Act against the erring parties or not.

Before we initiate proceedings under the Contempt of Courts Act and punish the contemnors, who have filed false affidavits before this Court, we would direct the District Magistrate, Haridwar and Head of the Municipal Corporation/Municipality of Haridwar to personally appear before this Court on Tuesday, 11th December, 2012. In the meanwhile, they would be at liberty to file affidavits stating, upon physical verification, if the averments made by the petitioner in affidavit filed on 01.12.2012 are factually correct.

Stand over to Tuesday, 11th December, 2012 when the District Magistrate/Tehsildar of Haridwar shall remain present in Court.

(A.S. BISHT)  
COURT MASTER

(S.S.R. KRISHNA)  
COURT MASTER