

ITEM NO.2

COURT NO.4

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 APPLN. (S) FOR IMPLEADMENT and IA No.2372/2018-EXEMPTION FROM PERSONAL APPEARANCE)

WITH

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

(WITH APPLN. (S) FOR INTERIM DIRECTIONS)

Date : 10-01-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE DEEPAK GUPTA

For Petitioner(s) Mr. E.R. Kumar,
Petitioner-in-person
Ms. S. Lakshmi Iyer, Adv.
Ms. Aishwarya Dash, Adv.

Mr. Prashant Bhushan, AOR
Mr. Amiy Shukla, Adv.
Mr. Shakti Vardhan, Adv.
Mr. Charly D'Souza, Adv.
Ms. Amita Joseph, Adv.
Mr. Aditya Shrivastav, Adv.

For Respondent(s)

UOI/Delhi

MR. A.N.S. Nadkarni, ASG
Ms. V. Mohana, Sr. Adv.
Mr. Kailash Vasdev, Sr. Adv.
Ms. Sunita Sharma, Adv.
Mr. R.R. Rajesh, Adv.
Ms. Rukhmini Bobde, Adv.

	Mr. B.V. Balaramdas, Adv.
	Mr. M.K. Maroria, Adv.
	Mr. Raj Bahadur, Adv.
For States of	
Andhra Pradesh	Mr. Guntur Prabhakar, Adv.
	Ms. Prerna Singh, Adv.
Arunachal Pradesh	Mr. Anil Shrivastav, AOR
	Mr. Rituraj Biswas, Adv.
Assam	Mr. Shuvodeep Roy, Adv.
	Mr. Sayooj Mohandas M., Adv.
Bihar	Mr. M. Shoeb Alam, Adv.
	Ms. Fauzia Shakil, Adv.
	Mr. Ujjwal Singh, Adv.
	Mr. Mojahid Karim Khan, Adv.
	Mr. Gopal Singh, Adv.
	Mr. Manish Kumar, Adv.
Chhattisgarh	Mr. Jugal Kishore Gilda, Adv. Gen.
	Mr. Aniruddh P. Mayee, Adv.
	Mr. A. Selvin Raja, Adv.
	Mr. Avnish M. Oza, Adv.
	Mr. Chirag Jain, Adv.
Gujarat	Ms. Hemantika Wahi, AOR
	Ms. Jesal Wahi, Adv.
	Ms. Puja Singh, Adv.
	Ms. Mamta Singh, Adv.
	Ms. Shodhika Sharma, Adv.
Haryana	Mr. Anil Grover, AAG
	Ms. Noopur Singhal, Adv.
	Mr. Satish Kumar, Adv.
	Mr. Sanjay Kumar Visen, Adv.
	Mr. Manik Garg, Adv.
H.P.	Mr. D.K. Thakur, AAG
	Mr. V.K. Sharma, Adv.
J&K	Mr. M. Shoeb Alam, Adv.
	Ms. Fauzia Shakil, Adv.
	Mr. Ujjwal Singh, Adv.

	Mr. Mojahid Karim Khan, Adv.
Jharkhand	Mr. Tapesb Kumar Singh, AOR Mohd. Waquas, Adv.
	Mr. Gopal Prasad, AOR Mr. Jayesh Gaurav, Adv.
Karnataka	Mr. V.N. Raghupathy, AOR Mr. Parikshit P. Angadi, Adv.
Kerala	Mr. Nishe Rajen Shonker, Adv. Ms. Anu K. Joy, Adv. Mr. Alim Anvar, Adv.
Madhya Pradesh	Mr. Saurabh Mishra, AOR Mr. Ankit Kr. Lal, Adv. Mr. Arjun Garg, Adv.
Maharashtra	Mr. Kunal Cheema, Adv. Mr. Nishant R. Katneshwarkar, Adv.
Manipur	Mr. Leishangihem Roshmani Kh., Adv. Ms. Maibam Babina, Adv. Mr. Amit Kumar, Adv.
Mizoram	Mr. Pragyan, Adv. Mr. Shikhar Garg, Adv. Mr. Ganesh Bapu, Adv. Mr. P.V. Yogeswaran, Adv.
Nagaland	Mrs. K. Enatoli Sema, Adv. Mr. Edward Belho, Adv. Mr. Amit Kumar Singh, Adv. Mr. K. Luikang Michael, Adv.
Odisha	Mr. Shibashish Mishra, Adv. Mr. Ashish Kumar sinha, Adv.
Punjab	Ms. Ranjeeta Rohatgi, Adv.
Rajasthan	Mr. S.S. Shamsbery, Adv. Mr. Amit Sharma, Adv. Mr. Ankit Raj, Adv. Ms. Indira Bhakar, Adv. Ms. Ruchi Kohli, Adv.

