

ITEM NOS.55 & 56

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 I.A. vide Order dt.27.01.2010) (NIGHT SHELTER MATTERS)

WITH

WRIT PETITION (CIVIL) NO. 196 OF 2001

(Regarding Reports submitted by Justice D.P. Wadhwa, Retd. Judge, Supreme Court of India)

WITH

I.A. Nos.90, 93, 102 to 108, 110 & 111 in W.P.(C) NO. 196/2001
(For permission on behalf of respondent No.17 i.e. State of Maharashtra, modification and directions, intervention on behalf of West Bengal M.R. Dealers Association and All Bengal Price Shop Dealers Welfare Association, impleadment and exemption from filing O.T., direction and extension of time on behalf of State of Rajasthan and for modification of Court's order dated 22.4.2009, impleadment on behalf of Karnataka State Taluka Co-operative Marketing Society Association to be impleaded as respondents)

WITH

CONTEMPT PETITION (CIVIL) No.99/2009 in W.P.(C) No.196/2001
(With appln. from exemption from filing O.T.)

W.P.(C) No. 277/2010
(With office report)
(FOR FURTHER DIRECTIONS)

Date:13/05/2011 These Petitions/applns. were called on for hearing today.

CORAM :

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

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

For Respondent(s) Mr. Gopal Subramaniam, SG
Mr. Mohan Parasaran, ASG
Mr. D.L. Chidananda, Adv.
Mr. T.A. Khan, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mrs. Sunita Sharma, Adv.
Ms. Supriya Jain, Adv.
Mr. A. Deb Kumar, Adv.

Ms. Sushma Suri, Adv.
Ms. Anil Katiyar, Adv.
Mr. S.S. Rawat, Adv.
Mr. D.S. Mehra, Adv.
For Mr. B.V. Balram Das, Adv.

Mr. Ranjan Mukherjee, Adv.
Mr. S. Bhowmick, Adv.
Mr. S.C. Ghosh, Adv.

Mr. K.V. Vishwanathan, Sr. Adv.
Mr. Riku Sarma, Adv.
Mr. Navnit Kumar, Adv.
For M/s. Corporate Law Group, Advs.

Ms. Hemantika Wahi, Adv.
Ms. Nupor Kanungo, Adv.
Ms. S. Banerjee, Adv.

Mr. Pragyan Pradip Sharma, Adv.
Mr. Rupesh Gupta, Adv.
Ms. Mandakini Sharma, Adv.
For Mr. P.V. Yogeswaran, Adv.

Ms. Indra Sawhney, Adv.

Dr. Manish Singhvi, AAG
For Mr. Milind Kumar, Adv.

Mrs. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
Mr. Avneesh Arputham, Adv.
For M/s. Arputham, Aruna & Co., Advs.

Ms. Rachana Srivastava, Adv.

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Mr. T.V. George, Adv.

Ms. Kamini Jaiswal, Adv.

Mr. Sapam Biswajit Meitei, Adv.
For Mr. Khwairakpam Nobin Singh, Adv.

Mr. S.Prabu Ramasubramanian, Adv.
Mr. S.J.Aristotle, Adv.
For Mr. V.G. Pragasam, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

Mr. R.K. Gupta, Adv.
Mr. Rajeev Dubey, Adv.
For Mr. Kamlendra Mishra, Adv.

Mr. Gopal Singh, Adv.
Mr. Manish Kumar, Adv.

Mr. Gopal Singh, Adv.
Mr. Rituraj Biswas, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. C.S. Ashri, Adv.

Dr. Aman Hingorani, Adv.
Ms. Priya Hingorani, Adv.
Ms. Swati Sumbly, Adv.

Mr. Ashok Kumar Sharma, Adv.

Mr. Avinash Kumar Jain,Adv.

Mr. Tara Chandra Sharma,Adv.
Mr. Kishan Datta,Adv.

Mr. Anil Shrivastav,Adv.
Mr. Riti Raj,Adv.

Mr. T. Harish Kumar,Adv.
Mr. V. Vasudevan,Adv.

Mr. Sanjiv Sen,Adv.
Mr. Prashant Kumar,Adv.
Mr. P. Parmeswaran,Adv.

Mr. Prashant Kumar,Adv.

Mr. Gopal Prasad,Adv.

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Ms. Anjana Chandrashekar,Adv.

Mr. D. Mahesh Babu,Adv.
Mr. Ramesh Allanki,Adv.
Ms. Svita Dhanda,Adv.

Mr. Sunil Fernandes,Adv.
Mr. Suhaas Joshi,Adv.
Ms. Astha Sharma,Adv.

