

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 22ND DAY OF JUNE 2015

PRESENT

HON'BLE MR.SUBHRO KAMAL MUKHERJEE, ACTING CHIEF JUSTICE

AND

HON'BLE MRS.JUSTICE B.V.NAGARATHNA

WRIT PETITION NO.41076/2010 (GM-RES-PIL) C/W

WRIT PETITION NO.30221/2009 (GM-RES-PIL)

W.P.41076/2010

BETWEEN:

SRI R.N. NARASIMHA MURTHY
S/O M.R. NARAYAN RAO
AGED 75 YEARS
SENIOR ADVOCATE, NO.90
'CHANDRIKA', IV MAIN
SACHIDANANDA NAGAR
BANGALORE - 560 094

... PETITIONER

(BY SRI J. PRASHANTH, ADV.,)

AND:

1. THE STATE OF KARNATAKA
REP BY THE CHIEF SECRETARY
VIDHANA SOUDHA
BANGALORE - 560 001
2. HOTEL ROYAL ORCHID
SHIMOGA
REP BY ITS MANAGING DIRECTOR

**(IMPLEADED V/O DATED
29.11.2012)**

... RESPONDENTS

(BY SRI R DEVDAS, Prl.G.A. FOR R-1;
SRI VIKRAM UNNI RAJAGOPAL, ADV., FOR M/S.JUST LAW,
ADVS., FOR R-2)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL

UPON THE STATE GOVERNMENT TO CONDUCT A SURVEY IN ALL THE AREAS FALLING WITHIN THE CORPORATIONS, MUNICIPALITIES AND PANCHAYAT RAJ INSTITUTIONS AS TO THE EXISTENCE AND CONTINUING PRACTICE OF MANUAL SCAVENGING AND SUBMIT A FACTUAL REPORT EXPEDITIOUSLY AND WITHIN A TIMEFRAME TO BE FIXED BY THIS COURT AND ETC.,

W.P.30221/2009

BETWEEN:

PEOPLE'S UNION FOR CIVIL
LIBERTIES-KARNATAKA
REP BY SHRI Y.J. RAJENDRA
VICE-PRESIDENT
ADDRESS:NO.46
WELLINGTON STREET
RICHMOND TOWN
BANGALORE-560001

... PETITIONER

(BY SRI CLIFTON D. ROZARIO, ADV.,)

AND:

1. STATE OF KARNATAKA
THROUGH ITS CHIEF SECRETARY
VIDHANA SOUDHA
DR. B.R. AMBEDKAR ROAD
BANGALORE
2. URBAN DEVELOPMENT DEPARTMENT
THROUGH ITS PRINCIPAL SECRETARY
VIDHANA SOUDHA
DR. B.R. AMBEDKAR ROAD
BANGALORE
3. DIRECTORATE OF MUNICIPAL
ADMINISTRATION
THROUGH THE DIRECTOR
9TH FLOOR, V.V.TOWER
BANGALORE-560001
4. BANGALORE WATER SUPPLY AND
SEWAGE BOARD
THROUGH THE CHAIRMAN

CAUVERY BHAVAN
BANGLORE-560001

5. KARNATAKA URBAN WATER SUPPLY
AND DRAINAGE BOARD
THROUGH ITS CHAIRMAN
#6, JALABHAVAN, 1ST STAGE
1ST PHASE, BTM LAYOUT
BANNERGHATTA ROAD
BANGALORE-560029
6. DEPARTMENT OF LABOUR
THROUGH THE LABOUR COMMISSION
KARMIKA BHAVAN, DAIRY CIRCLE
BANNERGHATTA ROAD
BANGALORE-560029

... RESPONDENTS

(BY SRI R DEVDAS, AGA FOR R-1 TO 3 & 6;
SRI D L N RAO, SR.COUNSEL FOR
SRI GURUDEV I. GACHCHINAMATH, ADV., FOR R-4;
SRI H C SHIVARAMU, ADV., FOR R-5)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO DIRECT THE RESPECTIVE RESPONDENTS TO IMMEDIATELY DISCONTINUE THE PRACTICE OF ALLOWING/FORCING SANITARY WORKERS TO PHYSICALLY ENTER MANHOLES AND SEWER LINES OR SEPTIC TANKS TO PHYSICALLY HANDLE FILTH IN ALL AREAS OF KARNATAKA FORTH WITH, PERMANANENTLY AND WHATEVER TO BE EMERGENCIES AND ETC.,

THESE WRIT PETITIONS COMING ON FOR PRELIMINARY HEARING THIS DAY, ACTING CHIEF JUSTICE MADE THE FOLLOWING:

ORDER

These are writ petitions, captioned as public interest litigation, seeking, *inter alia*, the removal of manual scavenging from the city of Bengaluru.

2. We have heard the learned advocates appearing for the parties.

3. Learned senior counsel appearing for Bengaluru Water Supply and Sewerage Board submits, on instructions, that steps have, already, been initiated for eradicating manual scavenging totally. He submits that in majority of the areas, manual scavenging has been eradicated and machines have been introduced.

4. However, there are some areas in the rural Bengaluru district where underground drainage system is not yet introduced. He submits that the cabinet has approved, on principle, a scheme for construction of underground sewage system and the matter has been referred to the Central government for allotment of funds. He submits that as and when the sanction comes, underground sewage system shall be undertaken.

5. We dispose of these writ petitions by directing the authorities concerned to expedite the matter for eradication of manual scavenging in terms of the directions passed by the Supreme Court of India in the case of **SAFAI KARAMCHARI ANDOLAN AND OTHERS** versus **UNION OF INDIA AND OTHERS** reported in 2014(3) Kar.L.J. 529.

6. In view of the disposal of the writ petitions, the interlocutory applications in Writ Petition No.30221 of 2009 become infructuous and those are, also, disposed of.

7. We make no order as to costs.

Sd/-
ACTING CHIEF JUSTICE

Sd/-
JUDGE

bkv