

ITEM NO.1 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

W R I T P E T I T I O N (C I V I L) N O . 1 9 6 O F 2 0 0 1

PEOPLE'S UNION FOR CIVIL LIBERTIES Petitioner(s)

V E R S U S

UNION OF INDIA & ORS. Respondent(s)

WITH I.A.Nos.27-30, 33, 41, 42, 43, 45 in I.A.Nos.41, 46, 47, 51,
52, 55-57, 63-74, 76, 78-90, 92-94, 96, 98-103 in W.P.

(C)No.196/2001

(For direction, permission to file the appln. for direction, permission to place on record addl. Documents, taking on record the documents at Annexure "A", permission to allow the application, c/delay in filing affidavit, modification, exemption from filing O.T., Impleadment, permission to file rejoinder affidavit to counter affidavit of State of Maharashtra, Modification of court's order dated 27.04.2004, 07.10.2004,13.12.2006 & 22.04.2009, permission to Govt. Resolution dated 3.11.2007 in P.D.S. In Maharashtra State, comprehensive report submitted by Special Commissioner with Supreme Court direction to treat as I.A. vide order dated 27.01.2010 and intervention)

W I T H

Conmt.Pet.(C)No.99/2009 in W.P.(C)No.196/2001 (With appln.(s) for exemption from filing O.T.)

Date: 21/07/2010 This Petition was called on for hearing today.

C O R A M :

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

For Petitioner(s) Mr. Colin Gonsalves,Sr.Adv.
 Mr. Divya Jyoti,Adv.
 Ms. Jyoti Mendiratta,Adv.

For Respondent(s) Mr. Mohan Parasaran,ASG
 Mr.B.Chidanand, Adv.
 Ms. Sunita Sharma,Adv.
 Mr.Krishna Kumar, Adv.
 For Ms. Sushma Suri,Adv.
 For Ms. Anil Katiyar,Adv.
 For Mr. D.S. Mehra,Adv.

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

Mr. Jana Kalyan Das,Adv.(NP)
Ms. Hemantika Wahi,Adv.
Ms.Nupur Kanungo, Adv.

State of Haryana NONE
State of Orissa NONE

State of Chhattisgarh NONE

Mr. B.V. Balaram Das,Adv.(NP)
Mr. P.V. Yogeswaran,Adv.(NP)
Ms. Indra Sawhney,Adv.(NP)
Dr. Manish Singhvi,Sr.Adv.
Mr. Devanshu Kumar Devesh,Adv.
Mr. Milind Kumar,Adv.
Mr. Riku Sharma,Adv.
for M/s. Corporate Law Group,Adv.
Ms. Rachana Srivastava,Adv.
Mr. T.V. George,Adv.(NP)

Ms. Kamini Jaiswal,Adv.(NP)

Mr. Khwairakpam Nobin Singh,Adv.

Mr. Ranjan Mukherjee,Adv.

Mr. V.G. Pragasam,Adv.
Mr. S.J. Aristotle,Adv.
Mr. Prabu Ramasubramanian,Adv.

Mr. Jatinder Kumar Bhatia,Adv.(NP)

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

Mr. Ravi Prakash Mehrotra,Adv.(NP)

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

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

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

Mr. Edward Belho,Adv.
Mr.P.Athuimei R.Naga, Adv.
Mr. Enatoli Sema,Adv.
Mr. Rituraj Biswas,Adv.

Mr.Mohan Parasaaran, ASG
Mr. T. Harish Kumar,Adv.

Mr. P. Parmeswaran,Adv.
Mrs.Anuja Chopra, Adv.

Mr. D.K. Sinha,Adv.(NP)

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.

Mr. Ramesh Kr. Mishra,Adv.

Mr.Krutin Joshi, Adv.

Mr.Ramesh S.Jadhav, Adv.

Mr. Vikrant Yadav,Adv.

Ms. Sumita Hazarika,Adv.

Ms. Jayshree Anand,AAG.

Mr. K.K. Mahalik,Adv.

Mr. Ajay Pal,Adv.

Ms. A. Subhashini,Adv.

Mr. Kuldip Singh,Adv.

Mr. Ravindra Keshavrao Adsure,Adv.(NP)

Mr.Ajay Majithia,Adv.

Mr.Rajesh Kumar, 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. Rajesh Srivastava,Adv.(NP)

Mr. Anuvrat Sharma,Adv.

Mr. K.N. Madhusoodhanan,Adv.

Mr. R. Sathish,Adv.

Mr. R.C. Kaushik,Adv.

Mr. Pradeep Misra,Adv.(NP)

Mr. Venkateswara Rao Anumolu,Adv.(NP)

Mr. Vikas Upadhyay,Adv.

For Mr. B.S. Banthia,Adv.

