

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)

(FOR ON IA 1/2014 FOR IMPLEADMENT)

WITH

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

(FOR ON IA 1/2003 FOR INTERIM DIRECTIONS)

Date : 13-12-2017 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)

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For Respondent(s)

Union of India

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For States of

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UPON hearing the counsel the Court made the following

O R D E R

State of Uttar Pradesh

We have seen the additional affidavit filed on behalf of State of Uttar Pradesh. From a bare reading of the affidavit, it is quite clear that the State of Uttar Pradesh will be unable to provide shelter to the urban homeless and implement the Deendayal Antyodaya Yojana - National Urban Livelihood Mission.

It is suggested by the Union of India in its affidavit dated 12.12.2017 that it may be appropriate if a two member Committee is appointed in each State (presumably this includes the State of

U.P.) to deal with the issues relating to urban homeless and implementation of the Mission.

It is also suggested by the Union of India in its affidavit that the expenditure may be met from the Deendayal Antyodaya Yojana - National Urban Livelihood Mission under 'Administration and Other Expenses' 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.

It is further stated by the Union of India in its affidavit that a special audit has been directed on the utilization of funds by the State of U.P. under the Deendayal Antyodaya Yojana - National Urban Livelihood Mission. We hope the Union of India will carry forward the special audit.

In view of the additional affidavit filed by the State of U.P. and the additional affidavit filed by the Union of India, we would require the presence of the Chief Secretary of the State of U.P. as well as the Principal Secretary (AWAS) on the next date of hearing. We direct accordingly.

Learned counsel appearing for the State of U.P. has requested for exemption of the presence of the Chief Secretary of the State of U.P.

His request is emphatically declined.

State of Haryana

Learned ASG appearing for the State of Haryana has placed on record a Vision Document - Shelters for urban homeless in Haryana

along with Roadmap for shelters for urban homeless across the State of Haryana.

We have glanced through this document and there does not seem to be any *prima facie* objection to this document. However, it is stated by the learned ASG that any further reasonable suggestions given by the petitioner or by anybody else will certainly be considered and implemented, wherever practicable.

With regard to tentative time-lines for refurbishment / construction of existing / new night shelters and conducting of survey for the identification of urban homeless persons, it is submitted by the learned ASG that the time-lines will be adhered to and the completion of work will be done within a period of two years.

We may mention that the Union of India has already filed an affidavit which we have adverted to above while dealing with the State of U.P.. We will also consider appointing a Committee for the State of Haryana as suggested by the Union of India on the next date of hearing.

The Union of India has stated on affidavit that it will conduct a special audit on the utilization of funds under the Deendayal Antyodaya Yojana - National Urban Livelihood Mission with respect to the State of Haryana. We expect the Union of India to carry forward its commitment made in the additional affidavit.

The document prepared by the State of Haryana may be handed over to the Union of India for circulating to other States so that they may derive some knowledge, learning and assistance from the document.

State of West Bengal

Despite our order dated 24.11.2017, no affidavit has been filed by the State of West Bengal. It is submitted by learned counsel for the State of West Bengal that he would like to submit the affidavit across the Bar.

We decline to take this affidavit across the Bar since sufficient time was granted to the State of West Bengal to file a vision document and plan of action for implementing the Deendayal Antyodaya Yojana - National Urban Livelihood Mission. From the casual attitude of the State of West Bengal, it is apparent that it is not serious about implementation of the Mission.

Under the circumstances, we require the presence of the Chief Secretary of the State of West Bengal to explain how the State proposes to implement the scheme for urban homeless.

The setting up of a Committee as proposed by the Union of India in its additional affidavit will be considered on the next date of hearing. We hope a special audit will also be initiated by the Union of India in respect of the State of West Bengal as mentioned in the additional affidavit.

We expect the Union of India to give a progress report on the next date of hearing.

List the matter on 10.01.2018 at 2.00 pm.

(MEENAKSHI KOHLI)
COURT MASTER

(KAILASH CHANDER)
COURT MASTER