

ITEM NO.40 COURT NO.4 SECTION PIL

SUPREME COURT OF INDIA
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 IA vide order Dt.27.01.2010)

Date: 07/01/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMAFor Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.
Mr. Divya Jyoti, Adv.
Mr. Imran Ali, Adv.
For Ms. Jyoti Mendiratta, Adv.For Respondent(s) Mr. Mohan Parasaran, ASG
Mr. D.L. Chidananda, Adv.
Mr. S. Wasim A. Qadri, Adv.
Mr. Dev Kumar, Adv.
Ms. Sunita Sharma, Adv.
Mrs. Anil Katiyar, Adv.
Ms. Saima Bakshi, Adv.
For Ms. Sushma Suri, Adv.
For Mr. D.S. Mehra, Adv.
For Mr. B.V. Balram Das, Adv.For DDA Mr. V.B. Saharya, Adv.
For M/s. Saharya & Co., Advs.
Mr. Jana Kalyan Das, Adv.
Ms. Nupur Kanungo, Adv.
For Ms. Hemantika Wahi, Adv.
Mr. Shirish Kr. Mishra, Adv.Mr. P.V. Yogeswaran, Adv.
Ms. Indra Sawhney, Adv.
Mr. Devanshu Kumar Devesh, Adv.
For Mr. Milind Kumar, Adv.
Mrs. Aruna Mathur, Adv.
Mr. Avneesh Arputham, Adv.
Mr. Yusuf Khan, Adv.
For M/s. Arputham, Aruna & Co., Advs.
Mr. Riku Sharma, Adv.
for M/s. Corporate Law Group, Advs.
Ms. Rachana Srivastava, Adv.

Mr. T.V. George,Adv.
Mr. Divyesh Pratap Singh, Adv.
for Ms. Kamini Jaiswal,Adv.
Mr. Khwairakpam Nobin Singh,Adv.
Mr. Sapam Biswajit Meitei,Adv.
Mr. Ranjan Mukherjee,Adv.
Mr. S.J. Aristotle,Adv.
Mr. Prabu Ramasubramanian,Adv.
For Mr. V.G. Pragasam,Adv.
Mr. Jatinder Kumar Bhatia,Adv.
Mr. Ravi Prakash Mehrotra,Adv.
Mr. Gopal Singh,Adv.
Mr. Abhijit Sengupta,Adv.
Mr. C.S. Ashri,Adv.
Mr. Tara Chandra Sharma,Adv.
Ms. Neelam Sahrma,Adv.
Mr. Anil Shrivastav,Adv.
Mr. Ritu Raj Biswas,Adv.
Mr. T. Harish Kumar,Adv.
Mr. Sanjiv Sen,Adv.
Mr. Prashant Kumar,Adv.
Mr. P. Parmeswaran,Adv.
Mr. Atul Jha,Adv.
Mr. D.K. Sinha,Adv.
Ms. Anjana Chandrashekar,Adv.
Mr. Gopal Prasad,Adv.
Mr. D. Mahesh Babu,Adv.
Mr. Ramesh Babu M.R.,Adv.
Ms. D. Bharathi Reddy,Adv.
Ms. Sumita Hazarika,Adv.
Mr. Ajay Pal,Adv.
Mr. Manjit Singh,AAG.
For Mr. Kamal Mohan Gupta,Adv.
Ms. A. Subhashini,Adv.
Mr. Kuldip Singh,Adv.
Mr. R.K. Pandey,Adv.
Mr. Ravindra Keshavrao Adsure,Adv.
Mr. Vishwajit Singh,Adv.
Mr. Sanjay V. Kharde,Adv.
Ms. Asha G. Nair,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.
Mr. Vikas Upadhyay,Adv.
Mr.Naveen Sharma, Adv.
Mr. G. Prakash,Adv.

Mr. Anil Kumar Jha,Adv.
Mr. Vikas Mehta,Adv.
Mr.Pramod Swarup, Sr.Adv.
Mr. R. K. Gupta,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Kamlendra Mishra,Adv.
Mr. Naresh K. Sharma,Adv.
Mr. Anis Suhrawardy,Adv.

Mr. S.M. Jadhav,Adv.
Mr. V.N.Raghupathy, Adv.
Mr. K.V.Mohan, Adv.
Mr. Suresh Chandra Tripathy, Adv.
Mr. Naven R.Nath, Adv.

