DR. N. C. SAXENA, COMMISSIONER AND
HARSH MANDER, SPECIAL COMMISSIONER OF THE SUPREME COURT
IN THE CASE: PUCL v. UOI & Ors. WRIT PETITION (Civil) No. 196 of 2001

November 15th, 2010
Homeless/944/Meghalaya

Shri. W. M. S. Pariat
Chief Secretary
Government of Meghalaya
Shillong

Sub: Status of initiative undertaken by the state on Homeless shelter in the writ 196/2001.

Dear Shri. Pariat

As you are aware, in our capacity as Commissioners of the Supreme Court in CWP 196/2001, PUCL v. UOI and others, we monitor the implementation of the food and employment related schemes in the country which fall under the purview of the case including the ICDS, MDMS, NREGA, NOAPS, TPDS, NMBS/JSY and NFBS.

In this connection, you must be aware of that recently the Supreme Court has passed many orders which direct the state government to take steps to support the rights of homeless persons in the urban areas. In this connection, we would like to know the initiatives under taken by the state government to provide shelters to the homeless people in the cities, and the other directions of the Supreme Court connected with rights of homeless people, including residential schools for homeless children and community kitchens.

Based on the affidavits filed by the state government before the Supreme Court, we have tried to assess the status and the requirement of shelters in your state. Please find annex 1 for details. As per the ratios directed by the Supreme Court, the minimum numbers of 24 hour permanent homeless shelters required in your state is **3**; in the city of Shillong (3). As per the affidavit filed by the state government, it is of the view that the problem of homelessness does not exist in the state, however the state is yet to take up any survey for identification of homeless persons.

We would like to request you to kindly submit the detailed status report on the following within 15 days of receiving the letter.

- As per the order of the Supreme Court the survey of the homeless persons should have been completed by 10th August 2010. Please provide details of findings of survey if undertaken in the city. If not completed please provide timeline for completion of survey, immediately. This survey should indicate the concentration areas of the homeless, and the age, gender, occupational and special needs profiles of each concentration area.

- The information from this rapid survey would help government plan which category of shelters (single men, women, disabled and aged etc shelters) are required in what numbers in various homeless concentration areas of the city. Kindly give details of these plans, including total number of shelters constructed and/or planned, for general as well as special categories; and basic amenities planned to be provided. Please indicate the timeline for completing these.

- Please inform immediately what steps are being taken by the state government to implement the above plans?

- Also please provide details of state policy on the homeless if any; and plans to meet Supreme Court directives.

We would also like to request you take the following four points in to your account while taking decisions/ initiating any work over the homeless shelters issue.

1. It is not necessary to think only of new buildings for shelters. There are other options available too, to meet SC directives and provide the required services to the homeless: refurbishing

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existing government buildings (community centres, and vacant municipal or state government buildings, just to name a few); vertical expansion of these buildings; even renting out private buildings where no government building (or land) is available. Porta cabins too could be tried as a last resort.

2. Location of shelters is going to be key to the long term success of the programme. These should be appropriate for homeless persons, near where they mostly seek and get work. It is important that state government decide on the sites through a consultative process of discussions and engagement with homeless persons/organizations representing them. A rapid survey of available sites and buildings, through this consultative process, should be made before embarking upon site development.

3. State government must ensure a satisfactory mix of women's and men's shelters, and those for other vulnerable populations. Also see that these are properly equipped, planned and serviced.

4. State government must also think through the operational, management and oversight arrangements for shelters. These should meet the criteria of quality provision, client satisfaction and user involvement.

Thanking you

Regards

Saxena

Dr. N.C. Saxena

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Enclosure: Annexure 1

Annexure 1
Tracking state responses to hon'ble Supreme Court directives on services for the urban homeless: Meghalaya

	Survey	Permanent 24 X 7 Shelters
SC directives	Carry out, within 6 months, survey to identify the homeless in all urban centres. (SC order no. 196/2001, dated 10.02.2010)	All cities covered under JNNURM and above 5 lakhs, to have one 24hrs, 365 days a year, homeless shelter with a capacity of 100 persons for every one lakh population. Basic amenities to include mattress, bed roll, blanket, portable drinking water, functional latrines, first aid, primary health facilities, de addiction and recreation facilities etc. 30% of these to be special shelters (women, old and infirm, recovery shelters) (SC order no. 196/2001, dated 20.02.2010)
Your actual requirement as per above	Survey should have been completed by 10.08.2010	Cities in JNNURM list, with number of shelters required in each: i. Shillong - 3 **<u>Total shelters required: 3</u>** Services required in 'general' shelters: - Adequate water to drink, wash and cook - Adequate number of functional latrines - Beddings with sheets and blankets - Lights, and fans/coolers, where appropriate - Lockers to keep belonging, at extra nominal charge - Basic medical facilities, and linkage with hospitals for serious illnesses - Recreation facilities (TV and indoor games) - Reading room, with newspapers and magazines. - Linkage with psychiatric / drug de-addiction facilities, and facility for counselling Appropriate facilities for 'special' shelters: Recovery shelters, and those for women and their dependents, and old/infirm.
Your response as on 25/3/2010	State to undertake a comprehensive survey of the homeless people. However no information on date of completion of survey has been provided	As per the affidavit filed by the state government, it does not discuss on how the state will go about construction of permanent shelters for homeless population in the state.
Action required now on your part.	Conduct and provide details of survey in the said city. Provide timeline for completion of survey, immediately.	Submit detailed status report on how the state will go about the construction of the permanent for general as well as special categories; and to provide basic amenities. Provide timeline for completing these immediately. Inform immediately what steps are being taken by the state government to implement the above plans? Also provide details of state policy on the homeless if any; minutes of meetings held (if any) to operationalise policy; and plans to meet Supreme Court directives.