

WP(C) 196/2001

ITEM NO.71

COURT NO.3

SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

IA Nos. 94 & 96 in
WRIT PETITION (CIVIL) NO(s). 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 dated 27.01.2010)

[REGARDING STATES OF MAHARASHTRA, ASSAM, PUNJAB, HARYANA
UTTARAKHAND, CHHATTISGARH, GUJARAT, NAGALAND, GOA, TRIPURA,
SIKKIM, JAMMU & KASHMIR AND KERALA]

WITH

IA NO. 82/2008 in WP (C) No. 196/2001

[PEOPLE'S UNION FOR CIVIL LIBERTIES V. UNION OF INDIA & ORS.]

[FOR DIRECTIONS]

Date:16/01/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI

HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv.

Ms. Amey Shukla, Ad.

Ms. Jyoti Mendiratta, Adv.

Mr. Naushad Ahmad Khan, Adv.

Mr. Jaward Hussain Khan, Adv.

Mr. R.C. Kaushik, Adv.

For Respondent(s)

For FCI Ms. Indra Sawhney, Adv.

Ms. Karnika Sethi, Adv.

Mr. Lakshay, Adv.

For MCD Mr. Sanjiv Sen, Adv.

Mr. Ujjal Banerjee, Adv.

Mr. P. Parmeswaran, Adv.

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For NDMC Mr. Sanjiv Sen, Adv.

Mr. Ujjal Banerjee, Adv.

Ms. Charu Ambwani, Adv.

Mr. Prashant Kumar, Adv.

For DDA Mr. Vishnu B. Saharya, Adv.
For M/s. Saharya & Co., Advs.

FOR THE STATES OF

Andhra Pradesh Ms. D. Mahesh Babu, Adv.
 Mr. Ramesh Allanki, Adv.
 Ms. Savita Dhanda, Adv.
 Mr. Amit K. Nain, Adv.

Arunachal Pradesh Mr. Anil Shrivastav, Adv.
 Mr. Rituraj Biswas, Adv.

Assam Mr. Riku Sarma, Adv.
 Mr. Navnit Kumar, Adv.
For M/s. Corporate Law Group, Advs.

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

Chhatisgarh Mr. Atul Jha, Adv.
 Mr. Sandeep Jha, Adv.
 Mr. Dharmendra Kumar Sinha, Adv.

Goa Ms. A. Subhashini, Adv.

Gujarat Ms. Hemantika Wahi, Adv.
 Mr. Rojalin Pradhan, Adv.
 Ms. Suveni Banerjee, Adv.

Haryana Mr. Manjit Singh, Adv.

Mr. Tarjit Singh, Adv.
Mr. Vikas Sharma, Adv.
Mr. Kamal Mohan Gupta, Adv.

Himachal Pradesh Mr. Naresh Kumar Sharma, Adv.

Jammu & Kashmir Mr. Sunil Fernandes, Adv.
Ms. Astha Sharma, Adv.
Mr. Krishnan Adhikary, Adv.

Jharkhand Mr. Gopal Prasad, Adv.

Karnataka Mr V.N. Raghupathy, Adv.

Kerala Ms. Bina Madhavan, Adv.

Madhya Pradesh Mr. Vikrant Singh Bais, Adv.
Mr. B.S. Banthia, Adv.

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

Manipur Mr. Khwairkham Nobin Singh, Adv.
Mr. Sapan Biswajit Meitei, Adv.

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

Mizoram Mr. Pragyan P. Sharma, Adv.

Mr. Rupesh Gupta, Adv.
Ms. Mandakini Sharma, Adv.
Mr. P.V. Yogeswaran, Adv.
Mr. Gautam Dhamija, Adv.
Mr. K.N. Madhusoodhanan, Adv.
Mr. R. Sathish, Adv.

Nagaland Mr. Edward Belho, Adv.
Ms. K. Enatoli Sema, Adv.
Mr. Amit Kumar Singh, Adv.
Mr. Nimshim Vashum, Adv.
Mr. Gautam Talukdar, Adv.
Mr. C.M. Kennedy, Adv.

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Mr. D.L. Chidanand, Adv.
Ms. Sunita Sharma, Adv.
Ms. Sushma Suri, Adv.
Ms. Anil Katiyar, Adv.
Mr. C.K. Sharma, Adv.
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Ms. Gargi Khanna, Adv.
Mr. Deb Kumar, Adv.
Mr. D.S. Mahra, Adv.
Mr. S.S. Rawat, Adv.
Mr. B.V. Balaram Das, Adv.