UPON hearing counsel the Court made the following

O R D E R

BIHAR:

Learned counsel appearing for the petitioner has shown a number of photographs and filed a report pertaining to the night-shelters. According to the report, night-shelters have not been constructed or erected by the State of Bihar according to the norms. The photographs show that the night-shelters have not been properly erected and basic amenities have not been provided in the night-shelters. The capacity of the night-shelters is also not in consonance with prescribed norms. Mr. Gopal Singh, learned standing counsel appearing for the State of Bihar submits that he will take up the matter with the Chief Secretary of the State today itself and would ensure that all the 51 night-shelters in the State of Bihar are upgraded in consonance with the prescribed norms and basic amenities would be provided in these night-shelters. As a last opportunity, he prays for two weeks time to augment the facilities in the night-shelters.

The State of Bihar must appreciate the intense cold weather in the northern part of India is creating havoc for the poor shelter less people and it is absolutely imperative that these shelters must be upgraded and basic amenities in the night-shelters be provided on priority basis.

In the interest of justice, we grant two weeks' time to ensure that all night-shelters are erected in accordance with the prescribed norms and basic amenities are provided and compliance affidavit to this effect be filed by the Chief Secretary of the State of Bihar. All the concerned authorities are directed to seriously make efforts to comply with this order. After expiry of two weeks, there will be a joint inspection of these shelters and a report be submitted by this Court within a week thereafter.

UTTAR PRADESH:

An affidavit has been filed by the Under-Secretary, Urban Development Government of Uttar Pradesh, in which it is stated that a number of night-shelters have been erected and basic facilities in the night-shelters have been provided. In response to this affidavit, the petitioner has submitted a report in which it is mentioned that night-shelters have not been erected according to the prescribed norms and basic facilities in night-shelters have not been provided.

As a last opportunity, learned counsel for the State prays for two weeks time to augment the facilities in the night-shelters. In the interest of justice, we grant two weeks' time to ensure that all night-shelters are erected in accordance with the prescribed norms and basic amenities are provided and an affidavit to this effect be filed by the Chief Secretary of the State of Uttar Pradesh.

All concerned authorities are directed to seriously make efforts to comply with this order. After expiry of two weeks, there will be a joint inspection of these shelters and a report be submitted by this Court within a week thereafter.

Chhattisgarh:

In reply to the affidavit filed by the State of Chhattisgarh on 22.11.2010, a response has been filed on behalf of the petitioner in which it is mentioned that most of the night-shelters were found to be locked and basic facilities have not been provided in these shelters. We direct the learned counsel appearing for the State of Chhattisgarh to ensure erection of night-shelters as per prescribed norms and provide basic facilities in these shelters without further loss of any time. Looking to the urgency of the matter, we direct the State to erect shelters and provide basic amenities within two weeks from today and thereafter there will be a joint inspection and a report thereof be filed in this Court within a week thereafter.

West Bengal:

In response to the affidavit filed by the State of West Bengal, the petitioner submitted that night-shelters have not been erected and basic facilities have not yet been provided, according to the prescribed norms. Learned counsel for the State seeks time to take instructions in this regard. We direct the State to ensure that all the night-shelters are erected according to the prescribed norms and basic facilities are provided and an affidavit be filed to this effect by the Chief Secretary of the State within two weeks. Thereafter there will be a joint inspection from 21st January, 2011 onwards and report be filed.

Learned counsel for the petitioner has brought to our notice that school premises are being used for night-shelters. We make it clear that night-shelters must be erected by the State Government according to the prescribed norms and no school premises be used for night-shelters after 15th March, 2011.

Madhya Pradesh:

In reply to the affidavit filed on 16.08.2010 by the State, a response has been filed on behalf of the petitioner in which it is indicated that night-shelters have not been erected, according to the norms and basic facilities have not been provided.

Learned counsel appearing for the State of Madhya Pradesh prays for some time to take instructions.

In the meanwhile, he shall ensure that night-shelters are erected and basic facilities are provided according to the prescribed norms and the Chief Secretary of the State will file an affidavit to this effect within two weeks. Thereafter a joint inspection be carried out after 21st January, 2011 to ensure that all basic facilities are provided in the night-shelters and response be filed within a week thereafter.

Maharashtra:

In response to the affidavit filed by the State of Maharashtra, the petitioner has filed reply giving some startling facts. At this stage, we do not deem it appropriate to comment on those facts but we would like to give an opportunity to the State of Maharashtra to file a proper affidavit by the Chief Secretary in response to the status report filed by the petitioner. Let that be done on or before 21st January, 2011.

List this matter for further direction on Friday, 28th January, 2011, as a last item.

(G.V.Ramana)
Court Master

(Neeru Bala Vij)
Court Master