

ITEM NO.1

COURT NO.5

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. No.94 in WRIT PETITION (CIVIL) NO. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA &amp; ORS.

Respondent(s)

(For directions)

[Letter dated 11.01.2010 received from Hon'ble Mr. Justice D.P. Wadhwa (Retd.) Chairman, Central Vigilance Committee along with Report fro the State of Haryana for directions in W.P.(C) No.196/2001]

Date: 27/01/2010      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI  
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s)      Mr. Colin Gonsalves, Sr. Adv.  
                                 Mr. Kishore Narayan, Adv.  
                                 Ms. Jyoti Mendiratta, Adv.

For Respondent(s)      Mr. Mohan Parasaran, ASG  
                                 Mr. T.S. Doabia, Sr. Adv.  
                                 Mr. S. Wasim A. Qadri, Adv.  
                                 Ms. Sunita Sharma, Adv.  
                                 Ms. Sushma Suri, Adv.  
                                 Ms. Anil Katiyar, Adv.  
                                 Mr. D.S. Mehra, Adv.

Mr. Jana Kalyan Das, Adv.

Ms. Hemantika Wahi, Adv.  
Mr. Somanath Padhan, Adv.  
Mr. Boboy, Adv.

Mr. B.V. Balaram Das, Adv.  
Mr. Pragyan P. Sharma, Adv.  
Mr. P.V. Yogeswaran, Adv.  
Mr. R.N. Updahyay, Adv.

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Ms. Indra Sawhney, Adv.

Dr. Manish Singhvi, Sr. Adv.  
Mr. Devanshu Kumar Devesh, Adv.  
Mr. Milind Kumar, Adv.

Mr. Riku Sharma, Adv.  
for M/s. Corporate Law Group, Adv.

Mr. A.P. Sahay, Adv.  
Ms. Rachana Srivastava, Adv.

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

Ms. Kamini Jaiswal, Adv.  
Mr. Shish Pal Laler, Adv.  
Mr. Khwairakpam Nobin Singh, Adv.  
Mr. Ranjan Mukherjee, Adv.  
Mr. V.G. Pragasam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. Prabu Ramasubramanian, Adv.  
Mr. Jatinder Kumar Bhatia, Adv.  
Mr. Pramod Swaup, Sr. Adv.  
Mr. S.K. Dwivedi, Adv.  
Ms. Vandana Mishra, Adv.  
Mr. Manoj Kumar Dwivedi, Adv.  
Mr. G.V. Rao, Adv.  
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Mr. Gopal Singh, Adv.  
Mr. Manish Kumar, Adv.  
Mr. Rituraj Biswas, Adv.  
Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sahrma, Adv.  
Mr. B.B. Singh, Adv.  
Mr. Kumar Rajesh Singh, Adv.  
Ms. Prema Kumari Singh, Adv.  
Mr. Anil Shrivastav, Adv.  
Mr. Ritu Raj, Adv.

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Mr. Edward Belho, Adv.  
Mr. Enatoli Sema, Adv.  
Mr. Rituraj Biswas, Adv.  
Mr. T. Harish Kumar, Adv.  
Mr. Prasanth P., Adv.  
Mr. V. Vasudevan, Adv.  
Mr. Sanjiv Sen, Adv.  
Mr. Praveen Swarup, Adv.  
Ms. Anuja Chopra, Adv.  
Mr. P. Parmeswaran, Adv.  
Mr. Atul Jha, Adv.  
Mr. D.K. Sinha, Adv.  
Mr. Gopal Prasad, Adv.  
Mr. G.V. Chandrashekhar, Adv.  
Mr. N.K. Verma, Adv.  
Ms. Anjana Chandrashekar, Adv.  
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Ms. Anuradha Rustagi, Adv.  
Ms. D. Bharathi Reddy, Adv.  
Mr. Sanjay R. Hegde, Adv.  
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Mr. Vikrant Yadav, Adv.  
Ms. Sumita Hazarika, Adv.

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Ms. A. Subhashini, Adv.

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Mr. Prashant Kumar, Adv.

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Mr. Sanjay V. Kharde, Adv.  
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Mr. Rajesh Srivastava, Adv.

Mr. Anuvrat Sharma, Adv.

Mr. K.N. Madhusoodhanan, Adv.  
Mr. R. Sathish, Adv.

Mr. R.C. Kaushik, Adv.

Mr. Pradeep Misra, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Mr. Vikas Upadhyay, Adv.  
Mr. B.S. Banthia, Adv.

Mr. G. Prakash, Adv.

Mr. Navneet Kumar, Adv.

Mr. Anil Kumar Jha, Adv.

Mr. Vikas Mehta, Adv.

Mr. Kamendra 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

On 20.01.2010, an assurance was given to this Court on behalf of the learned Additional Solicitor General that immediate steps would be taken to provide night shelters to the homeless people by the Government in coordination with all the agencies, including the Non-Government Organizations. He also assured that not only the existing facilities would be improved but additional facilities would be created such as blankets, water and mobile toilets.