Orissa Mr. Suresh Chandra Tripathy, Adv.

Punjab Mr. Rupinder Khosla, AAG.

Mr. Kuldip Singh, Adv.

Mr. R.K. Pandey, Adv.

Mr. H.S. Sandhu, Adv.

Mr. Mohit Mudgil, Adv.

Rajasthan Dr. Manish singhvi, AAG.

Mr. Abhinav Ramakrishna, Adv.

Mr. Milind Kumar, Adv.

Mr. Devanshu K Devesh, Adv.

Sikkim Ms. Aruna Mathur, Adv.

Mr. Yusuf Khan, Adv.

Mr. Kaustabh Sinha, Adv.

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

Tamil Nadu Mr. S. Guru Krishnakumar, AAG.

Mr. B. Balaji, Adv.

Mr. A. Prasanna Venkat, Adv.

Tripura Mr. Gopal Singh, Adv.

Mr. Rituraj Biswas, Adv.

Uttarakhand Ms. Rachna Srivastava, Adv.

Ms. Ranchi Daga, Adv.

Uttar Pradesh Mr. R.K. Gupta, Adv.

Mr. Rajeev Dubey, Adv.

Mr. Kamendra Mishra, Adv.

West Bengal Mr. Soumitra G. Chaudhuri, Adv.

Mr. Abhijit Sengupta, Adv.

Mr. B.P. Yadav, Adv.

Mr. Anima Kujur, Adv.

FOR THE UNION TERRITORIES

Andaman & Nicobar Mr. Rituraj Biswas, Adv.

Mr. D.S. Mahra, Adv.

Chandigarh Mr. Manpreet Singh Doabia, Adv.

Ms. Sudarshan Singh Rawat, Adv.

Dadra & Nagar Haveli Mr. S.W.A. Qadri, Adv.

Mr. Rituraj Biswas, Adv.

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Mr. Rituraj Biswas, Adv.

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Mr. Tara Chandra Sharma, Adv. (NP)

Mr. K.V. Mohan, Adv.(NP)

Ms. D. Bharathi Reddy, Adv. (NP)

Mr. Shivaji M. Jadhav, Adv. (NP)

Mr. Anil K. Jha, Adv.(NP)

Mr. Chander Shekhar Ashri, Adv.(NP)

Mr. Ramesh Babu M.R., Adv. (NP)

Mr. Sanjay R. Hegde, Adv. (NP)

Mr. Vishwajit Singh, Adv. (NP)

Mr. Rajesh Srivastava, Adv. (NP)

Mr. Jatinder Kumar Bhatia, Adv. (NP)

Mr. Ravi Prakash Mehrotra, Adv. (NP)

Ms. Sumita Hazarika, Adv. (NP)

Mr. Ravindra Keshavrao Adsure, Adv.(NP)

Mr. S. Thananjayan, Adv.(NP)

Mr. Vikas Mehta, Adv.(NP)

Ms. Anjana Chandrashekar, Adv.(NP)

Mr. Anuvrat Sharma, Adv.(NP)

Mr. Chandra Bhushan Prasad, Adv.(NP)

Mr. G. Venkateswara Rao Anumolu, Adv.(NP)

UPON hearing counsel the Court made the following

O R D E R

DELHI

Learned Additional Solicitor General has brought to our notice a letter dated 12th January, 2012 received from the All India Institute of Medical Sciences (AIIMS) in which it is indicated that adequate accommodation for the patients and their attendants has been acquired in AIIMS. It is further mentioned that in deference to the orders of this Court, the Institute is willing to provide a built-up area of 6000 square feet for use as night shelter purely on temporary basis. This space has been erected for the supply of generic medicines to the patients in

that hospital which will now be deferred for the present. We are told that this night shelter is operational now.

A Joint Inspection Report of Homeless Shelters has been filed by the Special Commissioner as well as the Commissioner of the Supreme Court. An inspection was carried out between 9th January, 2012 and 12th January, 2012 by the Commissioners and officials of the DUSIB.

According to the Report:-

(i) 62 out of 64 night shelters are in operation and 2 are closed.

Learned Additional Solicitor General submits that those two night shelters have also been put into operation.

(ii) occupancy at the time of inspection was 2997 and possible optimal capacity of the shelters is 5502.

The capacity of these shelters as per DUSIB is 9085.

According to the Survey conducted by the Civil Society Organisation - an NGO, the total number of homeless people in Delhi is 1 lakh and there is a need for 478 additional shelters.