Mr. G. Prakash,Adv.

Mr. Anil Kumar Jha,Adv.

Mr. Vikas Mehta,Adv.

Mr. Kamendra Mishra,Adv.

Mr. Naresh K. Sharma,Adv.

Mr. Anis Suhrawardy,Adv.(NP)

Mr.Sunil Fernandes, Adv.

Mr.Rajat Jariwal, Adv.

Ms.Renu Gupta, Adv.

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

Mrs.Aruna Mathur, Adv.

Mr.Amarjeet Singh Girsra, Adv.

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

Mr.Pramod Swarup,Sr.Adv.

Mr.Abhijit Sengupta,Adv.

Mr.Sachin Das, Adv.

Mr.M.N.Krishnamani,Sr.Adv.

Mr.Bikas Kargupta,Adv.

Mr.Abhhijit Sengupta, Adv.

Ms.M.Indrani,Adv.

Mr.Sachin Das, Adv.

Mr.Manish Pitale, Adv.

Mr.Wasi Haider, Adv.

For Mr.C.S.Ashri, Adv.

Mr.A.K.Singh Tarun, Adv.

For Mr.Debasis Misra, Adv.

UPON hearing counsel the Court made the following

O R D E R

In re: State of Andhra Pradesh:

As far as State of Andhra Pradesh is concerned, learned counsel appearing for the State, who has just received instructions, prays for some time. We grant two months' time to implement all previous orders of this Court. An affidavit may be filed by the concerned Secretary/Chief Secretary within two months.

In re: State of Bihar:

In pursuance to the directions of this Court, on 2nd June, 2010, the Chief Secretary, State of Bihar has filed an affidavit. In the said affidavit it is indicated that considering the importance of the subject, the Hon'ble Chief Minister has convened a high level meeting which was attended by the Minister of Health, Minister for Food and Consumer Affairs, Minister for Social Welfare Department, Advocate General, Standing counsel for the State of Bihar in the Supreme Court, The Chief Secretary, Development Commissioner and Secretaries of the departments concerned were also present. Hon'ble Chief Minister was of the view that the recommendations made by the Court Commissioner is indeed in public interest and would subserve a noble cause. The recommendations, on their implementation, would go a long way in mitigating the plight of those people of the State who have no shelter and no means to afford minimum food requirement. In the meeting it was decided that, as a first step, three new shelters be constructed at Patna and one in each of the divisional towns of Chapra, Muzaffarpur, Darbhanga, Saharsa, Purnia, Bhagalpur, Munger and Gaya for urban homeless. The Department of Urban Development and Housing has already initiated steps for release of funds to the concerned Municipal Corporations/Town Committees. It has been decided in the said meeting to renovate the existing permanent/night shelters in each of these towns. It has further been decided to make arrangements for meals for urban homeless people at subsidized rates. In addition, it has been decided to conduct a survey of urban homeless people under the guidance of the Department of Urban Development 7 W.P.(C)No.196/2001 Contd....

and Housing. It has been decided that the Department of Urban Development and Housing would ensure admission of homeless street children in the existing residential schools. In the affidavit it was also incorporated that the Department of Urban Development and Housing has sanctioned a sum of Rs.1.86 crore to the Municipal Corporations/Town Committee concerned vide letter dated

20.05.2010. The Department of Urban Development and Housing has earlier vide their letter dated 15.05.2010 had directed the concerned Municipal Corporation/Town Committee to initiate steps for establishing the shelters. We are very happy to note the change of attitude in the stand of the State. The State has also mentioned in the affidavit that the State of Bihar fully shares the anxiety of the Court and assured the Court that it shall take all possible steps which would go to

ameliorate the living condition of homeless people and unprotected children. We hope and trust that all the shelters shall be constructed as expeditiously as possible, in any event, before the next winter.

In re State of Goa:

Ms.Subhashini, learned standing counsel appearing for the State of Goa submitted that the problem of homeless people which require night helter/permanent shelter does not exist in Goa, except for the migrated people. Learned counsel for the petitioner may inquire about it and submit an affidavit.

In re State of Gujarat:

Learned counsel appearing for the State of Gujarat undertakes to file a better affidavit. Let the affidavit now be filed by the Chief Secretary of the State.

In re State of Jammu & Kashmir:

Learned counsel appearing for the State submits that he will file a comprehensive affidavit within two months.

In re State of Jharkhand:

ON 31.03.2010, an affidavit was filed by the State of Jharkhand in which it was mentioned that funds have already been allocated for construction of night/permanent shelters in the State and they are planning to develop night/permanent shelters in Ranchi, Dhanbad, Chaibasa, Deoghar and Jasidih

municipalities. Learned counsel appearing for the State prays for some to file the latest status report. Let that be filed within two months.