Mr. Ramesh Babu M.R.,Adv.

Ms. D. Bharathi Reddy,Adv.

Mr. Debasis Misra,Adv.s

Mr. Sanjay R. Hegde,Adv.

Ms. Sumita Hazarika,Adv.

Mr. Manjit Singh,Adv.
Ms. Vivekta Singh,Adv.
Mr. Tarjit Singh,Adv.
Mr. Vikas Sharma,Adv.
Mr. Kamal Mohan Gupta,Adv.

Ms. A. Subhashini,Adv.

Mr. Kuldip Singh,Adv.
Mr. R.K. Pandey,Adv.
Mr. H.S. Sandhu,Adv.
Mr. K.K. Pandey,Adv.
Mr. Mohit Mudgil,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.

Mr. Vishwajit Singh,Adv.

Mr. Sanjay V. Kharde,Adv.
Ms. Asha G. Nair,Adv.

For

Mr. K.V. Mohan,Adv.

Mr. Atul Jha,Adv.
Mr. D.K. Sinha,Adv.

for

Mr. Rajesh Srivastava,Adv.

Mr. Anuvrat Sharma,Adv.

Mr. R.C. Kaushik, Adv.

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

Mr. Pradeep Misra, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

for Mr. Vikrant Singh Bais, Adv.
Mr. B.S. Banthia, Adv.

Mr. Anil Kumar Jha, Adv.
Miss Chhaya Kumari, Adv.
Mr. S.K. Divakar, Adv.

Mr. Vikas Mehta, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Anis Suhrawardy, Adv.

Mr. S.M. Jadhav, Adv.

Mr. Suresh Chandra Tripathy, Adv.

For Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Nimshim Vashom, Adv.
Mr. Balaji Srinivasan, Adv.

Mr. Navin R. Nath, Adv.

Mr. Aruneshwar Gupta, Adv.

For Mr. Vishnu B. Saharya, Adv.
M/s. Saharya & Co., Advs.

Mr. S. Thananjayan, Adv.

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

ASSAM:

The Chief Secretary to the Government of Assam has filed an affidavit before this Court on 12th May, 2011. In the affidavit it is mentioned that the State of Assam has undertaken a survey of shelterless people in the State during the period August 2010 to October 2010 and

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they have identified 1473 nos. of shelterless people in the Guwahati City and other District Headquarters of the State. They have found on the streets/Railway Stations/Bus Stations and open market places etc. The survey was conducted during the night as well as in the early morning period. The survey of the shelterless people was conducted in all the District Headquarters which fall into the category of urban area.

In compliance of the order of this Court, guidelines for establishing and running of night shelters were prepared and issued by the Department of Social Welfare, Government of Assam. As per the guidelines, the State Government shall provide necessary funds both

recurring and non-recurring to eight nos. of NGOs which have already been selected as service providers for providing night shelters to the shelterless people in the City of Guwahati as per the said guidelines and under the direct supervision of the said Department of Social Welfare. In the affidavit it is also stated that they are providing financial assistance to these NGOs for the services of caretaker, watchman/guard, sweeper, medical care, ward boy/ward girl and contingency/office expenses. It is further mentioned in the affidavit that these night shelters are equipped with good quality mattresses, bed sheets, mosquito nets, blankets/quilts, plastic buckets, water filters/acqua guards, washing machines, inverters etc. The Social Welfare Department has been directed to appoint a Nodal Officer at the State level to monitor and supervise the night shelter homes and also appoint Inspecting Officers under the Nodal Officers who will inspect the functions of the night shelter homes and there will be 4 Inspecting Officers in the City of Guwahati.

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Similarly, it is mentioned in the affidavit that there shall be State Level Monitoring and Evaluation Committee to monitor the schemes for providing night shelters to shelterless people in the City of Guwahati and other places. The State Government will constitute a Grievance and Redressal Mechanism in the Directorate of Social Welfare to receive complaints from the inmates, complaint box will be placed in the Directorate for placing the grievances and those grievances will be immediately attended to. The Government of Assam has undertaken to implement the scheme in a proper perspective.

In the affidavit it is also mentioned that adequate provision will be made for safe drinking water in every night shelter along with provision for hygienic latrine/urinal attached to the night shelters. It is also mentioned that in case of sick person, considering the gravity of illness, provision should be there for shifting him/her either to the Government run hospital or to the nearest hospital. There should also be an attendant who will accompany the person to the hospital. Separate provision has been made for male and female inmates in the night shelters along with separate provision for children with provision for watchman etc. It is further mentioned that there will be provision for kitchen with all required utensils in each and every night shelters to enable the person availing the benefit of night shelters to get food cooked during night so that they need not go out. However, meals may be provided to the inmates on low cost basis without profit motive. Recreation facilities in each night shelter will also be provided.

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The State Government has sanctioned an amount of Rs.80 lakhs for strengthening and upgrading 8 nos. of night shelters for the shelterless people in the City of Guwahati during the financial year 2010-2011. Some other facilities are also to be provided in the night shelters the details of which have been given in the affidavit.

We would like to place on record our appreciation for comprehending the human problem in true perspective.

It is expected that other States will also follow the Assam pattern and provide similar facilities. copy of the affidavit filed by the State of Assam be provided by the Registry to the learned counsel appearing for the different States.

Let a

JHARKHAND:

In pursuance of the directions of this Court, the State of Jharkhand has constructed 6 night shelters in the capital city of Ranchi which are in operation and in order to provide basic amenities in the said night shelters an estimate for a sum of Rs.47,47,800 had been sought from the Ranchi Municipal Corporation, Ranchi and the Government of Jharkhand has already sanctioned a sum of Rs.46.324 lacs to the Ranchi Municipal Corporation. In the affidavit it is also mentioned that 9 night shelters are required for the City of Ranchi, six of them have already constructed and the remaining three night shelter homes are going to be constructed shortly. It is also mentioned that all the night shelters will be made operational at an early date.

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In the city of Chaibasa, 17 night shelters have already been constructed and they are in operation and in order to provide the basic amenities at these night shelters, estimate has been sought from the Chaibasa Local Urban Body and on submission of the estimate from it for providing basic amenities, necessary action will be taken to sanction the requisite funds. In town of Deoghar, one night shelter is constructed and it is operational and all basic facilities have been augmented. Eleven night shelters are required to be constructed in each City of Dhanbad and Jamshedpur. For that estimates have been sought from Jamshedpur and Dhanbad Municipal Corporation and needful would be done shortly.

The State of Jharkhand has also comprehended the problem of night shelters in proper perspective and that spirit has augmented the facilities in the night shelters in the State. We record our appreciation for the efforts made by the State of Jharkhand in this direction.

MAHARASHTRA:

The Chief Secretary to the Government of Maharashtra has filed an affidavit in which it is mentioned that the Government of Maharashtra has decided to start night shelters in the cities of Maharashtra having a population of more than 5 lakhs. The concerned Municipal Commissioners are being directed to identify some existing structures belonging to the Municipal Corporation/ State Government or tenements constructed under BSUP/IHSDP schemes or any other structures where night shelters can be started within six months. Guidelines to operate and maintain such night shelters will be issued by the State Government to all the concerned shortly.

Learned counsel appearing for the State of Maharashtra submits that the affidavit has been filed in great hurry and he undertakes to file a comprehensive affidavit, giving therein concrete steps taken by the State. Let the affidavit be filed within six weeks from today, with an advance copy to the learned counsel for the petitioner who would be at liberty to file reply thereto, if any, before the next date of hearing.

UTTARAKHAND:

An affidavit has been filed on behalf of the State of Uttarakhand in which it is stated that necessary directions have already been issued with regard to construction of night shelters in the cities of Dehradun and Haridwar. The Government of Uttarakhand has identified the land for constructing a new night shelter in the city of Dehradun and the night shelter will have a capacity of accommodating 100 inmates and it will be equipped with all the basic amenities. In Haridwar, shelterless people are availing the facility of night shelter in religious and charitable trust/societies which are running approximately 350 Dharamshalas within the municipal area. Even then the Nagar Palika Parishad, Haridwar has contemplated to construct a new night shelter in order to meet the future need owing to the heavy rush of the pilgrims, especially during festival and other important auspicious days. For the time being no further directions are necessary so far as the State of Uttarakhand is concerned.

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DELHI:

Mr. Mohan Parasaran, learned Additional Solicitor General submits that 11 night shelters which were burnt recently due to short-circuiting, are being re-constructed by the NCT of Delhi and temporary facilities are being provided to the inmates of the various night shelters. He further submits that an inquiry has also been constituted in order to find out the cause of fire. Learned additional Solicitor General submits that a comprehensive affidavit would be filed giving therein all the details, within four weeks with an advance copy to the learned counsel for the petitioner who would be at liberty to file reply thereto, if any, before the next date of hearing.

List this matter for further directions on 18th July, 2011.

FOODGRAINS MATTER:

List tomorrow at 10.30 a.m. before the same Bench.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER