

ITEM NO.58 COURT NO.4 SECTION PIL

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. 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:16/12/2010 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.
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.

For DDA Dr. ShyamIha Pappu,Sr.Adv.
Mr. V.B. Saharya,Adv.
Mr. R. Krishnamurthy,Adv.
Mr. K.K. Singh,Adv.
Mr. Ranjan Mukherjee,Adv.
Mr. S. Bhowmick,Adv.
Mr. S.C. Ghosh,Adv.
Mr. Jana Kalyan Das,Adv.

Ms. Hemantika Wahi,Adv.
Ms. Nupur Kanungo,Adv.
Mr. D.K. Goswami,Adv.
Mr. Shirish Kr. Mishra,Adv.

Mr. Pragyam 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. Sahill S. Chauhan,Adv.
Mr. Milind Kumar,Adv.
Mr. A. Mariarputham,Adv. Genl.,Sikkim
Mrs. Aruna Mathur,Adv.
Mr. Yusuf Khan,Adv.
Mr. Avneesh Arputham,Adv.
Mr. Riku Sharma,Adv.
for M/s. Corporate Law Group,Adv.
Mr. A.P. Sahay,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. R. Sundaravaradhan,Sr.Adv.
Mr. V.G. Pragasam,Adv.
Mr. S.J. Aristotle,Adv.
Mr. Prabu Ramasubramanian,Adv.
Mr. Jatinder Kumar Bhatia,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. P.S. Patwalia,Sr.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. T. Harish Kumar,Adv.

Mr. P. Prasanth,Adv.
Mr. V. Vasudevan,Adv.
Mr. Sanjiv Sen,Adv.
Ms. Anuja Chopra,Adv.
Mr. P. Parneswaran,Adv.
Mr. Atul Jha,Adv.
Mr. D.K. Sinha,Adv.
Mr. G.V. Chandrashekar,Adv.
Mr. N.K. Verma,Adv.
Ms. Anjana Chandrashekar,Adv.
Mr. Gopal Prasad,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. Vikrant Singh Bais,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. Raj Kumar Gupta,Adv.
Mr. Rajiv Dubey,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

ORDER

Last year, a number of deaths of homeless people were reported in the Capital city of Delhi because of bitter cold weather. On Court's urgent directions, number of shelters were constructed. This year also, winter is quite intense.

It has been brought to our notice that two night shelters located at Nehru Place and Kalkaji, Delhi were erected on vacant land belonging to the Delhi Development Authority ('DDA'). Those two night shelters have been demolished only three days ago by the DDA.

This indeed is a matter of great anguish, disappointment and astonishment. How could the concerned authority be so insensitive, impervious and callous to demolish night shelters when the bitter cold winter has already set in? In case, proper night shelters are not provided to the homeless and they are compelled to live under the open sky, particularly in places where intense winter has set in, similar unfortunate deaths of homeless people are bound to occur.

This is a matter of great anxiety and concern. It is the bounden duty of the Union of India and the State Governments to ensure at all costs that no death takes place because of lack of night shelters or basic facilities.

To preserve and save the lives of the people of this country has to be given top priority by the State. No laxity or lapse on this count can be countenanced.

On a consideration of the totality of the facts and circumstances of this case, we deem it appropriate to give following directions:

- (i) The DDA is directed to re-erect two night shelters which were demolished from Nehru Place and Kalkaji, as expeditiously as possible, in any event, within three days from today. Until then, the homeless people may be accommodated in some other homes or night shelters. An affidavit of compliance be filed by the Vice Chairman of the DDA himself within a week.

The DDA is further directed to hold an inquiry and take appropriate action against the officers who were responsible for demolishing the two night shelters.

- (ii) We direct the Union of India and all the State Governments and their instrumentalities not to demolish any night shelter without providing proper alternate night shelter till further orders.

All the concerned Chief Secretaries of the States and the Administrators of the Union Territories would issue necessary instructions to the concerned authorities within three days. All the concerned

instrumentalities of the States and agencies are directed to cooperate and coordinate with each other to ensure that no life is lost in the absence of a night shelter or basic facilities.

This order has to be complied with in letter and spirit.

Learned Additional Solicitor General submits that all the 64 permanent shelters in Delhi will become operational within a week from today and thereafter there will be a joint inspection by the officials of the Delhi Government and the representatives of the petitioner organisation and a report shall be submitted to this Court within ten days.

Let this matter be listed as a first item on the reopening i.e. 3rd January, 2011.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

ITEM NO.1 COURT NO.4 SECTION PIL

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO(s). 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(Letter dt.7.12.2010 received from Ms.Jyoti Mendiratta, Advocate
for the petitioner seeking orders fro extension of term of
Hon'ble D.P.Wadhwa (former Judge of Supreme Court of India and
office report)

Date: 15/12/2010 This Petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

For Petitioner(s) Ms.Ritu Kumar, Adv.
Ms.Jyoti Mendiratta,Adv.

For Respondent(s) Mr.D.L.Chidananda, Adv.
Mr.S.W.A.Qadri, Adv.
Mrs.Sunita Sharma, Adv.
For Mr.D.S.Mahra,Adv.
For Ms. Sushma Suri,Adv.
For Mrs.Anil Katiyar, Adv.
For Mr.B.V.Balram Das, Adv.

Mr.V.G.Pragasam, Adv.
Mr.Prabu Ramasubramanian, Adv.

Mr.Shail K.Dwivedi, AAG
Mr.R.K.Gupta, Adv.
Mr.Rajiv Dubey, Adv.
Mr.Kamlendra Mishra,Adv.

Mr.Manish Kumar, Adv.
Mr.Rituraj Biswas, Adv.
For Mr.Gopal Singh, Adv.

Mr. Jana Kalyan Das,Adv.(NP)

Ms. A.Subhashini,Adv.

Mr. Anis Suhrawardy,Adv.(NP)

Ms. Nupur Kanungo, Adv.
For Ms. Hemantika Wahi, Adv.

Ms. Indra Sawhney, Adv.

Mr. Abhimanue Shrestha, Adv.
Mr. Divyesh Paratp Singh, Adv.
For Ms. Kamini Jaiswal, Adv.

Mr. Naresh K. Sharma, Adv.

Mr. Pradeep Misra, Adv. (NP)

Mr. Tara Chandra Sharma, Adv.
Ms. Neelam Sharma, Adv.