In re State of Karnataka:

Mr.Sanjay Hegde, learned standing counsel for the State has handed over an affidavit of the Chief Secretary to the State of Karnataka in Court today. In the affidavit it is mentioned that a meeting was held under the Chairmanship of the Additional Chief Secretary to Government, Urban Development Department on 17-06-2010 and it was decided to conduct a detailed survey to provide night/permanent shelter. It was further indicated in the affidavit that the entire survey would be completed by the end of August, 2010 and immediately after the survey is completed, concrete efforts would be taken to provide permanent/night shelter for the homeless people in the State of Karnataka.

In re State of Kerala:

Learned counsel appearing for the State of Kerala submitted that the intensity of the problem does not exist in the State of Kerala. Learned counsel appearing for the petitioner prays for some time to file a report about the State of Kerala. Let the report be filed within two months.

In re State of Maharashtra:

Learned counsel appearing for the State of Maharashtra submits that, in principle, the Government has agreed to provide shelters for the homeless. The modalities are being worked out. He prays for four weeks time to communicate the decision of the State. List after four weeks.

In re State of Punjab:

Learned counsel for the State prays and is granted four weeks' time to communicate the decision of the State. List after four weeks.

In re State of Rajasthan:

The Chief Secretary to the State of Rajasthan has filed an affidavit in which it is incorporated that an order was issued by the State on 07.12.2009 to all the urban local bodies including municipal corporations for construction of night shelters. It is also mentioned in the affidavit that all the municipalities of the State are running 240 night shelters. It was also mentioned in the affidavit that new guidelines have been framed for providing shelter to the homeless persons providing shelter not only confining to night shelter during winters but also in summers as the temperature soars to about 50 degree centigrade in the State. The broad contours of the guidelines would indicate that the State undertake to make necessary provision of clean potable water and other infrastructure facilities to ensure dignity of an individual. They have also given the guidelines which have been incorporated for the homeless people.

In re State of Sikkim:

On 31.03.2010, an affidavit was filed on behalf of the State of Sikkim in which it was mentioned that the State Government has started to construct 52 units for housing of urban poor and the same is at the verge of completion. We grant two months time to the State of Sikkim to submit the latest status report.

In re State of Tamil Nadu:

Mr.Mohan Parasaran, learned Additional Solicitor General appearing for the State of Tamil Nadu submitted that, in principle, the State has agreed to provide night/permanent shelters to the homeless and prays for

some time to file an appropriate affidavit. Let that be done within four weeks. List after four weeks.

In re State of Uttar Pradesh:

Mr.Promod Swarup, learned senior counsel appearing for the State of Uttar Pradesh submits that the State, in principle, has agreed to comply with the order and in pursuance of the order of this Court 7 permanent and one temporary shelter have already been constructed and the remaining shelters would be constructed as expeditiously as possible. We would like the State of Uttar Pradesh to file the latest status report within four weeks.

In re State of West Bengal:

Mr.T.C.Sharma, learned standing counsel appearing for the State of West Bengal submits that he has sent three communications to the Chief Secretary as well as to the Nodal Officer but he is not getting any response. On the next date of hearing we would like the Chief Secretary and the Nodal Officer of the State to remain present in Court, if the affidavit is not filed.

In re Chandigarh:

The Union Territory of Chandigarh has not filed any affidavit after the order of this Court dated 05.05.2010. One more opportunity is granted to the Union Territory of Chandigarh to file an affidavit. Let the same be filed within four weeks, failing which the Chief Secretary of Chandigarh shall remain present in Court on the next date of hearing.

In re GNCT of Delhi:

In the last affidavit filed in April 2010 by Government of National Capital Territory of Delhi, they assured the Court that required number of night/permanent shelters would be constructed and all possible amenities would be provided. We expect the Government to construct the night/permanent shelters in Delhi latest by 31st October, 2010 because the winter starts setting in thereafter. Learned Additional Solicitor General undertakes to file a comprehensive affidavit within four weeks.

In re State of Madhya Pradesh:

Learned counsel appearing for the State prays and is granted four weeks time to file the latest status report. List after four weeks.

In re State of Haryana:

The matter has been passed over for once and called for second time. No one appears on behalf of the State of Haryana and no affidavit has been filed after 05.05.2010, as directed by this Court. We would like the Chief Secretary of the State to remain present on the next date of hearing, in case the affidavit is not filed.

In re State of Orissa:

The matter has been passed over for once and called for second time. No one appears on behalf of the State and no affidavit has been filed after 05.05.2010, as directed by this Court. We would like the Chief Secretary of the State to remain present on the next date of hearing, in case the affidavit as directed by this Court is not filed within four weeks.