Mr. Mohan Parasaran, learned Additional Solicitor General has filed a Status Report today in Court. In the Report it is mentioned that the Chief Secretary, Government of NCT of Delhi had convened a high level meeting with all the officers as well as interested parties at 4.P.M. on 20th January, 2010 itself, in which some important decisions were taken. In the said meeting it was decided to double the existing number of accommodations in the night shelters through the Municipal Corporation of Delhi from the existing 5,000 persons to a capacity of 10,000 persons. In the case of Revenue Department of Delhi Government, the increase was by 500 persons.

It is also mentioned in the Status Report that subsequent to the directions passed by this Court, the Revenue Department of Delhi Government pitched in 7 more night shelters taking the total number of night shelters to 24. Prior to that, 17 night shelters in temporary tents were operational at 17 places in Delhi since December, 2009 and 7 additional night shelters were

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located at - Raghuvir Nagar, Sarai Kale Khan, Azadpur Fruit Mandi, Kamla Market, Mata Sundari Road, Nigambodh Ghat and Shahdara.

It is also mentioned in the report that identification of sites as well as the determination of capacity in each shelter was done in active consultation of with the NGOs, namely, Ashrey Adhikar Abhiyan (AAA) and Indo Global Social Service Society (IGSSS). They were closely associated in the entire process of site selection, capacity determination and day-to-day management of the night shelters. Then officials of the Revenue Department of the Delhi Government and the above-mentioned NGOs have been working in unison for providing temporary shelters to the homeless and needy. Basis amenities such as blankets and cotton mattresses are distributed through these NGOs.

The Chief Minister of Delhi had given 1700 blankets for the purpose of distribution to the inmates of these night shelters. In addition to this, 1130 blankets had already been distributed through the Revenue Department in coordination with the NGOs. The NGOs have also made arrangements for medical check-ups and drinking water for the inmates of these night shelters. Daily attendance of occupancy is also maintained by volunteers form these NGOs.

While preparing for the installation of these temporary night shelters, the Revenue Department also associated various agencies which include:

(i) Delhi Jal Board for providing potable water;  
(ii) Slum & JJ Department, MCD, for providing mobile toilet vans;

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(iii) police for providing security to the inmates of these tents and residents of neighbouring areas;

(iv) Directorate of Health Services for providing facility for regular health check ups to the inmates of temporary night shelters;

(v) BSES/NDPL for providing electricity connections in the temporary night shelters.

The Government is also giving instructions to all the Revenue Deputy Commissioners concerned to associate themselves for coordinating the entire exercise with various departments/agencies so as to effectively monitor the functioning of the tents. The Revenue Headquarters bears the expenditure for blankets, electricity connections etc. A meeting was also held under the Chairmanship of the Divisional Commissioner on 27.12.2009.

In the status report it is further mentioned that for providing adequate information to the public, notices have been published in the newspapers. The NDTV was invited to visit the night shelters and news footage was broadcast on 23.01.2010 so that needy and homeless people can get information about the shelter homes.

In addition to Delhi Government, Municipal Corporation of Delhi is providing night shelters in permanent buildings and the same is managed through its Slum & JJ Department in coordination with the NGOs. Before the directions of this Court, the number of night shelters in permanent buildings was 27. After the directions of this Court, the capacity has increased by 37 w.e.f. 21.1.2010, taking the total number of night shelters to 64. This has resulted an increase in the capacity from 4165 persons to 8575 persons.

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It is also mentioned in the report that the facilities that are being provided in the site of night shelters include electricity, water arrangements, toilet facilities, sanitation arrangement, bedding arrangement in the form of blankets, mattresses and jute mats have been provided and in respect of new night shelters, procurement have been made by receipt of 2000 blankets, 2000 mattresses and 1000 jute mats.

In the status report it is also mentioned that from the long term perspective, the Master Plan of Delhi, 2021 provides for one night shelter for a population of one lakh, DDA has to identify and allot sites for free or on concessional rates to Government of NCT of Delhi in view of this being a humanitarian work.

We must place on record the deep sense of appreciation to the learned Additional Solicitor General and the officials who have acted promptly to save human

rights of a large number of the homeless and needy persons.

Mr. Colin Gonsalves, learned senior counsel, Dr. N.C. Saxena, Commissioner and Mr. Harsh Mander, Special Commissioner of the Supreme Court who are present in Court, submit that they have visited a number of such camps and they were very much satisfied with the immediate arrangements which have been made by the Government.

Dr. N.C. Saxena, Commissioner and Mr. Harsh Mander, Special Commissioner of the Supreme Court have submitted a comprehensive report on 25th January, 2010. We treat this report as an interlocutory application and direct the Registry to supply copies of this report to

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all the standing counsel of the States appearing in this Court and the Union Territories of India. Let notices be served within 3 days and reply thereto be submitted within two weeks thereafter.

Let copies of this report also be sent to all the Resident Commissioners of the States in Delhi with a direction that the copies thereof be sent by courier, e-mail and fax, to the Secretaries of the States, Administrators of the Union Territories and Vice-Chairman of the Delhi Development Authority.

We deem it appropriate to send notice to the Vice Chairman of Delhi Development Authority to file an affidavit giving appropriate response to this request, within two weeks from today.

List this matter on 9th February, 2010.

(A.S. BISHT)  
COURT MASTER

(NEERU BALA VIJ)  
COURT MASTER