Mr. K.V. Mohan, Adv.

Mr. Ranjan Mukherjee, Adv.

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

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

Mr. Chander Shekhar Ashri, Adv.

Mr. B.S. Banthia, Adv.

Mr. Ramesh Allanki, Adv.
For Mr. D. Mahesh Babu, Adv.

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

Mr. Khwairakpam Nobin Singh, Adv.
Mr. Sapam Biswajit Meitei, Adv.

Mr. Sanjiv Sen, Adv.
Mr. P. Parmeswaran, Adv.
Mr. Prashant Kumar, Adv.

Mr. Anil Shrivastav, Adv.

Mr. Sanjay R. Hegde, Adv.

Mr. Vishwajit Singh, Adv.

Mr. Gopal Prasad, Adv.

Mr. Abhijit Sengupta, Adv.

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Mr. Kamal Mohan Gupta, Adv.

Ms. Rachana Srivastava, Adv.

Mr. Suresh Chandra Tripathy, Adv.(NP)

Mr.Navneet Kumar, Adv.
Mr.Riku Sarma, Adv.
For M/S Corporate Law Group, Advs.

Mr. Rajesh Srivastava, Adv.(NP)

Mr. Jatinder Kumar Bhatia, Adv.

Mr. Ravi Prakash Mehrotra, Adv.(NP)

Ms. Sumita Hazarika, Adv.(NP)

Mr. P.V. Yogeswaran, Adv.

Mr. Ravindra Keshavrao Adsure, Adv.(NP)

Mr. Kuldip Singh, Adv.

Mr. Vikas Mehta, Adv.

Mr.T.V.George, Adv.(NP)

Ms.Anjana Chandrashekar, Adv.(NP)

Mr. Anuvrat Sharma, Adv.(NP)

Mr.Atul Jha, Adv.
For Mr.D.K.Sinha, Adv.

Mrs.Aruna Mathur, Adv.
For M/s.Arputham, Aruna & Co., Advs.

Mr.T.Harish Kumar, Adv.
Mr.P.Prasanth, Adv.
Mr.V.Vasudevan, Adv.

Mr.K.N.Madhusoodhanan, Adv.
Mr.R.Sathish, Adv.

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

Mr.Balaji Srinivasan, Adv.

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Mr.Milind Kumar, Adv.

Mr.Naushad Ahmad Khan, Adv.
Mr.Elancheziyan, Adv.
For Mr.R.C.Kaushik, Adv.

Mr.G.Prakash, Adv.
Mr.V.Senthil, Adv.

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

In re: Extension of term of Hon'ble D.P.Wadhwa:
(former Judge of Supreme Court of India)

As requested by learned counsel for the
petitioner, the term of Hon'ble Mr.Justice D.P.Wadhwa (former
Judge, Supreme Court of India) is extended upto 31 st March,
2011.

In re: night shelter:

List the matter on 16th December, 2010 as the
last item.

(G.V.RAMANA)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

ITEM NO.MM-A

COURT NO.4

SECTION PIL

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

WRIT PETITION (CIVIL) NO. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date: 01/12/2010 This Petition was mentioned today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE H.L.GOKHALE

For Petitioner(s) Mr. Colin Gonsalves, Sr. Adv. (Mentioned by)
for Ms. Jyoti Mendiratta, Adv.

For Respondent(s) Ms. Indra Jaisingh, ASG
For Ms. Sushma Suri, Adv.

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

List the matter on 10.01.2011 at 2.00 p.m.

(G.V.RAMANA)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

NOTE: The matter is stated to be listed on 06.12.2010

ITEM NO.47(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)

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

Date:26/11/2010 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.
Ms. Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Mohan Parasaran,ASG
Mr. D.L. Chidananda,Adv.
Mr. S. Wasim A. Qadri,Adv.
Ms. Sunita Sharma,Adv.
Ms. Sushma Suri,Adv.
Ms. Anil Katiyar,Adv.
Mr. D.S. Mehra,Adv.

Mr. Jana Kalyan Das,Adv.

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

Ms. Hemantika Wahi,Adv.
Ms. Renuka Sahu,Adv.
Ms. Nupur Kanungo,Adv.

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

Mr. Pragyan P. Sharma,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. Sahil S. Chauhan,Adv.
Mr. Milind Kumar,Adv.

Mr. A. Mariarputham,Adv.Genl.Sikkim
Mrs. Aruna Mathur,Adv.
Mr. Amarjeet Singh Girsra,Adv.
Mr. Yusuf Khan,Adv.

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

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. L.A.J. Selvam,Adv.

Mr. Jatinder Kumar Bhatia,Adv.
Mr. S. Bhowmick,Adv.
Mr. S.C. Ghosh,Adv.s

Mr. Suresh Ch. Tripathy,Adv.

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

Mr. Gopal Singh,Adv.
Mr. Rituraj Biswas,Adv.

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Ms. Rachana Srivastava,Adv.

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

Mr. Sachin Das,Adv.
Mr. Abhijit Sengupta,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. 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.
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.

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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. Harikesh 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.

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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. Kamalendra 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

ANDHRA PRADESH:

Sri S.V. Prasad, Chief Secretary, Government of Andhra Pradesh has filed a comprehensive affidavit before this Court. In the affidavit it is incorporated that the situation of urban poor living in squalor in the slums requires more innovative policies. Based on the success in the rural areas, the Government of A.P. Started a separate Mission for Elimination of Poverty in Municipal Areas which organizes urban poor into Self Help Groups

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(SHGs) and gives them access to institutional credit. Banks have given more than Rs.1,200 crores to the urban SHGs. In 2009-10. The access to institutional credit is only an entry point and the services are extended to employment, skill development, capacity building, inculcation of thrift, providing of marketing support insurance etc. Every urban slum has been surveyed systematically so that people can be participants in a micro planning exercise.

In the affidavit it is further mentioned that provision for pucca house for every houseless poor has been a pious purpose of the State Government. The State has taken up a massive housing programme named INDIRAMMA for the urban and rural poor by matching the supply of housing to the demand on a saturation approach. Under this, all the houseless poor are surveyed by special

teams and every eligible household has been sanctioned a pucca house. The house is constructed by the beneficiaries themselves with the technical and financial help of the Government. Nearly 71 lakh rural and urban poor have been provided with houses at a cost of Rs.11,000 crores in the last three years under this programme, a record not only in this country, but across many other countries.