Let all the States, which were required to file their affidavits after the order of this Court on 05.05.2010 and who have not filed, they are given one more opportunity. Let the affidavit be filed within four weeks. List this matter on 31.08.2010 for directions.

I.A.No.98:

This application has been filed on behalf of Union of India, Ministry of Health and Family Welfare in which they have sought following directions:

1. to permit Union of India to continue implementation of Janani Suraksha Yojana in terms of the observations made by this Hon'ble Court in para 15 of the order dated 20.11.2007 and in terms of the existing guidelines by duly taking into account that the salient features of National Maternity Benefit Scheme have been duly incorporated and subsumed in Janani Suraksha Yojana,
2. to modify the direction contained in para 14(b) of the order dated 20.11.2007 and permit Union of India to provide cash assistance of Rs.500 in case of home deliveries to pregnant women for upto the first two live births, provided they are of 19 years of age,
3. to permit the continuation of the system of payment of Janani Suraksha Yojana to the woman after the delivery instead of 8-12 weeks prior to delivery. Issue notice. Non-applicants would be at liberty to file reply to this application within four weeks and to come up on 31.08.2010.

I.A.No.90:

List on 27.07.2010.

In re: Reports of Justice Wadhwa:

Mr.Mohan Parasan, learned Additional Solicitor undertakes to place all the Reports filed by Justice Wadhwa on the next date of hearing i.e. on 27.07.2010.

I.A.NO.102:

Issue notice. Reply, if any, be filed before the next date of hearing i.e. 27.07.2010.

I.A.No.103:

Issue notice. Reply, if any, be filed before the next date of hearing i.e. 27.07.2010. Mr.Colin Gonsalves, learned senior counsel has brought to our notice that three reports filed by the Commissioner i.e. Drought protocol dated 26.09.2009, Starvation Protocol dated 26.09.2009 and on Bihar Floods with UNDP report. Mr.Parasaran, learned ASG prays for some time to take instructions. He may file the response within four weeks.

(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
RECORD OF PROCEEDINGS

I.A.No.93 in WRIT PETITION (CIVIL) NO. 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

Date: 21/07/2010 This application was mentioned 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.
Ms. Jyoti Mendiratta, Adv.

For Respondent(s)/ Mr. Raju Ramachandran, Sr. Adv.
applicant(s) Mr. Kh. Nobin Singh, Adv.

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

As requested, list this matter along with connected matters which are listed on 27.07.2010.

(G.V.RAMANA)
COURT MASTER

(Mentioned slip enclosed)

(NEERU BALA VIJ)
COURT MASTER

ITEM NO.1

COURT NO.5

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

WRIT PETITION (C) NO.196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

With I.A. Nos.27-30, 33, 41, 42, 43, 45 (In I.A. No.41), 46, 47, 51, 52, 55-57, 63-74, 76, 78-90, 92-94, 96, 98 and 99 in W.P. (C) No.196 of 2001

(For Direction, permission to file the application for direction, permission to place on record additional documents, taking on record the documents at Annexure 'A', permission to allow the applicant, condonation of delay in filing affidavit, modification, exemption from filing O.T., impleadment, permission to file rejoinder affidavit to counter affidavit of State of Maharashtra, modification of Court's order dated 27th April, 2004, 7th October, 2004, 13th December, 2006, and 22nd April, 2009, permission to Government of Maharashtra to implement Government Resolution dated 3rd November, 2007 in P.D.S. in Maharashtra State, comprehensive report submitted by Special Commissioner, Supreme Court direction to treat as I.A. vide order dated 27th January, 2010 and c/delay in filing brief status report)

Contempt Petition (C) No.99 of 2009 in W.P. (C) No.196 of 2001
(With appln(s) for exemption from filing O.T.)

Date: 05/05/2010 These Matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.
Ms. Divya Jyoti, Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. A.K. Singh Tarun, Adv.
Mr. Debasis Misra, Adv.

....2/-

- 2 -

For Respondent(s) Mr. Jana Kalyan Das, Adv.

Ms. Hemantika Wahi,Adv.
Ms. Pinky Behara,Adv.

Mr. B.V. Balaram Das,Adv.

Ms. Indra Sawhney,Adv.

Dr. Manish Singhvi,Sr.Adv.
Mr. Devanshu Kumar Devesh,Adv.
Mr. Milind Kumar,Adv.

Mr. Riku Sarma,Adv.
Mr. Navneet Kumar,Adv.
for M/s. Corporate Law Group,Advs.

Ms. Rachana Srivastava,Adv.

Mr. T.V. George,Adv.

Ms. Kamini Jaiswal,Adv.

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

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

Mr. R. Sundaravardan,Sr.Adv.
Mr. V.G. Pragasam,Adv.
Mr. S.J. Aristotle,Adv.

