

ITEM NO. 71(Part-heard) COURT NO.4 SECTION PIL
(NIGHT SHELTER MATTERS)

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. No.94 and 96 in WRIT PETITION (CIVIL) NO.196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)

(Reports submitted by Commissioner and Special Commissioner of Supreme Court directed to be treated as IA vide order dated 27.1.2010)

Date: 15/11/2010 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.
Ms. Divya Jyoti,Adv.
Mr. Anuj Castelina,Adv.
Ms. Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Mohan Parasaran,ASG
Mr. S. Wasim A. Qadri,Adv.
Ms. Sunita Sharma,Adv.
Mr. D.L. Chidananda,Adv.
Ms. Sushma Suri,Adv.
Ms. Anil Katiyar,Adv.
Mrs. Varuna Bhandari Gugnani,Adv.
Mr. D.S. Mehra,Adv.
Mr. Sudarshan Singh Rawat,Adv.
Mr. Jana Kalyan Das,Adv.

Mr. Ranjan Mukherjee,Adv.
Mr. S. Bhowmick,Adv.
Mr. S.C. Ghosh,Adv.
Ms. Hemantika Wahi,Adv.
Ms. Nupur Kanungo,Adv.
Ms. Renuka Sahu,Adv.
Mr. D.K. Goswami,Adv.
Mr. Shirish Kr. Mishra,Adv.
Mr. Pragyan P. Sharma,Adv.
Mr. P.V. Yogeswaran,Adv.
Mr. H.P. Rava,ASG
Ms. Indra Sawhney,Adv.

Dr. Manish Singhvi,AAG,Raj.
Mr. Devanshu Kumar Devesh,Adv.
Mr. Sahil S. Chauhan,Adv.
Mr. Milind Kumar,Adv.
Mr. A. Mariarputham,Adv. Genl.,Sikkim
Mrs. Aruna Mathur,Adv.
Mr. Amarjeet Singh Girsra,Adv.
Mr. Riku Sharma,Adv.
for M/s. Corporate Law Group,Advs.
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. R. Sundaravaradan,Sr.Adv.
Mr. V.G. Pragasam,Adv.
Mr. S.J. Aristotle,Adv.
Mr. Prabu Ramasubramanian,Adv.
Mr. Jatinder Kumar Bhatia,Adv.
Mr. S. Bhowmick,Adv.
Mr. S.C. Ghosh,Adv.
 Mr. G.V. Rao,Adv.
 Mr. Ravi Prakash Mehrotra,Adv.
 Mr. Gopal Singh,Adv.
 Mr. Chandan Kumar,Adv.
 Mr. M.N. Krishnamani,Sr.Adv.
 Mr. Bikas Kar Gutpa,Adv.
 Mr. Abhijit Sengupta,Adv.
 Mr. Amit Kumar,Adv.
 Mr. S.K. Keshote,Sr.Adv.
 Mr. Sachin Das,Adv.
 Mr. Abhijit Sengupta,Adv.
 Mr. Rituraj Biswas,Adv.
 Mr. Manish Pitale,Adv.
 Mr. Wasi Haider,Adv.
For Mr. C.S. Ashri,Adv.
 Mr. Tara Chandra Sharma,Adv.
 Ms. Neelam Sahrma,Adv.
 Mr. B.B. Singh,Adv.
 Mr. Kumar Rajesh Singh,Adv.
 Ms. Prema Kumari Singh,Adv.
 Mr. Anil Shrivastav,Adv.
 Mr. Ritu Raj,Adv.
 Mr. Edward Belho,Adv.
 Mr. Enatoli Sema,Adv.
 Mr. Rituraj Biswas,Adv.
 Mr. Willson,AAG
 Mr. T. Harish Kumar,Adv.
 Mr. P. Prasanth,Adv.
 Mr. V. Vasudevan,Adv.
 Mr. Sanjiv Sen,Adv.
 Mr. P. Parmeswaran,Adv.
 Mr. Prashant Kumar,Adv.

Mr. Atul Jha,Adv.
Mr. D.K. Sinha,Adv.
Mr. Gopal Prasad,Adv.
Mr. G.V. Chandrashekhar,Adv.
Mr. N.K. Verma,Adv.
Ms. Anjana Chandrashekar,Adv.
Mr. I. Venkatanarayana,Sr.Adv.
Mr. D. Mahesh Babu,Adv.
Mr. Ramesh Allanki,Adv.
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.
Ms. Jayshree Anand,AAG.
Mr. K.K. Mahalik,Adv.
Mr. Ajay Pal,Adv.
Mr. Manjit Singh,Adv.
Mr. Kamal Mohan Gupta,Adv.
Ms. A. Subhashini,Adv.
Mr. Gopal Singh,Adv.
Mr. Manish Kumar,Adv.
Mr. Kuldip Singh,Adv.
Mr. R.K. Pandey,Adv.
Mr. T.P. Mishra,Adv.
Mr. Sanjay Katyal,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.
Mr. Anuvrat Sharma,Adv.
Mr. K.N. Madhusoodhanan,Adv.
Mr. R. Sathish,Adv.
Mr. R.C. Kaushik,Adv.
Mr. Pradeep Misra,Adv.
Mr. Venkateswara Rao Anumolu,Adv.
Mr. Vikas Upadhyay,Adv.
Mr. B.S. Banthia,Adv.
Mr. Sandeep Gupta,Sr.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. Pramod Swarup,Sr.Adv.
Mr. Raj Kumar Gupta,Adv.
Mr. Rajiv Dubey,Adv.
Mr. Prakash Kumar Gupta,Adv.
Mr. Kamendra Mishra,Adv.
Mr. Naresh K. Sharma,Adv.
Mr. Anis Suhrawardy,Adv.
Mr. S. Mehdi Imam,Adv.
Mr. Tabrooz Ahmed,Adv.
Mr. S.M. Jadhav,Adv.

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

CHHATTISGARH:

Mr. Colin Gonsalves, learned senior counsel appearing on behalf of the petitioner submits that according to the norms, 7 night shelters are required in the city of Raipur, 6 night shelters in the city of Bilai in the State of Chattisgarh. Learned counsel for the State of Chhattisgarh prays for a short adjournment to place latest information on record. Let an affidavit be filed within one week with an advance copy thereof to the learned senior counsel for the petitioner.

GUJARAT:

We have seen the affidavit filed by the Chief Secretary to the Government of Gujarat on 26.8.2010. The affidavit is totally unsatisfactory. As per the norms, in urban areas where the population is more than 5 lakhs, one night shelter should be provided for a population of 1 lakh poor people. We would like the Chief Secretary to file a further affidavit within one week and to ensure compliance of all our previous orders.

JAMMU & KASHMIR:

Let an affidavit be filed by the Chief Secretary to the government of J & K, within one week stating therein as to how many night shelters have been constructed in the State of J & K.

JHARKHAND, KARNATAKA AND KERALA:

Learned counsel appearing for the respective States submit that pursuant to the orders of this Court, some night shelters have been constructed and they pray for a short adjournment to give the upto date position. Let an affidavit be filed by the respective Chief Secretaries of these States on or before next Monday, 22nd November, 2010.

MADHYA PRADESH:

Learned counsel for the State of Madhya Pradesh has filed an affidavit of the Commissioner, Department of Food, Civil Supplies & Consumer Protection, Government of Madhya Pradesh, in which it is indicated that the State has constructed 28 night shelters in cities having a population of more than 1 lakh and 29 night shelters are to be constructed in cities having a population of more than 1 lakh and in this manner, 57 night shelters would be constructed in cities having a population of more than 1 lakh. It is further stated in the affidavit that 37 night shelters are existing in cities having a population of less than 1 lakh and, thus, at present, a total of 65 night shelters are working. Apart from this, 29 night shelters will be constructed and after their construction, the total number of night shelters in the State would be 94.

It is further stated in the affidavit that in these night shelters, facilities of electricity, water, toilets and bathroom for men and women are provided and there is a provision for drinking water and proper arrangement would be made during winter for protecting the poor people without shelter from the cold in the night and with the funds of local bodies, blankets would also be arranged for the persons staying in

these shelters. It is further mentioned in the affidavit that instructions have already been issued for proper security and health of the persons staying in these night shelters.

MAHARASHTRA:

We have perused the affidavit filed by Mr. J.P. Dange, Chief Secretary, Government of Maharashtra. We are not satisfied with the affidavit. The problem of night shelter has not been properly addressed in this affidavit. We direct the Chief Secretary to file a fresh affidavit on or before Monday, 22nd November, 2010.

MEGHALAYA:

We direct the Chief Secretary to file an affidavit on or before Monday, 22nd November, 2010, indicating therein as to whether the night shelters already constructed in the State of Meghala have become operational or not.

