

ITEM NO.61(Part-heard)  
(NIGHT SHELTER MATTERS)

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 1A vide  
order Dt.27.01.2010)

Date:07/03/2011 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.  
Mr. Tariq Adeeb, Adv.  
Ms. Jyoti Mendiratta, Adv.

For Respondent(s) Mr. Mohan Parasaran, ASG  
Mr. D.L. Chidananda, Adv.  
Mr. S. Wasim A. Qadri, Adv.  
Mr. A. Dev Kumar, Adv.  
Ms. Sunita Sharma, Adv.  
Ms. Sushma Suri, Adv.  
Ms. Anil Katiyar, Adv.  
Mr. T.A. Khan, Adv.  
Mr. D.D. Kamath, Adv.  
Mr. D.S. Mahra, Adv.  
Mr. Sudarshan Singh Rawat, Adv.

For DDA Mr. Vishnu B. Saharya, Adv.  
For M/s. Saharya & Co., Adv.  
Mr. Jana Kalyan Das, Adv.

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

Ms. Hemantika Wahi, Adv.  
Ms. Nupur Kanungo, Adv.  
Ms. Suveni Banerjee, Adv.

Mr. D.K. Goswami, Adv.  
Mr. Shirish Kr. Mishra, Adv.

for Mr. Pragyan P. Sharma, Adv.  
Mr. Siddhartha Lodha, Adv.  
Mr. P.V. Yogeswaran, Adv.

Mr. H.P. Raval, ASG

Ms. Indra Sawhney, Adv.

Dr. Manish Singhvi, AAG, Raj.  
Mr. Devanshu Kumar Devesh, Adv.  
Mr. Irshad Ahmad, Adv.  
Mr. Milind Kumar, Adv.

Mr. A. Mariarputham, Adv. Gen,  
Mrs. Aruna Mathur, Adv.  
Mr. Yusuf Khan, Adv.  
Mr. Avneesh Arputham, Adv.  
Ms. Megha Gaur, Adv.

For M/s. Arputham Aruna & Co., Advs.

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

Mr. Rahul Verma, 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. Sapam Biswajit Meitei, Adv.

Mr. Ranjan Mukherjee, Adv.

Mr. Jatinder Kumar Bhatia, Adv.

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Mr. R. Sundaravaradhan, Sr. Adv.  
Mr. V.G. Pragasaam, Adv.  
Mr. S.J. Aristotle, Adv.  
Mr. Prabu Ramasubramanian, Adv.

Mr. G.V. Rao, Adv.  
Mr. Ravi Prakash Mehrotra, Adv.

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

Mr. Bikas Kar Gutpa, Adv.  
Mr. Abhijit Sengupta, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Manish Pitale, Adv.  
Mr. Wasi Haider, Adv.  
For Mr. C.S. Ashri, Adv.

Mr. Bhaskar P. Gupta, Sr. Adv.  
Mr. Tara Chandra Sharma, Adv.  
Ms. Neelam Sahrma, Adv.

Mr. Anil Shrivastav, Adv.  
Mr. Ritu Raj Biswas, Adv.

Mr. Edward Belho, Adv.  
Mr. Enatoli Sema, Adv.

Mr. T. Harish Kumar, Adv.

Mr. V. Vasudevan, Adv.

Mr. Sanjiv Sen, Adv.

Mr. Prashant Kumar, Adv.

Mr. P. Parmeswaran, Adv.

Mr. Atul Jha, Adv.

Mr. D.K. Sinha, Adv.

Mr. G.V. Chandrashekhar, Adv.

Mr. N.K. Verma, Adv.

Ms. Anjana Chandrashekar, Adv.

Mr. Gopal Prasad, Adv.

Mr. D. Mahesh Babu, Adv.

Mr. Ramesh Allanki, Adv.

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Mr. Sunil Fernandes, Adv.

Mr. Vikrant Nagpal, Adv.

Mr. Sidhant Goel, Adv.

Ms. Renu Gupta, Adv.

Mr. Ramesh Babu M.R., Adv.

Ms. Anuradha Rustagi, Adv.

Ms. D. Bharathi Reddy, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Ramesh Kr. Mishra, Adv.

Ms. Sumita Hazarika, Adv.

Mr. K.K. Mahalik, Adv.

Mr. Ajay Pal, Adv.

Mr. Manjit Singh, Adv.

Mr. Vivekta Singh, Adv.

Mr. Tarjit Singh

Mr. Kamal Mohan Gupta, Adv.

Ms. A. Subhashini, Adv.

Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

Mr. Kuldip Singh, Adv.

Mr. R.K. Pandey, Adv.

Mr. H.S. Sandhu, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.