Mr. Jatinder Kumar Bhatia,Adv.

Mr. Pramod Swaup,Sr.Adv.
Mr. R.K. Gupta,Adv.
Mr. Rajeev Dubey,Adv.
Mr. Kamlendra Mishra,Adv.

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

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

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

....3/-

- 3 -

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

Mr. B.B. Singh,Adv.

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

Mr. Gopal Prasad,Adv.
Ms. Anjana Chandrashekar,Adv.
Mr. Ramesh Babu M.R.,Adv.
Ms. D. Bharathi Reddy,Adv.
Mr. Sanjay R. Hegde,Adv.
Ms. Sumita Hazarika,Adv.
Ms. A. Subhashini,Adv.
Mr. Manjit Singh,AAG
Mr. Kamal Mohan Gupta,Adv.
Mr. Shivani,Adv.
for Mr. Kuldip Singh,Adv.
Mr. Ravindra Keshavrao Adsure,Adv.
Mr. Prashant Kumar,Adv.
Mr. Vishwajit Singh,Adv.
Mr. Anis Suhrawardy,Adv.
Mr. S. Mehdi Imam,Adv.
Mr. Mohd. Parvez Dabas,Adv.
Mr. Tabrez Ahmed,Adv.
Mr. Mohan Parasaran,ASG.
Mr. D.L. Chidanand,Adv.
Ms. Anil Katiyar,Adv.
Mr. D.S. Mehra,Adv.
Mr. S. Wasim A. Qadri,Adv.
Ms. Saima Bakshi,Adv.
Mr. Minnatullah,Adv.
Ms. Sushma Suri,Adv.
Mr. K.V. Mohan,Adv.

....4/-

- 4 -

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. G. Prakash,Adv.

Mr. S.M. Jadhav,Adv.

Mr. Anil Kumar Jha,Adv.

Mr. D.K. Sinha,Adv.

Mr. Vikas Mehta,Adv.

Mr. Naresh K. Sharma,Adv.

Mr. Shekhar Naphade,Sr.Adv.

Mr. Sanjay Kharde,Adv.

Ms. Asha G. Nair,Adv.

Mr. Mohan Parasaran,ASG

Mr. T. Harish Kumar,Adv.

Mr. V. Vasudevan,Adv.

Mr. Sanjiv Sen,Adv.

Ms. Anuja Chopra,Adv.

Mr. P. Parmeswaran,Adv.

Mr. A. Mariarputham,Sr.Adv.

Ms. Aruna Mathur,Adv.

Mr. Amarjeet Singh Girsa,Adv.

for M/s. Arputham, Aruna & Co.,Advs.

Ms. Rachana Srivastava,Adv.

Mr. Abhay Sahay,Adv.

Mr. Edward Belho,Adv.

Mr. K.E. Sema,Adv.

Mr. Rituraj Biswas,Adv.

....5/-

- 5 -

Ms. Jayshree Anand,Adv.

Mr. K.K. Mahalik,Adv.

Mr. Ajay Pal,Adv.

Mr. V.B. Saharya,Adv.

for M/s. Saharya and Co.,Advs.

UPON hearing counsel the Court made the following

O R D E R

In this writ petition, a report has been filed by the Commissioners in which it has been prayed that there is urgent need of night shelters in urban areas. In the report, it is prayed that the Centre and the State Government be directed to provide permanent 24 hours homeless shelters in the areas beginning with 62 cities and towns across

India. In the report it is also mentioned that these homeless shelters need to be opened 24 hours in all seasons, and should have basic amenities to enable a life with dignity. It is further incorporated in the report that winter is a period of severest crises for homeless people and it is directly life threatening, though all seasons pose threats to homeless people. Homeless people are subject to continuous violence and abuse. Living in the open with no privacy or protection even for women and children, is a gross denial of the right to live with dignity. For this reason the Commissioners are convinced that unless directions are given by this Court, the problems would not be solved.

....6/-

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It is further stated in the report that the shelters should have the basic facilities, such as, beds and bedding, toilets, potable drinking water, lockers, first aid, primary health, de-addiction and recreation facilities. It is also mentioned that shelters must be in adequate numbers and in the ratio of at least one per lakh of population for every urban centres according to the Delhi Master Plan.

The matter was discussed and the learned Additional Solicitor General appearing for the Union of India submitted that all major cities, which have population of more than five lakhs, will be provided with night shelters in the ratio of at least one per lakh of population.

This Court issued notice to all the States and Union Territories. In response to the notice, most of the States and Union Territories have filed affidavits and their responses are as under:

State of Madhya Pradesh:

The State of Madhya Pradesh has agreed to construct one night shelter for a population of one lakh in all urban centres. Further it has been directed that-

all local bodies within their territorial limits will construct night shelters for homeless people; normally at least one night shelter in population of one lakh must be constructed and the homeless persons residing in the night shelters should be provided clean drinking water, light, toilet and provisions for their security;

....7/-

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during winter season proper arrangements may be

made for fire with the funds of the local bodies and with the cooperation of the working social organisations blankets be also arranged for the persons staying in night shelters.

in coordination with the local health officer, urban bodies should make arrangements for investigation of health of all those poor persons staying in night shelters and will make arrangements for giving treatment in the Government hospitals;

as per the requirement of security of the goods of the poor persons residing in the night shelter, locker facility should also be provided;

separate place be provided for men and women in night shelters;

at the local level all the urban bodies with the cooperation of the working social organisations should also make arrangements for the supply of food on reasonable rates to the poor persons residing in the night shelter;

The above arrangements may be immediately made in the night shelters which have been constructed earlier by the local bodies, the State Government has directed that within six months, Commissioners of Municipal Corporations and Chief Municipal Officer, Municipality should make a survey of the homeless.

....8/-

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This affidavit filed by the State of Madhya Pradesh is very positive. We direct the State Government to start constructing night shelters for the homeless in a phased manner according to their affidavit and may submit the report in this Court within two months from today.

State of Nagaland:

In the affidavit, which has been filed on behalf of the State of Nagaland, it is mentioned that the State Government proposes to conduct a detailed survey through its own department or by engaging reputed organisations/institutions within a period of six months for all urban areas within the State. It is also mentioned that depending upon the results of the detailed survey, shelter homes would be constructed in a phased manner as may be necessary. The shelter homes will have basic requirements necessary for providing safe, secure and comfortable shelter for the homeless.

We expect the State of Nagaland to file an affidavit within a period of two months to ensure that entire programme is implemented.

State of Mizoram:

The State of Mizoram has stated in the affidavit that identification of urban homeless will be conducted in a comprehensive manner within six months and necessary facilities would be provided to the homeless in the shelters. In view of this affidavit, no further directions are warranted at this stage.

....9/-

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State of Rajasthan:

Learned Additional Advocate General appearing for the State of Rajasthan submits that formulation of the comprehensive policies would take about two months.

We direct the Chief Secretary of the State of Rajasthan to file an affidavit within two months indicating the progress made by the State in respect of providing shelters to the homeless in accordance with the standard norms.

State of Arunachal Pradesh:

An affidavit has been filed by the State of Arunachal Pradesh indicating that the problem does not exist in the State except in Itanagar where the population is more than one lakh. It is mentioned in the affidavit that "there is nobody who is homeless or orphan. In the event of death and demise of parents, village community takes over the responsibilities for the children leaving little or no scope for the destitution".

It is indeed a very happy situation in the State of Arunachal Pradesh but as regards Itanagar, an affidavit be filed within two months.

State of Gujarat:

In the affidavit filed by the State of Gujarat, it is mentioned that in the State there are four cities with a population of more than five lakhs, i.e., Ahmedabad, Vadodara, Rajkot and Surat. The affidavit is not clear about the issue, which this Court is dealing with.

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We direct the State of Gujarat to file an additional affidavit indicating within what period the State would be able to provide the shelters for homeless in the urban cities of Gujarat.

State of Himachal Pradesh:

In the affidavit filed on behalf of the State of Himachal Pradesh, it is mentioned that only Shimla has a population of more than one lakh in the State. One night shelter, which is already in existence, is being renovated and necessary facilities would be provided in the night shelter.

Therefore, in view of this affidavit, at this stage no further directions are warranted so far as this State is concerned.

State of Uttarakhand:

It is mentioned in the affidavit that Dehradun, Haridwar and Haldwani have a population of more than one lakh. One night shelter is already in existence in Dehradun and two night shelters are there in Haridwar. Haldwani also has one night shelter. The State Government has issued

directions to all the urban bodies to provide land free of cost for the establishment of additional night shelters in order to construct shelter for the entire shelterless people.

In the affidavit it is also mentioned that the urban local bodies are also directed to submit proposal for the up-gradation of existing night shelters basically for enhancing their accommodation capacities and to provide basic amenities, such as, blankets, potable drinking water, toilets, electricity connections, and regular health checkups.

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In view of this affidavit, in our

considered view, no further directions need to be issued as far as State of Uttarakhand is concerned at this stage.

State of Assam:

In an additional affidavit filed on behalf of the State of Assam, it is mentioned that they will undertake the survey and engage reputed organisations/institutions for this purpose and on the basis of the survey, additional shelters would be created or the existing shelters will be upgraded in the phased manner, as may be necessary. The shelters will have the basic requirements and necessary for providing safe, secure and comfortable shelter for the homeless.

We direct that an affidavit be filed by the State of Assam within a period of two months indicating whether the process has started or not.

State of Kerala:

In the affidavit filed on behalf of the State of Kerala, it is mentioned that nine shelters for the homeless have been established in the nine districts of Kerala.

In view of this affidavit, no further affidavit for the time being is required to be filed by this State.

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- 12 -

State of Jharkhand:

In the affidavit filed by the State of Jharkhand, it is mentioned that the Government of Jharkhand is committed to provide all required amenities, including night shelters for urban shelterless people.

It is further mentioned that out of 26 urban local bodies, shelters have been constructed in five cities, namely, Ranchi, Dhanbad, Chaibasa, Deogarh and Jasidih.

In view of this affidavit, no further affidavit for the time being is required to be filed by this State.

State of Sikkim:

It is mentioned that the problem of homeless does not exist in the entire State, but it is also incorporated in the affidavit that in case

such need arises, other facilities like mattresses, quilts/blankets, drinking water and toilets etc. would be provided.

In view of this affidavit, no further affidavit is required to be filed by the State of Sikkim.

State of Uttar Pradesh:

In the affidavit, it is mentioned that there are seven permanent night shelters and one temporary night shelter in the State. It is also mentioned in the affidavit that it proposes to construct permanent shelter homes in six metropolitan cities, such as, Lucknow, Kanpur, Agra, Allahabad, Varanasi and Meerut. The land required for construction of these shelter homes

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shall be provided free of cost either by the Nagar Nigam or Development Authority in each of the aforesaid six towns. The construction of such shelter homes shall be monitored at the local level by the concerned Divisional Commissioner. The financial requirement for the implementing the aforesaid proposal shall be met by the State urban development agency.

In principle, the State has agreed to provide night shelters according to the norms only to evaluate the progress made in the matter. We would like the State to file an affidavit within a period of two months.

Union Territory of Puducherry:

It is mentioned in the affidavit that so far 1102 tenements have been constructed in eight places in Puducherry. In these tenements 1102 homeless families have been provided with permanent shelters. Another 124 homeless families will be rehabilitated in 124 tenements, which are under construction.

In view of this affidavit, no further directions are necessary so far as Union Territory of Puducherry is concerned.

State of Karnataka:

The State of Karnataka has indicated in the affidavit that the State undertakes to conduct a comprehensive survey to identify the urban homeless within a period of six months. Based on the result of survey, necessary action will be taken to provide basic facilities so that people can enjoy the fundamental right of life with dignity.

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We direct the State of Karnataka to file an affidavit about the progress of their survey within a period of two months from today.

State of Punjab:

In the affidavit filed on behalf of the State of Punjab, it is mentioned that as regards the survey for identification of urban homeless, the Department of Urban Local Bodies and the Department of Rural Development and Panchayats have been directed to carry out the survey within two months. The Department of Urban Local Bodies will take action to provide night shelters and other services after the identification of homeless persons.

The Department of Social Security and Women and Child Development will provide community kitchen at an appropriate scale as per the directions of this Court.

The Department of Food, Civil Supplies and Consumer Affairs shall take action to issue AAY ration cards to the homeless population within one month after the completion of the identification subject to direction of this Court. The beneficiaries would be entitled to rations at the scale fixed by the Union Government by AAY families.

State of Meghalaya:

In the affidavit filed on behalf of the State of Meghalaya, it is mentioned that the State requires time to make survey of the shelterless population, including street children in the cities and two months' time has been prayed for this purpose by the learned counsel.

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We direct the State of Meghalaya to file an affidavit within a period of two months indicating the progress in the matter.

Union Territory of Andaman and Nicobar Islands:

The problem of homeless and destitution is not a serious problem in the Islands. Therefore, no directions are necessary to be passed so far as Union Territory of Andaman and Nicobar Islands are concerned.

State of Manipur:

Similarly, there is no existence of urban homeless people in this State. Therefore, no directions are necessary to be passed so far as this State is concerned.

State of Tamil Nadu:

An affidavit, which has been filed by the State of Tamil Nadu, does not focus on the problems of the shelter for homeless people.

We direct the State of Tamil Nadu to file an additional affidavit within a period of two months indicating as to what progress has been made in this regard by the State.