It is further mentioned in the affidavit that there are 124 municipalities and municipal corporations in the State. Out of these, Hyderabad urban agglomeration is a metro city with a population of more than 57 lakhs. Due to the steady migration into the urban areas, especially into Hyderabad, a special action plan has been formulated for providing shelter to the homeless. Under this programme, more than 1 lakh houses are being

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constructed with financial assistance under Jawaharlal Nehru National Urban Renewal Mission (JNNURM). Apart from this, it is planned to start 60 night shelters - one for every 1 lakh population in the city of Hyderabad, before 31st December, 2010.

Learned senior counsel appearing on behalf of the State submits that the process of construction has already started which can be verified by the petitioner.

It is further mentioned in the affidavit that these night shelters would be fully equipped with beds and boardings, drinking water, lockets, first aid etc. Survey for identification of the shelterless people in the Greater Hyderabad haws completed by 31st May, 2010.

It is further mentioned in the affidavit that 60 buildings have been identified and converted as night shelters for use of the shelterless people in the city of Hyderabad. It is also mentioned that necessary facilities like arrangement of beds, blankets, clothing etc., medical, periodical health check up and psychiatric care, provisions of physical amenities and cooking facilities have also been created in the identified night shelters.

It is further mentioned that with a view to promote self sustenance and empowerment of the shelterless people, the State Government has also provided suitable skill development trainings to them so

that they may earn their livelihood. Additionally, the Government has made arrangements for the children of the shelterless people residing in these night shelters, for

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imparting elementary education in the nearby schools. The inmates of the night shelters, both men and women would be separately accommodated with a provision of privacy and food arrangements as per the recommendations of the dietist would be provided for maintaining the nutritional balance of particularly the pregnant women and lactating mothers in these shelters.

It is also mentioned that sensitization through publicity in the electronic media and print media about the existence of the night shelters would be made. It is further mentioned that philanthropic agencies and corporate institutions would be included in this activity for development of night shelters and services as part of their corporate social responsibility. It is also mentioned that efforts are being made to provide transport facilities to these shelterless people.

It is further mentioned that arrangements for ensuring periodical vigilance and supervision of the maintenance, functioning of these night shelters, responsibility to alert the administration for taking suitable steps for upkeep of the night shelters and round the clock security have also been made.

The role of the Non-Governmental Organizations (NGOs) is vital with respect to identification, location and maintenance of these night shelters. The reputed NGOs of the city who involve in the programmes of social commitment will be identified for counseling the shelterless.

Learned senior counsel for the petitioner would be at liberty to verify these facts and file a reply affidavit within four weeks.

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We are impressed by the efforts which have been made by the State Government in dealing with the problems of shelterless people in the State of Andhra Pradesh.

GUJARAT:

Learned counsel appearing on behalf of the State of Gujarat prays for time to file a further affidavit. She undertakes to inform the highest authority in the State to personally look after the problem of shelterless people. Let an affidavit be filed within three weeks from today, stating therein as to how many night shelters have been functioning in the State.

PUDUCHERRY:

The Special Secretary to the Government of Puducherry has filed an affidavit. In the affidavit there seems to be concentration on the problem of street children for which a number of steps have been taken by the Administration to help the street children. In the affidavit it is mentioned that so far, 1102 tenements have been constructed in eight places in Puducherry and Karaikal regions and by this, 1102 houseless families have been provided with permanent shelters. Another 124 houseless families would be rehabilitated in the 124 tenements which are under construction by the Puducherry Slum Clearance Board.

In the affidavit it is further mentioned that with an objective to provide permanent shelters to the pavement dwellers and road-side encroachers, the Government of Puducherry has taken up the work of construction of 1136 dwelling units in Puducherry region and 432 tenements in Karaikal region under the JNNURM scheme.

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We would like the Chief Secretary to file a further affidavit within four weeks from today, indicating as to when these tenements are likely to be constructed and giving the gist of the survey which was conducted by the Union Territory of Puducherry.

HARYANA:

We direct the Chief Secretary of the State of Haryana to file an affidavit stating therein as to how the problem of night shelters has been dealt with in the State of Haryana. Let that be done within two weeks with an advance copy to the learned counsel for the petitioner.

CHANDIGARH:

No one appears for the Union Territory of Chandigarh. There has been no appearance even on the previous occasion. We direct the Administrator of Chandigarh to file an affidavit regarding the steps taken to resolve the problems of the shelterless people in the Union Territory of Chandigarh, within two weeks from today, with an advance copy to the learned counsel for the petitioner, who would be at liberty to file a reply affidavit within two weeks thereafter.

List this matter for further directions on 7th
January, 2011.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

ITEM NO.60(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)

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

Date:24/11/2010 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. Murunal Buva,Adv.
Mr. Anuj Castelina,Adv.
Ms. Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Mohan Parasaran,ASG
Mr. D.L. Chidananda,Adv.
Mr. S. Wasim A. Qadri,Adv.
Ms. Sunita Sharma,Adv.
Ms. Sushma Suri,Adv.
Ms. Anil Katiyar,Adv.
Mr. D.S. Mehra,Adv.

Mr. Jana Kalyan Das,Adv.

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

2

Ms. Hemantika Wahi,Adv.

Ms. Nupur Kanungo,Adv.

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

Mr. Pragyan P. Sharma,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. Sahil S. Chauhan,Adv.
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Mrs. Aruna Mathur,Adv.
Mr. Amarjeet Singh Girsra,Adv.

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Mr. S.C. Ghosh,Adv.

Mr. Suresh Ch. Tripathy,Adv.

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

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Mr. Rituraj Biswas,Adv.

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

Mr. Tara Chandra Sharma,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. 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. Tessa Varghese,Adv.

Mr. Rajesh Srivastava,Adv.

Mr. Anuvrat Sharma,Adv.

5

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. Kamalendra 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

ARUNACHAL PRADESH:

We direct the Chief Secretary of the State of Arunachal Pradesh to file an affidavit within two weeks from today, stating therein as to how many night shelters have been constructed in the State.

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ASSAM:

We have perused the affidavit filed by Joydeep Shukla, Extra Assistant Commissioner, Government of Assam, Assam Bhawan, 1 Sardar Patel Marg, New Delhi. The affidavit is not clear as to within what period the night shelters would be set up. Learned counsel for the State of Assam submits that 8 night shelters would be constructed as expeditiously as possible, in any event, within eight weeks from today.

BIHAR:

Learned counsel for the State of Bihar submits that 51 night shelters are operational as on date in the State of Bihar. Apart from these 51 night shelters, 11

new night shelters have been sanctioned. The Urban Development and Housing Department has sanctioned 9 night shelters in different cities and a sum of Rs.50 lakhs have been allotted for this purpose. We expect the State to carry out a survey and if more night shelters are needed, the same may be provided within six weeks from today and further status report be filed thereafter.

CHHATTISGARH:

Mr. P. Joy Oommen, Chief Secretary, Government of Chhattisgarh has filed an affidavit in which it is mentioned that 7 night shelters have been set up in Raipur and 6 night shelters have been set up in the city of Bhilai. It is further stated in the affidavit that night shelters have also been set up in Durg, Raigarh, Korba, Jagdalpur and Ambikapur and the night shelters have been provided with all basic facilities like

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toilets, bathrooms, electricity and sanitation which is properly managed and maintained by the Urban Local Bodies. In the affidavit it is also indicated that other necessary facilities such as beds, drinking water, ceiling fans, mattresses, blankets and separate toilets and bathrooms for men and women are also provided. Except Raipur, all other night shelters are permanent in nature.

Learned counsel for the State submits that temporary night shelters are already functional in Raipur District and after identifying the land, these would be converted into permanent night shelters and the Government of Chhattisgarh has formulated a policy in this regard by order dated 19.11.2010. We are quite satisfied with the response of the State and at present no further affidavit is required so far as the State of Chhattisgarh is concerned.

GOA:

Learned senior counsel for the petitioner submits that in the capital city of Goa, one night shelter is required but the same has not been provided so far. Learned counsel appearing for the State of Goa submits that the same would be provided within four weeks from today.

Let a status report be filed by the Chief Secretary of the State within four weeks from today.

HIMACHAL PRADESH:

Learned counsel for the State of Himachal Pradesh

submits that they require 2 night shelters in Shimla. Despite giving reasonable time, the State of Himachal Pradesh has not filed an affidavit as to how the State has addressed this problem. We direct the Chief

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Secretary of the State to file an affidavit within two weeks, failing which the Chief Secretary of the State shall remain present in this Court on the next date of hearing.

JAMMU & KASHMIR:

The Commissioner Secretary, Housing and Urban Development Department, Government of J & K has filed an affidavit in which it is mentioned that there are economically weaker sections of families living in urban areas who have their homes in dilapidated condition and special projects and schemes like the Basic Services for Urban Poor ("BSUP") and Integrated Housing and Slum Development Programme ("IHSDP") schemes have been approved and are being implemented. These schemes aim at providing dwelling units to the population living in slums and unhygienic areas.

It is further stated in the affidavit that under the BSUP scheme, which is approved under the Jawaharlal Nehru Urban Renewal Mission, 6677 number of dwelling units have been envisaged to be provided to the urban poor at an estimated cost of Rs.162.39 crores. This programme is being implemented on cost sharing basis with the Central Government. Under this scheme, 1455 and 5222 dwelling units will be constructed in Jammu and Srinagar cities respectively. Under the IHSDP scheme, 5178 number of dwelling units for urban poor have been approved for construction along with allied infrastructure in 25 towns of Jammu & Kashmir at an estimated cost of Rs.104.49 crores.

According to the learned counsel for the State of J & K, the schemes which have been put in operation by the State, take care of shelterless people in the State.

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Learned counsel for the petitioner may verify these facts and file a reply affidavit within four weeks.

JHARKHAND:

An affidavit has been filed by Anand Mohan Thakur on 22.11.2010 in which it is stated that out of the 9 night shelters required for the City of Ranchi, 6 night shelters have been completed and regarding the remaining 3 night shelters, work is in progress. Similarly, in

Dhanbad Municipal Corporation, for construction of one night shelter, an amount of Rs.34,633 has been sanctioned and the work is progress. In Chaibasa where 20 night shelters are required, 17 night shelters have been completed and work is in progress for 3 other night shelters and the amount of Rs.40,000 has been sanctioned for this purpose. In Deoghar Municipal Corporation, 1 night shelter is needed for which an amount of Rs.13,856 has been sanctioned and a double storied structure is complete.

It is further mentioned in the affidavit that provisions for electrification and hand pump for drinking water and some other requisite facilities have been made along with constructions of shelters and care has been taken to construct community toilets at approachable distance.

It is also mentioned in the affidavit that 31 night shelters are required in the State, 11 night shelters each at Dhanbad and Jamshepur and 9 at Ranchi and after identifying the lands, night shelters would be constructed in these places.

We direct the Chief Secretary of the State to file a status report within six weeks from today.

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KARNATAKA:

We direct the Chief Secretary to the State of Karnataka to file an affidavit within four weeks from today, stating therein as to how they would address the problem of night shelters.

KERALA:

An affidavit has been filed by B.R. Mohan Kumar, Law Officer, on behalf of the State of Kerala in which it is mentioned that the Social Welfare Department is dealing with the affairs of children up to the age of 18 years, pregnant women, lactating mothers, adolescent girls, aged people, destitute, orphans, disabled and mentally challenged persons and for providing care and protection and other services to these people, a lot of schemes and programmes are being implemented with the financial support from the Union and the State Governments. The department also provides shelter to the children, aged, disabled, beggars, handicapped persons and mentally challenged persons through a number of institutions, details of which have been furnished at the end of paragraph 2 of the affidavit.

In the affidavit it is also mentioned that night shelters have been established in 9 districts of Kerala and in addition to these institutions, there are 574 Orphanages run by Non-Governmental Organizations for

different categories of inmates with financial support from the State Government. It is further mentioned that the State of Kerala is quite conscious of the problem and many such shelter homes are in existence under different names. Apart from that, there is Kerala Social Security Mission for addressing specific issues for those who are

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in need of special attention. It is also mentioned therein that the problem of shelter for urban homeless can well be addressed by the various welfare measures being implemented through the Social Welfare, Local Self Government and Food & Civil Supplies Departments of the State.

Learned counsel for the petitioner would be at liberty to verify these facts and file a reply affidavit within four weeks.

MADHYA PRADESH:

An affidavit has been filed by Mr. Ajit Keksari, 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. Thus, at present 65 night shelters are functional 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

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instructions have already been issued for proper security and health of the persons staying in these night shelters.

MAHARASHTRA:

Learned counsel for the State of Maharashtra submits that because of the change of the Chief Minister, the affidavit could not be filed and he prays for four weeks' time for this purpose. Let an affidavit be filed

within four weeks from today.

MANIPUR:

Learned counsel for the State of Manipur submits that the exact status report would be filed within four weeks from today.

MIZORAM:

Learned counsel for the State of Mizoram prays for four weeks' time to file a complete status report. Let that be filed by the Chief Secretary for the State of Mizoram within four weeks.

NAGALAND:

An affidavit has been filed by the Deputy Resident Commissioner, Nagaland House, New Delhi, in which it is mentioned that only Kohima and Dimapur have an urban population of more than 1 lakh and the problem of urban homeless people is found to be substantially non-existent. Migrant population from other States come in search of menial labour and other temporary employment but they stay only for a short period of time and then subsequently migrate back to their respective States.

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During the course of their stay, these migrant workers are provided shelter by their employer and as such there are no instances of problems of homeless arising within the State of Nagaland. In this view of the matter, no further affidavit need be filed by the State of Nagaland.

Learned counsel for the petitioner would be at liberty to verify these facts and file a reply affidavit within four weeks.

ORISSA:

The Chief Secretary, Government of Orissa has filed an affidavit dated 22.11.2010 in which it is mentioned that the State of Orissa is committed to ensure that adequate night shelter homes to the homeless is provided in Bhubaneswar, Cuttak and Puri. It is also mentioned that a survey to identify the exact number of homeless population in Bhubaneswar, Cuttak and Puri is underway and the concerned Municipal Commissioner/Executive Officers have been asked to complete this exercise by the end of this month. The initial survey shows that total number of homeless population at Bhubaneswar and Cuttack would be 250 and 100 respectively. It is further mentioned that the GA

Department has been asked to provide land at the earliest at Bhubaneswar for construction of night shelter homes on permanent basis. The area at Kharvel Nagar having Khata No.441(GA) Plot No. 559 and Gobinda Prasad, Khata No. No.1072, Plot Nos.1174,1163/1734 have been identified for the purpose. Similarly, at Puri, Mauza Baseli Sahi, Khata No.676, Plot No.139 is earmarked for this purpose and for Cuttack, land identification is in progress and shall be completed on or before 30th November, 2010. It is further mentioned therein that construction of night shelters in

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all the places shall be completed within one year.

It is further mentioned that pending construction of permanent night shelter homes, as an interim arrangement, it has been decided the following to serve the night shelter homes:

a) at Bhubaneswar, there are six Kalyan Mandaps each having two rooms about 12'x12' with toilet and bath rooms. These Kalyan Mandaps are under the control of the Municipality. Two Community Centres at Unit VIII and Shastri Nagar having 40'x25' and one Community Centre at Huda Bhoi Sahi of 35'x30' Mali Sahi Community Centre of 20'x10' near the Railway Station, Sabar Sahi Community Centre at Rasulgarh.

b) At Cuttack, a portion of the Panchamukhi Kalyan Mandap owned by Cuttack Development Authority, Tulasipur Tanta Sahi Community Centre, Malgodown Behera Sai Community Centre and Pilgrim Road Sahi Community Centre would be utilized till permanent Centres are constructed.

Learned counsel for the petitioner would be at liberty to verify these facts and file a reply affidavit within four weeks.

PUNJAB:

Despite number of opportunities granted, the State of Punjab has not filed a proper affidavit. We direct the Chief Secretary of the Government of Punjab to file an affidavit within two weeks from today indicating therein as to how many night shelters have been constructed and how many of them are operational, failing which the Chief Secretary shall remain present in Court on the next date of hearing.

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RAJASTHAN:

Learned counsel for the State of Rajasthan submits that all the night shelters which have been constructed by the State are temporary in nature (tents) and he prays for some time to take instructions in this regard. We direct the Chief Secretary of the State of Rajasthan to file an affidavit dealing with the problem of night shelters in the State of Rajasthan, within four weeks

from today, failing which the Chief Secretary shall remain present in Court on the next date of hearing.

SIKKIM:

Learned counsel for the State of Sikkim submits that there is no problem of homeless people which requires shelters in the State.

Learned counsel for the petitioner may verify this fact and file an affidavit within four weeks.

TAMIL NADU:

Learned counsel for the petitioner would be at liberty to verify the facts mentioned in the affidavit filed by the State of Tamil Nadu and file a reply affidavit within four weeks.

UTTAR PRADESH:

An affidavit dated 23.11.2010 has been filed on behalf of the State of U.P. which indicates that some progress has been made in addressing the problem of night shelters in the State.

Learned counsel for the petitioner may verify this fact and file a reply affidavit within four weeks.

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UTTARAKHAND:

Mr. S. Raju, Principal Secretary, Department of Urban Development, Government of Uttarakhand, Dehradun, has filed an affidavit in which it is mentioned that in three cities, namely, Haridwar, Haldwani and Dehradun which have a population of more than 1 lakh, there are 3 night shelters one in each city, which are operational. The Executive Officer of the Municipal Board, Haridwar has informed that the accommodation capacity of these two night shelters is 400-500 persons. Besides this, many religious/charitable trusts/societies are also running approximately 350 private Dharamshalas within the municipal area who accept voluntary donations. In Dehradun, there is one night shelter which has been built recently at the cost of Rs.89 lakhs and is being run by a Society headed by the District Magistrate, Dehradun.

It is further mentioned in the affidavit that Chief Secretary to the Government of Uttarakhand convened a high level meeting on 19.11.2010 and issued necessary directions to all the concerned departments to establish appropriate number of new night shelters and make necessary arrangement for shelterless in view of ensuing winter season. The Chief Secretary has also directed the District Magistrate, Dehradun to identify the government buildings, which are lying vacant so that the same can be used for shelterless people during this winter season as the construction of night shelters will take some time. Directions have also been issued for making Provisions

for temporary tents for shelterless people wherever it is possible. Chief Secretary has further directed to set up other night shelters on the pattern of night shelters presently run in Dehradun by Doon Night Shelter Society headed by the District Magistrate. Besides this, the Department of Health, ICDS, Chief Secretary, Food and

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Civil Supplies have also been directed to do the needful for shelterless people/children/women in various government schemes.