Sikkim	Ms. Aruna Mathur, Adv. Mr. Avneesh Arputham, Adv. Ms. Anuradha Arputham, Adv. Ms. Simran Jeet, Adv. for M/s Arputham Aruna & Co.
Tamil Nadu	Mr. B. Vinod Kanna, Adv. Mr. Sri Ram, Adv.
Tripura	Mr. Gopal Singh, Adv. Mr. Rituraj Biswas, Adv.
Uttar Pradesh	Mr. Tushar Mehta, ASG Ms. Aishwarya Bhati, AAG Mr. Rajeev Kumar Dubey, Adv. Mr. Kamlendra Mishra, Adv.
West Bengal	Mr. Rakesh Dwivedi, Sr. Adv. Mr. Chanchal Kr. Ganguli, AOR Mr. Raja Chatterjee, Adv. Mr. Runa Bhuyan, Adv. Mr. Piyush Sachdev, Adv. Mr. Adeel Ahmed, Adv. Apoorva Garg, Adv.
Uttarakhand	Mr. Jatinder Kumar Bhatia, AOR Mr. Ashutosh K. Sharma, Adv.
A&N Islands	Mr. Bhupesh Narula, Adv. Mr. K.V. Jagdishvaran, Adv. Mrs. G. Indira, AOR
Puducherry	Mr. Kunal Verma, Adv. Mrs. Yugandhara Pawar Jha, Adv. Mr. Piyush Bhardwaj, Adv. Mr. V.G. Pragasam, Adv. Mr. S. Prabu Ramasubramanian, Adv. Mr. S. Manuraj, Adv. Mr. Rajvinder Singh, Adv. Mr. Hitesh Kumar Sharma, Adv. Mr. T.V. Talwar, Adv. Ms. Uttara Babbar, AOR

Ms. Akanksha Choudhary, Adv.
Ms. Bhavana Duhoon, Adv.

Mr. P. Venkat Reddy, Adv.
Mr. Prashant Tyagi, Adv.
for Venkat Palwai Law Ass.

Mr. Adarsh Upadhyay, AOR

Mr. Aruneshwar Gupta, AOR

Mr. Kamlendra Mishra, AOR

Mr. Sunil Fernandes, AOR

Ms. Kaveeta Wadia, AOR

Ms. Pragati Neekhara, AOR

Ms. A. Subhashini, Adv.

Mr. Avijit Bhattacharjee, AOR

Mr. B. S. Banthia, AOR

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

The Chief Secretary of the State of Uttar Pradesh is present in Court. Necessary affidavits have been filed by the State of Uttar Pradesh. He need not be present in Court on subsequent hearings.

Application for exemption from personal appearance of the Chief Secretary of the State of West Bengal is allowed. The Secretary (Urban Development), Government of West Bengal is present in Court today. Necessary affidavits have been filed by the State of West Bengal. Neither he nor the Chief Secretary need be present on

subsequent hearings.

In the additional affidavit dated 12th December, 2017 filed on behalf of the Union of India through Mr. Surender Kumar, Under Secretary in the Ministry of Housing and Urban Affairs, it is stated as follows:

"9. That it is submitted that as regards the feasibility of independent impartial committees for monitoring the progress of SUH scheme, it is suggested that considering the length and breadth of the country and the number of sanctioned shelters as of now being more than 1200, it may not be possible for a Central Committee to monitor the progress effectively. It is, therefore, humbly prayed that the Committees may be constituted in each of the State/UT where there are homeless. The States/UTs which have confirmed about no homeless having been found in their territory may be exempted.

10. That it is submitted that this Hon'ble Court may consider constituting a two member Committee in each State headed by a retired officer, who has retired at the level equivalent to Secretary to Government of India. The respective Principal Secretary (UD) will be another member of the Committee. The Committee with the permission of the Chairman could also co-opt any other person/official dealing with the issue (s) of the Urban Homeless as a member, as per requirement felt. The expenditure on this account may be met from DAY-NULM under 'Administration and Other Expenses' (A&OE) for which the Ministry of Housing and Urban Affairs will issue separate instructions to States/UTs about enhancing the provisions under this beyond the 2% limit of expenditure to meet the requirement."

In view of the submission made on behalf of the Union of India on affidavit, we require the Union of India to coordinate with the State Governments and Union Territories and to suggest for each State and Union Territory the name of a retired officer, who has retired at the level equivalent to Secretary to the Government of

India, the Principal Secretary (Urban Development) (by whatever designation called) as also one senior and respected person from civil society who is sensitive to the issues of homeless persons.

Similarly, the petitioners should suggest the name of one person or two persons from civil society who is/are sensitive to the needs and requirements of the homeless persons.

The needful be done within three weeks.

List the matter on 8th February, 2018.

In the meanwhile, the State Governments and Union Territories may identify existing buildings which can possibly be used to shelter homeless persons.

(SANJAY KUMAR-I)
AR-CUM-PS

(KAILASH CHANDER)
COURT MASTER