ORISSA:

An affidavit has been filed by Mr. Sanjib Kuamr Mishra, Joint Secretary to the Government of Orissa but there is no mention about providing night shelters. We direct the Chief Secretary to file a fresh affidavit on or before Monday, 22nd November, 2010 indicating therein as to how many night shelters have been constructed and how many of them have become operational.

RAJASTHAN:

The Chief Secretary to the Government of Rajasthan has filed an affidavit in which it is mentioned that there are 184 municipalities in the State of Rajasthan and all the municipalities are running night shelters as per the State Government's directions and there are total 240 night shelters in the State. It is further mentioned therein that according to the guidelines, apart from providing night shelters during winter, they are also providing day shelters in summer season because the temperature soars up to 50 degree celcius in some places and there is provision for providing clean and potable water and other infrastructure facilities.

TAMIL NADU:

An affidavit has been filed by the Chief Secretary to the Government of Tamil Nadu, in which it is indicated that there are 148 municipalities and 10 municipal corporations in the State of Tamil Nadu. It is proposed to establish one night shelter in every municipality depending upon the requirement. In pursuance to the order of this Court, it is proposed to open 10 night shelters in the Municipal Corporation of Chennai, Coimbatore, Madurai, Tiruchirapalli and Erode. All these shelters will be made operational by 31st December, 2010. It is also mentioned in the affidavit that arrangement for beds, medical facility and clinical check up would also be provided in these night shelters.

UTTAR PRADESH:

The State of U.P. has filed an affidavit in which is mentioned that constructions of night shelters are in progress in Lucknow, Agra, Allahabad, Kanpur and Varanasi and amounts have been sanctioned by the State Government. There are other schemes also which have been initiated by the State which have also provided respite to the poor people. It is further mentioned in the affidavit that schemes have been introduced for the weaker section of the society, destitute, widows and handicapped and under that scheme, Rs.1,10,000/- houses are expected to be constructed shortly. It is also mentioned that 99,336 houses have been constructed and possession of 86,769 houses have already been given. It is submitted by Mr. Gonsalves, learned senior counsel for the petitioner that what has been provided by the State is inadequate because the requirement in different cities of U.P. is as follows:

Agra - 14
Allahabad 11
Kanpur 28
Lucknow 23
Meerut 12
Varanasi 12
Aligarh 7
Bareilly 8

Ghaziabad 10
Gorakhpur 7
Morabad 7.

We direct the State of U.P. to file a status report furnishing therein whether adequate number of night shelters have been provided. Let this be filed on or before Monday, 22nd November, 2010.

UTTARAKHAND:

Learned counsel for the State of Uttarakhand prays for a short adjournment to file proper affidavit stating where the night shelters have been provided as per the norms or not. Let the affidavit be filed on or before Monday, 22nd November, 2010.

WEST BENGAL:

An affidavit has been filed by the Chief Secretary to the Government of West Bengal in which it is mentioned that some steps have been taken to identify the locations for night shelters. It is also mentioned in the affidavit that the State Government has taken up the project of constructing 140 thousand houses for the urban poor and as per the scheme 35 thousand houses have been constructed and 30 thousand will be constructed by the end of this year. This programme will contribute to sheltering homeless people in a big way.

According to Mr. Gonsalves, learned senior counsel for the petitioner, night shelters have not been provided according to the norms. Learned counsel for the State prays for a short adjournment to file an affidavit indicating the upto date position. Let the affidavit be filed by Monday, 22nd November, 2010.

DELHI:

The Chief Secretary to the Government of NCT of Delhi has filed an affidavit in which it is mentioned that 64 permanent shelters have already been constructed and are presently operational. In the affidavit it is further stated that out of exigency and emergent requirement during the peak months of winter, Revenue Department of the Government of NCT of Delhi have erected temporary shelters to supplement the demand every year and during last winter, 24 temporary shelters were set up to meet the requirement. It is further mentioned in the affidavit that the Government of NCT of Delhi will continue to provide this supplementary assistance in accordance with the requirement. It is further mentioned that the Delhi Development Authority has been asked to allot land for establishing more night shelters for the homeless people. It is also mentioned that the Government of NCT of Delhi has initiated a new scheme "Jan Ahaar Yojana" as a pilot project for providing low cost nutritious food at Rs.15 per head to the vulnerable sections of the society through NGOs. We place on record our appreciation for the States of Delhi, Madhya Pradesh, Tamil Nadu, Rajasthan and Uttar Pradesh for dealing with the human problem in its proper perspective.

List this matter for further directions on 24th November, 2010 at 2.00 p.m.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER