

(Supreme Court Of India)

Safai Karamchari Andolan & Others

v.

Union Of India & Others

(H.K. Sema And R.V. Raveendran,JJ.,)

Writ Petition (Civil) No. 583 Of 2003 | 14-11-2005

1. 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.

2. 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 Scavenging shall file detailed affidavit after collecting information from the concerned Municipality/Corporation or other local Department where Manual Scavenging 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 Scavenging and the time-bound implementation of the scheme shall also be indicated. We further clarify that in order dated 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. List this matter on 20th March, 2006.