

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

CJ & KSDJ:

03.01.2024

(VIDEO CONFERENCING / PHYSICAL HEARING)

ORDER

We noticed a news item published in daily News Paper, 'The New Indian Express' dated 25.12.2023 carrying the caption "Manual Scavenging Continues Despite Ban", wherein the sub-title reads as under:

'IT IS A SHAME THAT EVEN TODAY, HUMANS ARE CALLED TO CLEAN SEPTIC TANKS ACROSS THE STATE'.

The news item certainly shocks our conscience and bewilders us. It also refers to a further disturbing fact that in an interaction one of the reactions in the news item reads thus:

"Appanna (40), a resident of Bengaluru, said, 'I stopped this work long ago, and now I work as a security guard. But people still ask me if I can clean their pits. I feel ashamed when people ask me to clean their shit. It is very shameful that I am recognized by my caste and not respected for my present profession'..."

The news item also refers to comments of one of the activists viz., Bezwada Wilson, Ramon Magsaysay awardee and Founder cum National Convener of Safai Karmachari Andolan:

"People's mentality has still not changed. No matter what the profession is, caste and economics take the stage. Asking students to clean toilets in school is no different. All these are criminal offences..."

The news item further reads 'The Act came into effect in 2013 and the SC order prohibiting manual scavenging came in 2014. No human should clean human excreta. But the Government is not serious. It has done no campaigns. Today a person residing in the smallest of villages in Karnataka is aware of Swachh Bharat Abhiyan, but people still say they know nothing of the Manual Scavenging Act'.

Jagajyothi Basaweshwara, a great Social Reformer of 12th century had coined a Vachana in Kannada. A stanza reads:

ನೆಲವೊಂದೆ ಹೊಲೆಗೆರೆ- ಶಿವಾಲಯಕ್ಕೆ;
ಜಲವೊಂದೆ ಶೌಚಾಚಮನಕ್ಕೆ;
ಕುಲವೊಂದೆ ತನ್ನ ತಾನರಿದವಂಗೆ;
ಫಲವೊಂದೆ ಷಡುದರುಶನ ಮುಕ್ತಿಗೆ ;
ನಿಲವೊಂದೆ, ಕೂಡಲಸಂಗಮದೇವಾ, ನಿಮ್ಮನರಿದವಂಗೆ.

The land is the same for both;
God's temple and the pariah colony;
The water is the same for both;
The worship and the ablution;
The clan is the same for those
who know themselves;
The reward is the same for those
who are released;
By means of the six fold mystic way;
The goal is the same for those
who know Thee,
Lord Koodala Sangama.

(Ref – Taralabalu –Basava Vachananjali)

Centuries have rolled since then and seven decades have lapsed since the enactment of our Constitution; the evil practices in the society, associated with social status, have not withered away and it is mainly because of diseased mindset. The Parliament had enacted the Statute and the Rules have been promulgated thereunder; the Apex Court has time and again emphatically warned against the continuation of manual scavenging and despite all this, the pernicious practice which is derogatory to the mankind, still persists. This Court being a constitutional entity cannot be a mute spectator to this. We direct the Registry to register this news report as a *suo motu* PIL and build up the file.

We request learned Advocate Sri Sridhar Prabhu to assist the court as an Amicus Curiae, in the matter and to submit to the Registry a formal PIL petition on or before 05.01.2024. On receipt of the same, the Registry to list the same before the Court on 08.01.2024 for consideration.

**Sd/-
CHIEF JUSTICE**

**Sd/-
JUDGE**

SNB