

ITEM NO.47

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)

Date:09/05/2011 These Petitions/applns. 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.
Mr. Divya Jyoti, Adv.
For Ms. Jyoti Mendiratta, Adv.

For Respondent(s) Mrs. Sunita Sharma, Adv.
Mr. S.W.A. Qadri, Adv.
Mr. D.L. Chidananda, Adv.
Mr. A. Deb Kumar, Adv.
For Ms. Sushma Suri, Adv.
For Ms. Anil Katiyar, Adv.
For Mr. D.S. Mehra, Adv.
FOR Mr. B.V. Balram Das, Adv.

Mr. Ranjan Mukherjee, Adv.

Ms. Hemantika Wahi, Adv.

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

Ms. Indra Sawhney, Adv.

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

For Mrs. Aruna Mathur, Adv.
M/s. Arputham, Aruna & Co., Adv.

Mr. Rahul Verma, Adv.
For Ms. Rachana Srivastava, Adv.

Mr. T.V. George, Adv.

Ms. Kamini Jaiswal, Adv.

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

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

Mr. Jatinder Kumar Bhatia,Adv.

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

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

Mr. Gopal Singh,Adv.

Mr. Abhijit Sengupta,Adv.

Mr. C.S. Ashri,Adv.

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

Mr. Anil Shrivastav,Adv.

Mr. T. Harish Kumar,Adv.

Mr. P. Parmeswaran,Adv.

Mr. Prashant Kumar,Adv.

Mr. Gopal Prasad,Adv.

Ms. Anjana Chandrashekar,Adv.

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

Ms. Sumita Hazarika,Adv.

Mr. Kamal Mohan Gupta,Adv.

Ms. A. Subhashini,Adv.

Mr. Kuldip Singh,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.

Mr. Vishwajit Singh,Adv.

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

Mr. K.V. Mohan,Adv.

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

Mr. Rajesh Srivastava, Adv.

Mr. Anuvrat Sharma, Adv.

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

Mr. R.C. Kaushik, Adv.

Mr. Pradeep Misra, Adv.

Mr. Venkateswara Rao Anumolu, Adv.

Mr. B.S. Banthia, Adv.

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

Mr. Edward Belho, Adv.
Mr. Nimshim Vashom, Adv.
For Mr. Balaji Srinivasan, Adv.

Mr. Navin R. Nath, Adv.

Mr. Aruneshwar Gupta, Adv.

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

Mr. S. Thananjayan, Adv.

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

CHHATTISGRAH:

The Chief Secretary, Government of Chhattisgarh
has filed an affidavit in which it is mentioned that all
the seven temporary night shelters in the City of Raipur
have been notified as permanent night shelters by order
dated 27.4.2011. The night shelters in the City of
Raipur are operational with all basic facilities and a
sum of Rs.16 lakhs has been released by the State
Government vide order dated 21.01.2011 to the Raipur

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Municipal Corporation for running the above seven night
shelters for the period 2010-2011 to take care of the
homeless. Details of the 10 Municipal Corporations have

been given and in those 10 Municipal Corporations, a sum of Rs.54 lakhs has been proposed to be spent on the night shelters. It is further mentioned in the affidavit that Rs.50 lakhs was released by the Zila Panchayat, Bilaspur on 25.11.2010 to the Municipal Corporation, Bilaspur for constructions of night shelters in the Municipal Corporations: Raipur - 7 nos., Bhilai - 6 nos., Durg -2 nos., Rajnandgaon -1 no., Jagdalpur -3 nos, Bilaspur - 1 no., Korba - 1 no., Raigarh - 2 nos., Ambikaur - 1 no. and Chirmiri - 1 no. It is also reiterated that the State of Chhattisgarh is committed to provide night shelters to all the homeless people in the State.

GUJARAT:

In pursuance to the order of this Court, the Chief Secretary, Government of Gujarat has filed an affidavit on 15th December, 2010. We are not satisfied with the said affidavit. The acute problem of night shelter has not been properly comprehended by the State Government.