(iii) in general, infrastructure and maintenance of permanent shelters was found to be in order with the exception of space considerations. The key areas of improvement recommended by the Commissioners are to upgrade the toilet and washroom facilities and introduction of kitchen and cooking facilities for the destitute and ailing people.

(iv) there are several shelters where occupancy is very low. There is a dire need to undertake large scale communication and information campaign and outreach among the areas of concentration of homeless and in general among the larger society about this programme. Such a campaign will also reduce the hostility that sometimes the middle class and wider society feel towards the homeless and the poor citizens.

(v) there are certain areas where more shelter homes are necessary such as areas like Jama Masjid and Bangla Sahib Gurudwara which has a large population of homeless people.

(vi) there are shelters which are not fully occupied.

Learned Additional Solicitor General submits that adequate publicity would be given both on electronic and print media so that homeless people can avail the facilities which is made available for them.

Learned counsel for the parties suggest that the Joint Apex Advisory Committee be directed to visit these shelter homes and ensure the implementation of the Joint Inspection Report as far as possible without any loss of time.

(vii) Some homeless people come particularly in the category of mentally ill, addicts, destitute and old age people.

The Joint Apex Advisory Committee may ensure that those people who are critically ill may be admitted to the Government Hospital or provide with such medical facilities as may be required.

Some photographs have been attached with the Report which indicate that bunk beds have been provided in Kashmere Gate and other shelter homes. Mattresses and blankets have also been provided and that there is a serious endeavour by the Government to carry out the orders passed by this Court in letter and spirit.

PUNJAB

In pursuance to the directions of this Court, the Chief Secretary to the Government of Punjab has filed an affidavit. As per the affidavit, 1234 urban homeless persons have been identified in the survey conducted by the Urban Local Bodies in all the urban towns in the State of Punjab out of which majority of them i.e. 1068 were identified in eight towns.

According to the norms, 48 permanent night shelters are required whereas there is one permanent night shelter and 28 temporary shelters run by the NGOS. The number of homeless people who have been provided shelter is 1068. According to the learned Additional Advocate General appearing for the State of Punjab temporary night shelters have been provided to all the homeless people in the State. Learned counsel has given the details that the permanent night shelters in Amritsar, Jalandhar, Patiala, Ludhiana, Pathankot, Bhatinda, Barnala, SAS Nagar, Mohali will be constructed shortly.

Funds have also been allocated for this purpose. We direct that permanent night shelters be erected as expeditiously as possible, in any event, within a period of six months from today. No further time shall be granted.

RAJASTHAN

In pursuance to the directions of this Court, learned Additional Advocate General has handed over an affidavit sworn in by the Chief Secretary to the Government of Rajasthan which is taken on record.

Dr. Manish Singhvi, learned Additional Advocate General for the State submits that 180 permanent shelters have been provided for the homeless and 85 temporary shelters have been erected where facilities of drinking water, light, toilet, bedding and bathroom facilities and in some shelters even medical facilities has been provided.

Dr. Singhvi also submits that in the shelter homes where medical facilities have not been provided he would ensure that at least the facility of visiting doctors be provided.

We direct the Joint Inspection Committee to visit these shelter homes and submit a report to this Court within a week's time.

UTTARAKHAND

Learned counsel appearing for the State of Uttarakhand has handed over an affidavit sworn in by the Chief Secretary to the State of Uttarakhand which is taken on record. As per the affidavit. One night shelter each in Haldwani, Roorkee, Kashipur, Rudrapur and Haridwar with all basic amenities have been provided.

We direct the State to ensure that at least temporary night shelters are erected wherever it is required without further loss of time and the joint inspection be carried out within a week and submit a report to this Court.

UTTAR PRADESH, HARYANA AND BIHAR

Learned counsel appealing for the States of Uttar Pradesh, Haryana and Bihar pray for a short adjournment to file additional affidavits.

Let the affidavits be filed on or before 20th January, 2012.

CHHATTISGARH

An affidavit sworn in by the Chief Secretary of the State is handed over in Court which is taken on record. Let the Joint Inspection Committee visit these shelter homes and submit its report within a week.

JAMMU & KASHMIR

Reply to the affidavit filed by the State of Jammu & Kashmir be filed on or before 20th January, 2012.

The States and the Union Territories which have not yet filed the affidavits as directed shall file the same on or before 20th January, 2012.

To be taken up on Monday the 23rd January, 2012.

[KALYANI GUPTA]
COURT MASTER

[OM PARKASH]
COURT MASTER