

ITEM NO.4

COURT NO.3

SECTION PIL-W

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Writ Petition(s)(Civil) No(s).55/2003

E.R. KUMAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

WITH

W.P.(C) No. 572/2003 (PIL-W)

(WITH IA 1/2003 FOR INTERIM DIRECTIONS)

Date : 07-09-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

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

Mr. A.N.S. Nadkarni, learned Additional Solicitor General has given us brief submissions on behalf of Ministry of Housing and Urban Affairs, Government of India with regard to shelter for urban homeless.

The submissions reflect a sorry state of affairs.

It has been pointed out that in 11 States/Union Territories, the civil society members suggested by the Petitioners have not yet been notified even though the order was passed by us in this regard on 22nd March, 2018 which was virtually passed by consent and without any objection from any of the States/Union Territories.

The 11 States/Union Territories which have not yet made the nominations are as follows:

1. Chandigarh
2. Goa
3. Haryana
4. Himachal Pradesh
5. Jharkhand
6. Manipur
7. Mizoram
8. Meghalaya
9. Odisha
10. Tripura
11. Uttarakhand

Due to the peculiar circumstances faced by the State of Uttarakhand in the immediate recent past, we do not wish to impose any costs upon it, but with regard to remaining ten States/Union Territories, costs of Rs.1,00,000/- (Rupees one lakh only) is imposed for not notifying the civil society members suggested by the petitioner in the Committee in terms of our order dated

22nd March, 2018. The amount be deposited within three weeks from today with the Supreme Court Legal Services Committee for juvenile justice issues.

The States/Union Territories are directed to issue the notification within two weeks from today. We hope the defaulting States and Union Territories have some concern for the urban homeless.

We have also been informed that some of the States/Union Territories, viz., Karnataka, Puducherry and Delhi, have held 3 meetings; 2 meetings have been held by States of Bihar and West Bengal; 23 States/Union Territories have held only one meeting each; 4 States, viz., Kerala, Nagaland, Sikkim and Uttarakhand have held no meeting.

Learned counsel for the State of Sikkim states that in fact a meeting was held. However, it appears that information in this regard was not given to the Union of India.

We have been informed that in some cases where meetings have been held the concerned officials who are members of the Committee have not attended the meeting. Our attention has been drawn particularly to the State of Rajasthan.

We direct that in all meetings that are held by the Committee, the official members must attend and participate in the meetings.

We require all the States/Union Territories to formulate a Plan of Action for the urban homeless, if that has already not been done in terms of the Terms of Reference on or before 31st October, 2018. The Plan of Action should include the methodology for identification of homeless persons, nature of shelters, identification of land, etc.

The information should be supplied to the Union of India through the Ministry of Housing and Urban Affairs by the first week of November, 2018.

We make it clear that unless necessary steps are taken by the State Governments/Union Territories, we may have no option, but to impose heavy costs, particularly keeping in mind the fact that the persons without shelters cannot be left to fend for themselves. That apart, housing is a basic need of everybody and when there is a Policy and a Plan prepared by the Union of India, it should be implemented in letter and spirit by all the States/Union Territories.

In case, there is a central website, all developments by the Committee should be placed on it so that they are available to the general public.

List the matter on 13th November, 2018.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
ASSISTANT REGISTRAR