Learned counsel for the State of Gujarat prays for some time to file a proper affidavit in line with what has been stated in paragraph 14 of the aforesaid affidavit wherein the State proposed to construct night shelters in phased manner and they plan to complete this process by 2021. The night shelters have to be set up by the State without further loss of time. We expect the Chief Secretary to comprehend the problem of night shelters properly and then file an affidavit before this Court. Learned counsel for the State undertakes to file

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the affidavit within four weeks from today. We direct the State to construct the night shelters in the State within six months from today.

ORISSA:

In pursuance to the order of this Court, Dr. Tribikram Pradhan, Officer on Special Duty, Office of Principal Resident Commissioner, Government of Orissa, New Delhi, has filed an affidavit on 6th May, 2011. The affidavit is unsatisfactory. Therefore, we would like the Chief Secretary, Government of Orissa to file a proper affidavit according to the settled norms which have been clearly indicated in our previous orders. Let the affidavit be filed within four weeks from today.

JHARKHAND:

Learned counsel appearing for the State of Jharkhand undertakes to file a proper affidavit within four weeks from today.

HARYANA:

The Chief Secretary, Government of Haryana has filed an affidavit in which it is mentioned that due to strong social bonding, economic prosperity and good infrastructure, the problem of homeless in the State of Haryana is not so widespread. It is also indicated in

the affidavit that as per the fresh survey conducted in March, 2011, there are 2126 urban homeless families constituting 6107 urban homeless population in the State. It has been observed from the fresh survey report that there was no homeless family/person in 30 towns, such

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population is below 50 in 31 towns; in the range of 51-200 in 7 towns. The number of homeless persons is above 200 in only 9 towns and these 9 towns are either industrial towns or of religious importance. It is also mentioned that the sites for the construction of night shelters have been identified in few towns such as Faridabad, Gurgaon, Pachkula, Sonipat and Gohana. The Labour Department has already released funds of Rs.18.50 lakhs to the Municipal Corporation, Faridabad for this purpose and construction is in process and is expected to be completed in the next three months. The estimate preparation and sanction of funds in respect of remaining was in process. Other towns, especially having population of homeless in excess of 200, have been asked to take action in this regard.

It is also mentioned in the affidavit that different departments have been directed to provide necessary assistance, such as, the Power Department has been directed to provide electricity connections and Health Department has been directed to issue instructions to all the surgeons for extending all medical facilities free of costs to the urban homeless persons.

ASSAM:

Mr. Vishwanathan, learned senior counsel appearing on behalf of the State of Assam submits that he has already received instructions that substantial progress has been made in the matter and he would file proper affidavit on or before Thursday, 12th May, 2011, with an advance copy to the learned counsel for the petitioner.

To be taken up on Friday, 13th May, 2011.

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SIKKIM, TRIPURA, MANIPUR, MIZORAM AND ARUNACHAL PRADESH:

In the affidavits filed by these States, it has been stated that the problem of homeless people is non-existence in their respective States. Learned counsel for the petitioner may verify the same before the next date of hearing.

All those States who have not set up night shelters according to the settled norms are directed to set up night shelters without further loss of time because even during the summer and monsoon seasons, it is imperative to have night shelters for the homeless people. All the night shelters must have the basic facilities of drinking water, toilets, bathing, electricity, security and emergency medical check up. Let affidavits be filed by those States who have not yet filed the same in pursuance of the directions of this Court, within four weeks from today.

DELHI:

According to the news item, it has come to our notice that 8 night shelters were burnt last week. Let a

report be submitted to this Court by the learned counsel
for the petitioner, regarding the burning of night
shelters.

We direct the respondent NCT of Delhi to re-
construct these night shelters as expeditiously as
possible.

List this matter for further directions on 13th
May, 2011 as last item.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER