

ITEM NO.58

COURT NO.4

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

I.A. Nos.94 & 96 in WRIT PETITION (CIVIL) NO. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions and report submitted by Commissioner and Special
Commissioner of Supreme Court directed to be treated as IA vide
order Dt.27.01.2010)

Date:16/12/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
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For Respondent(s) Mr. Mohan Parasaran, ASG
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Ms. Sunita Sharma, Adv.
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Mr. Sudarshan Singh Rawat, Adv.

For DDA Dr. Shyamliha Pappu, Sr. Adv.
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2

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Mr. Pragyan P. Sharma, Adv.
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Dr. Manish Singhvi, AAG, Raj.

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Mr. Mayank Nigam, Adv.
Mr. T.V. George, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Shish Pal Laler, Adv.

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Mr. Sapam Biswajit Meitei, Adv.

Mr. Ranjan Mukherjee, Adv.

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3

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Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.

For Mr. C.S. Ashri, Adv.

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Mr. Kumar Rajesh Singh, Adv.
Ms. Prema Kumari Singh, Adv.

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4

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Mr. G. Prakash, Adv.
Ms. Beena Prakash, Adv.
Mr. V. Senthil, Adv.
Mr. Navneet Kumar, Adv.
Mr. Anil Kumar Jha, Adv.
Mr. Vikas Mehta, Adv.
Mr. Raj Kumar Gupta, Adv.
Mr. Rajiv Dubey, Adv.
Mr. Kamalendra Mishra, Adv.
Mr. Naresh K. Sharma, Adv.
Mr. Anis Suhrawardy, Adv.
Mr. S. Mehdi Imam, Adv.
Mr. Tabrooz Ahmed, Adv.
Mr. S.M. Jadhav, Adv.

UPON hearing counsel the Court made the following

O R D E R

Last year, a number of deaths of homeless people were reported in the Capital city of Delhi because of bitter cold weather. On Court's urgent directions, number of shelters were constructed. This year also, winter is quite intense.

6

It has been brought to our notice that two night shelters located at Nehru Place and Kalkaji, Delhi were erected on vacant land belonging to the Delhi Development Authority ('DDA'). Those two night shelters have been demolished only three days ago by the DDA.

This indeed is a matter of great anguish, disappointment and astonishment. How could the concerned authority be so insensitive, impervious and callous to demolish night shelters when the bitter cold winter has already set in? In case, proper night shelters are not provided to the homeless and they are compelled to live

under the open sky, particularly in places where intense winter has set in, similar unfortunate deaths of homeless people are bound to occur.

This is a matter of great anxiety and concern. It is the bounden duty of the Union of India and the State Governments to ensure at all costs that no death takes place because of lack of night shelters or basic facilities.

To preserve and save the lives of the people of this country has to be given top priority by the State. No laxity or lapse on this count can be countenanced.

On a consideration of the totality of the facts and circumstances of this case, we deem it appropriate to give following directions:

(i) The DDA is directed to re-erect two night shelters which were demolished from Nehru Place and Kalkaji, as expeditiously as possible, in any event, within three days from today. Until then, the homeless

7

people may be accommodated in some other homes or night shelters. An affidavit of compliance be filed by the Vice Chairman of the DDA himself within a week.

The DDA is further directed to hold an inquiry and take appropriate action against the officers who were responsible for demolishing the two night shelters.

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(ii) We direct the Union of India and all the State Governments and their instrumentalities not to demolish any night shelter without providing proper alternate night shelter till further orders.

(iii) All the concerned Chief Secretaries of the States and the Administrators of the Union Territories would issue necessary instructions to the concerned authorities within three days. All the concerned instrumentalities of the States and agencies are directed to cooperate and coordinate with each other to ensure that no life is lost in the absence of a night shelter or basic facilities. This order has to be complied with in letter and spirit.

Learned Additional Solicitor General submits that all the 64 permanent shelters in Delhi will become operational within a week from today and thereafter there will be a joint inspection by the officials of the Delhi Government and the representatives of the petitioner organisation and a report shall be submitted to this Court within ten days.

Let this matter be listed as a first item on the reopening i.e. 3rd January, 2011.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER