

HIGH COURT OF CHHATTISGARH, BILASPUR

WPIL No. 117 of 2016

- Badruddin Qureshi S/o Late Shri Nizamuddin Qureshi, Aged About 68 Years R/o #6, Thirty Two Bungalows, Sector 8, Bhilai, Durg, Chhattisgarh, India

---- Petitioner

Versus

1. Union Of India Ministry Of Drinking Water And Sanitation, Through Its Secretary, Govt. Of India, "C" Wing, 4th Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi- 110003, P.H.-011-24361670, 24361671, 24361672, Fax- 011-24361669.
2. Joint Secretary (Swachh Bharat Mission (G)), Ministry Of Drinking Water And Sanitation, Govt. Of India, 12th Floor, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi- 110003, Ph.- 011-24362705, Fax -011-24361062
3. Swachh Bharat (Mission), Urban, Ministry Of Urban Development, Govt. Of India, Through Its Joint Secretary, Nirman Bhawan, Maulana Azad Road, New Delhi- 110011
4. Director, Swachh Bharat (Mission) Urban, Ministry Of Urban Development, Govt. Of India, Nirman Bhawan, Maulana Azad Road, New Delhi- 110011
5. State Of Chhattisgarh, Department Of Urban Administration And Development, Through Its Secretary, Indravati Bhavan, Govt. Of Chhattisgarh, Naya Raipur, Raipur, (Chhattisgarh)
6. State Of Chhattisgarh, Department Of Panchayat Raj & Rural Development, Through Its Secretary, Govt. Of Chhattisgarh, Naya Raipur, Raipur, (Chhattisgarh)
7. State Of Chhattisgarh, Department Of Panchayat & Rural Development, Through Additional Chief Secretary, Govt. Of Chhattisgarh, Naya Raipur, (Chhattisgarh)

8. Mission Director, Rajya Swachh Bharat Mission (Gramin), Panchayat & Rural Development Department, Govt. Chhattisgarh, Neer Bhawan, Civil Lines, Raipur, 492001, Ph. -0771-2331366, 2444274, Email-Id sbmg.cg.@gov.in
9. State Mission Director & SBM Coordinator, CEO (Suda) Urban Administration & Development Department, Govt. Of Chhattisgarh, Naya Raipur, Raipur, Chhattisgarh, 0771-2510090 (O), Fax: 0771-2533054, Mob: 09425295440
10. State Nodal Officer, Principal Secretary, Urban Development Govt. Of Chhattisgarh, Govt. Of Chhattisgarh, Naya Raipur, Raipur, Chhattisgarh, Tel: 0771-2510261, Email- Rp.Mandal@las.Nic.In

---- Respondent

For Petitioner:	Shri Romir S Goyal, Advocate
For Respondent No.1 to 4:	Shri N.K. Vyas, Assistant Solicitor General of India.
For Respondent No.5 to 10:	Shri A.S. Kachhawaha, Additional Advocate General.

Hon'ble The Chief Justice

Hon'ble Shri Justice Pritinker Diwaker

Order On Board By the Hon'ble Chief Justice

23/03/2017

1. Heard learned counsel for the petitioner, learned Additional Advocate General for the State and learned Assistant Solicitor General of India.
2. This writ petition is filed in public interest pointing out that sketches, pictorial representation and photographs of the Father of Nation Mahatma Gandhi are placed on walls of public toilets, garbage bins and other filthy places which is wholly improper and should be restrained. Though the matter was instituted by a particular individual, this Court issued *suo motu* notice and appointed Shri Romir S Goyal, Advocate as Amicus Curiae. It

was noted through the order dated 8.12.2016 as follows:-

“It is Mahatma Gandhi who said “Cleanliness is next to Godliness”. It is Mahatma Gandhi who launched the movement for emancipation of scavengers. It is he himself who cleaned his own toilet. Therefore, we are not against using the name of Mahatma Gandhi for the Swachha Bharat Abhiyan. While his name and the symbols which are associated with his name may be used for the said purpose but they should not be used in such a manner that it causes disrespect of the father of the Nation.”