Mr. Prashant Kumar, Adv.

Mr. Vishwajit Singh, Adv.

Mr. Sanjay V. Kharde, Adv.

Ms. Asha G. Nair, Adv.

Mr. K.V. Mohan, Adv.

Mr. A.K. Panigrahi, Adv.

Mr. N.M. Varghese, Adv.

Mr. Tessy Varghese, Adv.

Mr. Rajesh Srivastava, Adv.

Mrs. Promila, Adv.

Mr. S. Thananjayan, Adv.

Mr. Anuvrat Sharma, Adv.  
 Mr. K.N. Madhusoodhanan, Adv.  
 Mr. R. Sathish, Adv.  
 Mr. Naushad Ahmad Khan, Adv.  
 Mr. Rajesh Kumar Verma, Adv.  
 for Mr. R.C. Kaushik, Adv.  
 Mr. Pradeep Misra, Adv.  
 Mr. Venkateswara Rao Anumolu, Adv.  
 Mr. Bikas Upadhyay, Adv.  
 Mr. B.S. Banthia, Adv.  
 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. Shivaji M. Jadhav, Adv.  
 Mr. Suresh Chandra Tripathy, Adv.  
 Mr. Navin R. Nath, Adv.

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

RAJASTHAN:

Mr. Colin Gonsalves, learned senior counsel appearing on behalf of the petitioner had handed over a copy of The Analytical Report - Towards an Effective

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Solution for Homeless Urban, Rajasthan. In the said report it is mentioned that some steps have been taken by the State to solve the problem of homeless in urban Rajasthan, but there are some areas where more work needs to be done by the State and he has highlighted the problems at Page 14 of the said report, under the broad heading of Bathing, Lack of Space, Cleanliness, Outside toilets are far away, Insufficient, same oily food, Lack of Medical Facility, Lack of Awareness, Problem of Accessibility due to corruption, Lack of proper display, No bathing facility, Problem of Security, No Entertainment and De-addition Facility.

Mr. Manish Singhvi, learned Additional Advocate

General appearing for the State of Rajasthan, submits that he has been handed over a copy of the said report today itself and he would like to take instructions from the State. Let that be done and response to the said report be filed within two weeks.

MADHYA PRADESH:

Mr. Colin Gonsalves has also filed a copy of the Report on Shelters for the Homeless regarding the State of Madhya Pradesh. In the report it has been highlighted that the State of M.P. propose to construct 57 Night Shelters and only 10 of them have been constructed and 47 night shelters remain to be constructed. In the report, it is also mentioned that there was a news that four tribal children between the age group of 3 to 9 years, have been reported dead due to intense cold in Chhattarpur, 2 people were reported to have died from Satna and 4 children in Bhopal reported to have died due to extreme cold weather. One death was reported in Damoh

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District. A small child reported dead in Seoni and one person was found dead in Gwalior.

Learned counsel appearing for the State of M.P. prays for some time to verify these facts and file an affidavit. Let that be done within two weeks, with an advance copy thereof to the learned senior counsel for the petitioner.

CHHATTISGARH:

Mr. Colin Gonsalves has also filed a copy of the Report on Shelters for the Homeless regarding the State of Chhattisgarh, a copy of which has been handed over to the learned counsel for the State. In the report it is mentioned that when the learned senior counsel for the petitioner visited the shelter homes, they were all found to be locked. It is indeed a serious matter. Learned counsel appearing for the State of Chhattisgarh prays for some time to take instructions in this regard and file an affidavit. Let the affidavit be filed within two weeks from today, with an advance copy thereof to the learned senior counsel for the petitioner.

TAMIL NADU, ANDHRA PRADESH, KARNATAKA, WEST BENGAL, ORISSA AND CHANDIGARH:

Mr. Colin Gonsalves has also filed copies of the Report on Shelters for the Homeless with regard to the States of Tamil Nadu, Andhra Pradesh, Karnataka, West Bengal, Orissa and Union Territory of Chandigarh. He undertakes to supply a copy of the report to the respective learned standing counsel for the State during the course of the day. The learned counsel would be at

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liberty to verify the facts mentioned in the report and file an affidavit within two weeks from today, with an advance copy thereof to the learned senior counsel for the petitioner.

Mr. Colin Gonsalves, learned senior counsel appearing on behalf of the petitioner would be at liberty to file and serve copies of the Status Report on other remaining States within a week from today and the learned counsel for the States would be at liberty to file response thereto within two weeks thereafter.

List this matter again on 4th April, 2011 for further directions.

(A.S. BISHT)  
COURT MASTER

(NEERU BALA VIJ)  
COURT MASTER