Learned counsel for the petitioner may verify these facts and file a reply affidavit within four weeks.

WEST BENGAL:

Mr. R.D. Meena, Commissioner, Land & Land Reforms and Principal Secretary, Government of West Bengal has filed an affidavit in which it is mentioned that the State requires 60 night shelters in 3 cities of Kolkata, Hawarah and Asansol. Out of them, 31 night shelters are operational and are being run by the NGOs in different cities, under the overall superintendence of the Government of West Bengal. For the remaining 29 night shelters, 11 locations have been identified by the Calcutta Municipal Corporation.

Learned counsel for the petitioner may verify the facts mentioned in the affidavit and file a reply affidavit within four weeks.

DELHI:

Mr. Gonsalves, learned senior counsel for the petitioner has given us a chart which indicates that out of 63 night shelters, only 25 of them are functional in Delhi.

Mr. Mohan Parasaran, learned Additional Solicitor General appearing for the State of NCT of Delhi prays for two weeks' time to file a status report and he also ensures that those night shelters which are non-functional would be made functional. Let an affidavit be filed by the Chief Secretary of the NCT of Delhi within

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two weeks and reply thereto, if any, be filed within two weeks thereafter.

About the remaining States, list this matter for further directions on 26th November, 2010.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

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

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

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.
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Mr. Sahil S. Chauhan,Adv.
Mr. Milind Kumar,Adv.

Mr. A. Mariarputham,Adv. Genl.,Sikkim
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Mr. Rituraj Biswas,Adv.

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

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4

Mr. G.V. Chandrashekhar,Adv.
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Mr. Ramesh Babu M.R.,Adv.

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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.

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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.

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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.

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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 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

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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 upto 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 corporation 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.

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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.

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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

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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

ITEM NO.1 COURT NO.4 SECTION PIL

S U P R E M E C O U R T 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

WRIT PETITION (CIVIL) NO. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(With office report)

WITH I.A.Nos.90, 93, 94,98, 102 50 107 in W.P.(C)No.196/2001
(For permission on behalf of Respondent No.17 I.e. State of
Maharashtra, modification and directions, intervention on behalf
of West Bengal M.R.Dealers' Association and All Bengal Price
Shop Dealers Welfare Association, impleadment and exemption from
filing O.T. and direction)

W.P.(C)No.277/2010 (with office report)
[AS FIRST ITEM]

Date: 11/11/2010 These Petitions/applns. were/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. Divya Jyoti,Adv.
Mr.Anuj Castelino, Adv.
Ms. Jyoti Mendiratta,Adv.

M/s.Hingorani & Associates, Advs.

For Respondent(s) Mr. G.E.Vahanvati,AG for India
Ms.Indra Jaisingh,ASG
Mr.S.W.A.Qadri, Adv.
Mr.T.A.Khan, Adv.
Mr.D.D.Kamat, Adv.
Mr.D.L.Chidanand, Adv.
Ms. Sunita Sharma,Adv.
Mr.A.Deb Kumar, Adv.
Ms.Supriya Jain, Adv.
Ms.Sonam Anand, Adv.
Ms.Naila Jung, Adv.
Mr.Mihir Chaterjee, Adv.
For Ms. Sushma Suri,Adv.

W.P.(C)No.196/2001 contd..

For Ms. Anil Katiyar,Adv.
For Mr. D.S. Mehra,Adv.
For Mr. B.V. Balaram Das,Adv.

Mr.H.P.Raval, ASG
Ms.Indra Sawhney, Adv.

Mr. Jana Kalyan Das,Adv.(NP)

Ms. Hemantika Wah,Adv.
Ms.Renuka Sahu, Adv.
Ms.Jesal, Adv.

Dr.Manish Singhvi, AAG
Mr.D.K.Devesh, Adv.
Mr.Sahil S.Cauhan, Adv.
for Mr. Milind Kumar,Adv.

M/s. Corporate Law Group,Advs.

Ms. Rachana Srivastava,Adv.(NP)

Mr. T.V. George,Adv.(NP)

Ms. Kamini Jaiswal,Adv.(NP)

Mr. Khwairakpam Nobin Singh,Adv.

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

Mr.R.Sundaravaradan, Sr.Adv.
Mr. V.G. Pragasam,Adv.
Mr. S.J. Aristotle,Adv.
Mr. Prabu Ramasubramanian,Adv.
Mr.L.A.J.Selvam, Adv.

Mr. Jatinder Kumar Bhatia,Adv.

Mr. Pramod Swaup,Sr.Adv.
Mr.Sahil K.Dwivedi, AAG
Mr.R.K.Gupta, Adv.
Mr.Kamlendra Mishra, Adv.
Mr.Rajiv Dubey, Adv.
Mr.Anil Kumar Jha, Adv.

Mr. Ravi Prakash Mehrotra,Adv.(NP)

3

W.P.(C)No.196/2001 contd..

Mr.Suresh Chandra Tripathy, Adv.

Mr.Navin R.Nath, Adv.

Mr. Gopal Singh,Adv.
Mr. Manish Kumar,Adv.
Mr. Rituraj Biswas,Adv.

Mr. Tara Chandra Sharma,Adv.
Ms.Neelam Sharma, Adv.
Mr.Krishan Datta, Adv.

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

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

Mr. T. Harish Kumar,Adv.

Mr.Sanjiv Sen, Adv.
Mr. P. Parmeswaran,Adv.

Mr.Atul Jha, Adv.
for Mr. D.K. Sinha,Adv.

Mr. Gopal Prasad,Adv.

Ms. Anjana Chandrashekar,Adv.(NP)

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

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

Mr. Sanjay R. Hegde,Adv.

Ms.C.K.Sucharita, Adv.

Ms. Sumita Hazarika,Adv.(NP)

Ms. A. Subhashini,Adv.

Mr. Kuldip Singh,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.(NP)

Mr. Prashant Kumar,Adv.

Mr. Vishwajit Singh,Adv.(NP)

4

W.P.(C)No.196/2001 contd..

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

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

Mr. Rajesh Srivastava,Adv.(NP)

Mr. Anuvrat Sharma,Adv.(NP)

Mr. K.N. Madhusoodhanan,Adv.
Mr. R. Sathish,Adv.

Mr.Naushad Ahmad Khan, Adv.
For Mr. R.C. Kaushik,Adv.

Mr.Manjit Singh, AAG
Mr.Kamal Mohan Gupta, Adv.

Mr. Pradeep Misra,Adv.(NP)

Mr. Venkateswara Rao Anumolu,Adv.(NP)

Mr. B.S. Banthia,Adv.
Mr. Vikas Upadhyay,Adv.

Mr. G. Prakash,Adv.

Mr. Vikas Mehta,Adv.

Mr. Naresh K. Sharma,Adv.

Mr. Anis Suhrawardy,Adv.(NP)

Mr.Sunil Fernandes, Adv.

Mr. S.M. Jadhav,Adv.

Mr.M.N.Krishnamani,Sr.Adv.
Mr.Sachin Das, Adv.
Mr.Abhijit Sengupta,Adv.
Mr.S.K.Keshote,Sr.Adv.
Mr.Sachin Das, Adv.
Mr.Abhijit Sengupta,Adv.
Mr.Sarod Singhanian, Adv.

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

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W.P.(C)No.196/2001 contd..

Mr.J.R.Das, Adv.(NP)

Mr.A.Mariarputham, Adv.Genl.
Mrs.Aruna Mathur, Adv.
Mr.Amarjeet Singh Girsal, Adv.
Mr.Yusuf Khan, Adv.
For M/s.Arputham, Aruna & Co.,Advs.

Mr.I.Venkatanarayan, Sr.Adv.
Mr.D.Mahesh Babu, Adv.

Mr.Pragyan P.Sharma, Adv.
Mr.P.V.Yogeswaran,Adv.

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

The Joint Secretary, Government of India has filed an affidavit on behalf of Union of India on 10.11.2010. A copy of the same has been given to learned counsel for the petitioner, who undertakes to file reply to the same on or before 16th November, 2010 with an advance copy to learned counsel appearing for the Union of India.

Learned counsel appearing for Union of India would be at liberty to file an additional affidavit dealing with some additional points which have not been covered by the affidavit of 10.11.2010. Let the same be filed on or before 29th November, 2010 with an advance copy to learned counsel for the petitioner, who may file his reply, if any, by 30th November, 2010 with an advance copy to learned counsel for Union of India.

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List this matter on 1st December, 2010 at 2.00 p.m. as first item.

List the Night Shelter matter on 15th November, 2010 at 2.00 p.m.

(G.V.RAMANA)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

ITEM NO.1(P.H.) COURT NO.4 SECTION PIL

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

WRIT PETITION (CIVIL) NO(s). 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(Regarding reports submitted by Justice D.P. Wadhwa, Retd. Judge,
Supreme Court of India)

WITH I.A. Nos. 90,93,98,102-106&107 in
WP(C) NO. 196 of 2001
(For permission on behalf of respondent No. 17 i.e. State of
Maharashtra, Modification and Directions, Intervention on behalf
of West Bengal M.R.Dealers Association and All Bengal Price Shop
Dealers Welfare Association, Impleadment & Exemp. from filing
O.T. and direction)
WITH WP(C) No. 277/2010
(with office report)

Date: 21/10/2010 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.Ambalika, Adv.
Ms.Jyoti Mendiratta,Adv.

Ms.Priya Hingorani, Adv.
Mr.Aman Hingorani, Adv.
For M/s.Hingorani & Associates, Advs.

For Respondent(s) Mr.Mohan Parasaran, ASG
Mr.D.L.Chidananda, Adv.
Mr.S.W.A.Qadri, Adv.
Mrs.Sunita Sharma, Adv.
Mr.D.D.Kamat, Adv.
Mr.A.Deb Kumar, Adv.
For Mr.D.S.Mahra,Adv.
For Ms. Sushma Suri,Adv.
For Mrs.Anil Katiyar, Adv.
For Mr.B.V.Balram Das, Adv.

Mr.R.Sundaravaradan,Sr.Adv.
Mr.V.G.Pragasam, Adv.

Mr.S.J.Aristotle, Adv.
Mr.Prabu Ramasubramanian, Adv.
Mr.L.A.J.Selvam,Adv.

Mr.Pramod Swaroop, Sr.Adv.
Mr.Shail K.Dwivedi, AAG
Mr.R.K.Gupta, Adv.
Mr.Rajiv Dubey,Adv.
Mr.Kamlendra Mishra,Adv.

Mr.Gopal Singh, Adv.
Mr.Manish Kumar, Adv.
Mr.Rituraj Biswas, Adv.

Mr.Gopal Singh, Adv.

Mr. Jana Kalyan Das,Adv.(NP)

Ms. A.Subhashini,Adv.

Mr. Anis Suhrawardy,Adv.(NP)

Ms. Hemantika Wah,Adv.
Ms. Jesal, Adv.

Mr.H.P.Raval,ASG
Mrs.Sunita Sharma, Adv.
Ms.Indra Sawhney,Adv.

Ms. Kamini Jaiswal,Adv.(NP)

Mr. Naresh K. Sharma,Adv.

Mr. Pradeep Misra,Adv.(NP)

Mr. Tara Chandra Sharma,Adv.
Mr.Kishan Datta, Adv.
Ms.Neelam Sharma, Adv.

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

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

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

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

3

Mr.Manish Pitale, Adv.
Mr.Wasi Haider, Adv.
For Mr. Chander Shekhar Ashri,Adv.

Mr. B.S. Banthia,Adv.
Mr.Vikas Upadhyay, Adv.

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

Mr.Ramesh Allanki, Adv.
For Mr.D.Mahesh Babu, Adv.

Mr.Khwairakpam Nobin Singh,Adv.

Mr.P.Parmeswaran, Adv.

Mr. Prashant Kumar,Adv.

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

Mr. Sanjay R. Hegde,Adv.

Mr. Vishwajit Singh,Adv.

Mr. Gopal Prasad,Adv

Mr.Abhijit Sengupta, Adv.
Mr.Sachin Das,Adv.

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

Mr.Manjit Singh, AAG.
Mr. Kamal Mohan Gupta,Adv.

Mr.S.S.Shamshery, Adv.
For Ms. Rachana Srivastava,Adv.

Mr. Suresh Chandra Tripathy,Adv.(NP)

Mr.Riku Sarma, Adv.
For M/S Corporate Law Group,Advs.

Mr. Rajesh Srivastava,Adv.(NP)

Mr. Jatinder Kumar Bhatia,Adv.

Mr. Ravi Prakash Mehrotra,Adv.(NP)

Ms. Sumita Hazarika,Adv.(NP)

4

Mr.Pragyan P.Sharma, Adv.
For Mr. P.V. Yogeswaran,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.(NP)

Mr.H.M.Singh, Adv.
Mr.Pradeep K.Yadav, Adv.
for Mr. Kuldip Singh,Adv.

Mr. Vikas Mehta, Adv.

Mr. T. V. George, Adv. (NP)

Ms. Anjana Chandrashekar, Adv. (NP)

Mr. Anuvrat Sharma, Adv. (NP)

Mr. Atul Jha, Adv.

Mr. D. K. Sinha, Adv.

Mrs. Aruna Mathur, Adv.

Mr. Amarjeet Singh Girda, Adv.

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

Mr. R. Veduthalia, Sr. Adv.

Mr. T. Harish Kumar, Adv.

Mr. P. Prasanth, Adv.

Mr. V. Vasudevan, Adv.

Mr. K. N. Madhusoodhanan, Adv.

Mr. R. Sathish, Adv.

Mr. Sanjay V. Kharde, Adv.

Ms. Asha G. Nair, Adv.

Mr. Edward Belho, Adv.

Ms. K. Enatoli Sema, Adv.

Mr. Rituraj Biswas, Adv.

For Mr. Balaji Srinivasan, Adv.

State of Orisaa NONE

Mr. Milind Kumar, Adv.

Mr. Naushad Ahmad Khan, Adv.

Mr. Elanchezian, Adv.

Mr. Rajesh Kumar Verma, Adv.

For Mr. R. C. Kaushik, Adv.

Mr. G. Prakash, Adv.

Mr. V. Senthil, Adv.

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

In re : BPL Families

State of Bihar:

Mr. Gopal Singh, learned counsel appearing for the
State of Bihar submits that as per the guidelines of Ministry

of Rural Development, Government of India, a survey was conducted and as on April-May, 2010 the total number of BPL families in the State of Bihar is 1,25,55,110. He submits that the allocation of the food-grains be made as per the norms of the Government of India. Mr.Parasaran, learned ASG appearing for the Union of India wants time to respond by Thursday i.e. 28th October, 2010.

State of Tripura:

Mr.Gopal Singh, learned counsel appearing for the State of Tripura prays for time upto Monday the 25th October, 2010 to file an additional affidavit. Let that be done with an advance copy to learned ASG.

State of Manipur:

Learned counsel appearing for the State of Manipur submits that they have carried out the survey according to the guidelines provided by Government of India and the Government of India is providing food-grains to them as per their norms i.e. 35 Kgs per BPL family. No orders are required.

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NCT of Delhi:

Mr.Parasaran, learned ASG appearing for the NCT of Delhi submits that the National Capital Territory of Delhi is distributing food-grains to all the BPL and AAY card holders according to the norms prescribed by the Government of India and the NCT of Delhi has no grievance. So no orders are necessary.

State of Nagaland:

Learned counsel appearing for the State of Nagaland submits that the State is distributing food-grains to all the BPL and AAY card holders according to the norms prescribed by the Government of India and the State has no grievance. So no orders are necessary.

State of Sikkim:

Learned counsel appearing for the State of Sikkim submits that BPL and AAY families are getting food-grains according to the norms of Government of India i.e. 35 Kgs per BPL and AAY families. So the State has got no grievance. No orders are necessary.

State of Meghalaya:

Learned counsel appearing for the State of Meghalaya submits that for the BPL population, the State is getting allocation according to the norms of Government of India and they have no grievance. No orders are necessary.

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Andaman & Nicobar Islands:

Mr.H.P.Raval, learned ASG appearing for the Andaman & Nicobar Islands submits that the U.T. is getting food-grains as per the norms settled by the Government of India and they have no grievance. No orders are necessary.

State of Uttarakhand:

Learned counsel appearing for the State of Uttarakhand submits that for the BPL population, the State is getting allocation according to the norms of Government of India and they have no grievance. No orders are necessary.

State of Haryana:

Learned counsel appearing for the State of

Haryana submits that according to the recent survey conducted by the State, the total number of BPL families, including AAY, are 12.97 lacs, whereas the Government of India is allocating food-grains for 7.89 lac families. The State is providing 35 Kgs of food-grains. The balance amount of food-grains are provided at the cost of the State. No orders are necessary.

All the remaining States seek time upto Monday the 25th October, 2010 to file their respective affidavits with an advance copy to learned ASG.

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Learned ASG shall file his reply on or before 28th October, 2010.

List the matter on 29th October, 2010 at 2.00 p.m.

(G.V.RAMANA)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

ITEM NO.76 COURT NO.4 SECTION PIL

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

WRIT PETITION (CIVIL) NO(s). 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES Petitioner(s)

VERSUS

UNION OF INDIA & ORS. Respondent(s)
(Regarding reports submitted by Justice D.P. Wadhwa, Retd. Judge,
Supreme Court of India)

WITH I.A. Nos. 90,93,98,102-106&107 in
WP(C) NO. 196 of 2001
(For permission on behalf of respondent No. 17 i.e. State of
Maharashtra, Modification and Directions, Intervention on behalf
of West Bengal M.R.Dealers Association and All Bengal Price Shop
Dealers Welfare Association, Impleadment & Exemp. from filing
O.T. and direction)
WITH WP(C) No. 277/2010
(with office report)

Date: 18/10/2010 These Petitions were called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DEEPAK VERMA

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Ms.K.Enatoli Sema, Adv.
Mr.Rituraj Biswas, Adv.
For Mr.Balaji Srinivasan, Adv.

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

Heard Mr.Colin Gonsalves, learned senior counsel
appearing for the petitioner from 2.00 p.m. to 4.00 p.m.

List the matters on 19.10.2010 at 2.00 p.m. as part-
heard.

(G.V.RAMANA)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

ITEM NO.3(P.H.): CORAM & APPEARANCE SAME AS ABOVE
19.10.2010

Heard learned senior counsel for the petitioner and
learned ASG at length.

List the matters on 21.10.2010 as part-heard.

(G.V.RAMANA) (A.S.BISHT) (NEERU BALA VIJ)
COURT MASTER COURT MASTER COURT MASTER