3. With the passage of time, it is now brought on record that the State Government has issued instructions and circulars, some of which are also annexed along with its pleadings. Learned Additional Advocate General points out that the directions have been issued to the District Collectors, District Panchayats and other government functionaries.
4. Having regard to the importance of the issue and to make the directions being issued hereunder effective and binding on all sectors, we hereby *suo motu* implead all the District Collectors, all Municipal Corporations, all Municipal Councils, all District Panchayats, all Nagar Panchayats and all Gram Panchayats in the State of Chhattisgarh as additional respondents. No specific notice is being issued to them since their response is not necessary in view of the stand taken by the State Government that directions have already been issued from their end.
5. Learned Assistant Solicitor General of India points out that the competent authority, that is to say, the Under Secretary to the Government of India dealing with the Swachh Bharat Mission (Gramin) Division, Ministry of Drinking Water and Sanitation, Govt. of India has issued communication dated 17.3.2017 to all State Coordinators of the Swachh Bharat Mission

(Gramin) Division of all States and Union Territories following its earlier communication dated 5.12.2014, to all Chief Secretaries of the States and Union Territories and the communication dated 9.1.2017 to the Principal Secretary/Secretary In-charge, Rural Sanitation of all States and Union Territories.

6. With the aforesaid materials, we have absolutely no doubt in our mind that the directions and instructions issued by the Government of India through the afore-noted three communications dated 5.12.2014, 9.1.2017 & 17.3.2017 have to be scrupulously followed by all institutions of governance including the government, local-self government institutions and others who are bound by them. Similarly, all institutions, authorities, government officials and public officers who are bound by the directions issued by the State Government from time to time including on 3.1.2017 on the subject-matter have also to comply with those directions.
7. Taking the larger public interest into consideration and the requirement to maintain public health, standards of public cleanliness and to uphold the objects sought to be achieved by Swachh Bharat Mission and to give effect to the goals set by the Father of the Nation, we have to lend the judicial support to the executive action noted above. Therefore, we hereby direct all the State & the Central Governments officials as well as local-self government institutions, their authorities and officers, all universities and their officers in the State of Chhattisgarh to scrupulously follow immediately the directions contained in the aforesaid four documents, all of which will stand appended to this order. It is further ordered that the District Collector of each district will be personally responsible to ensure supervision of obedience to these directions and reports shall be sent by the District Collectors of each district under their hand & seal every four

months to the Registrar General of this Court for perusal by the Bench unless & until otherwise directed. If there is any shortcoming in performance and obedience to these directions and compliance to the instructions issued by the Government of India and the Government of Chhattisgarh in the opinion of the High Court after perusing such reports, this Court would consider requesting the District Judge of such district to visit either by himself or by a team under his command to make inspection of such places as is required. If any dereliction of duties or shortage in obedience as is expected from the government servant is noted, let all stand alerted with due caution for imposition of penalty in terms of the service laws and the penal laws that will necessarily follow including for the breach of duties and responsibilities by the public servants. Copies of such reports shall be issued by the Registry to the Amicus Curiae from time to time.

8. Here and now, let it be clearly understood by all concerned that the directions herein are only to ensure that the objectionable pictures engravings, photographs, printed materials etc. are removed without in any manner reducing the utility or availability of the public service equipments and facilities which are provided.
9. This writ petition is ordered accordingly but the learned Amicus Curiae will be entitled to file appropriate applications or memos, if found necessary, from time to time, to bring to the notice of this Court any deficiency in obedience to any other directions contained herein.
10. Before parting with, we record our appreciation for the abundant support given by the learned Amicus Curiae in the case in hand. The State Government is directed to release an amount of Rs.50,000/- (Rupees Fifty Thousand) in favour of the learned Amicus Curiae towards honorarium

and expenditure for the efforts made and the assistance rendered by him.

Let such amount be released within a period of three weeks from today.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Pritinker Diwaker)
Judge

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