National Capital Territory of Delhi:

Mr. Hansraj, Additional Secretary, Department of Urban Development, Government of National Capital Territory of Delhi, has filed a very comprehensive affidavit. In the affidavit it is mentioned that Government of National Capital Territory of Delhi is in the process of formulating

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- 16 -

a policy framework and plan for caring and protecting the rights of homeless citizens of Delhi. Government of NCT Delhi has established an autonomous body called 'Samajik Suvida Sangam' or 'Mission Convergence' a society registered under the Societies Act to provide an institutional mechanism for unifying social policies impacting the poor and to integrate, establish, manage, operate, maintain and facilitate the integrated delivery of welfare entitlements to the underprivileged in an efficient and transparent manner. All the details have been given on behalf of the autonomous organisation. It has also mentioned that St. Stephen Hospital is the 'Mother NGO' for homeless. This project is being run by the Community Health Department of St. Stephen's Hospital. The 'Mother NGO' in consultation with

various stakeholders has submitted a report titled
'Policy Framework and Plan for Caring
and
Protecting the Rights of Homeless Citizens
of

Delhi'. A comprehensive annexure has also been
filed giving details of these plans. It is also
mentioned in the affidavit that 'Mission
Convergence' has initiated a survey of homeless and
that the survey is currently in progress and the
same is to be completed by 31st May, 2010.

Since
the survey of homeless is a specialized
work,
interactive meetings are being held with
an
international group, namely, UNDP, Bangladesh to
determine the methodologies of the homeless survey
and to finalize the same. In the affidavit, it is
mentioned that NGO, Samya had conducted survey and
identified 15000 homeless beneficiaries of which

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- 17 -

14,850 which have been approved for giving
'Homeless Cards'. These cards are being prepared
zonewise and the list is displayed at the Office of
the Assistant Commissioners/Circle Office for
distribution of the special homeless cards to the
beneficiaries after obtaining their biometric
impressions. The NGO, Samya has also been informed
to facilitate delivery of these cards to the
beneficiaries and enable them to lift the Specified
Food Articles and Kerosene Oil allocated from the
linked Fair Price Shop/Kerosene Oil Depot. Details
have been mentioned in the AAY programme.

It is mentioned in the affidavit that under
the Central Scheme of Food and Supplies Department,
Government of NCT of Delhi is carrying out review
of BPL/AAY household cards which were issued before
15th January, 2009. It is simultaneously carrying
out bio-metric identification of Head of family of
each household to eliminate fictitious bogus and
ineligible cards and those who have left Delhi.

Government of NCT of Delhi has started
'Hunger Free Delhi Campaign - Aap Ki Rasoi' with
the active participation of corporate and willing
organisation. This programme is to provide food to
the destitute people. The affidavit also mentioned
about the Mid Day Meal programme.

It is also mentioned in the affidavit that
there is Sarva Shiksha Abhiyan for out of school
children.

Regarding the shelter for homeless, it is
mentioned that currently Delhi has 88 night
shelters. Most of these shelters are temporary and
running in tents. The conditions of shelters need

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radical improvement. Looking to the population of Delhi, 130 permanent shelters are going to be set up. In addition to these, Delhi Government proposes to set up 50 temporary shelters during winter months. In total, Delhi will have 186 shelters during winters and 130 shelters all through the year and all kinds of basic facilities would be provided in these shelters. They have made provisions for de-addiction centres and recovery shelters also.

The Delhi Government has very minutely and carefully analysed the problems of homeless people living in these shelters and is trying to provide a comprehensive programme for the homeless.

We must compliment the Government of NCT of Delhi for this effort. We would like the Government of NCT of Delhi to file a further affidavit indicating what progress has been made on different fronts.

State of Bihar:

We are totally unsatisfied with the affidavit, which has been filed by the Chief Secretary of the State of Bihar. Learned counsel appearing for the State prays for and is granted four weeks' time to file a proper affidavit. We would like an additional affidavit to be filed with concurrence of the Chief Minister of the State.

State of Andhra Pradesh:

An affidavit has also been filed by the State of Andhra Pradesh. The Chief Secretary, in the affidavit, has mentioned that the State of Andhra Pradesh has been one of the first States in

the country to start a separate department for sustained effort for eradication of rural poverty called 'Society for Elimination of Rural Poverty' which has formulated the Andhra Pradesh Rural Poverty Reduction Project for a focused approach for elimination of rural poverty. It is also mentioned that situation of

urban poor living in slums requires special attention. Provision of pucca house for every homeless poor has been a pious purpose of the State Government. Regarding night shelters, it is mentioned that there are 124 Municipalities and Municipal Corporations in the State. Out of these, Hyderabad urban agglomeration is metro city with population of more than 57 lakhs. A special action plan has been formulated for providing shelters to the homeless. Under this, more than one lakh houses are under construction. Apart from this, it has plan to start 60 night shelters at the rate of one for every one lakh population in the city of Hyderabad before 31st December, 2010. These shelters would be fully occupied with beds and boardings, drinking water, lockers, first aid etc. The following measures are taken for effective implementation of this initiative:

Survey for identification of the shelterless people in the Greater Hyderabad is programmed to be taken up and completed by 31st May, 2010. Sixty buildings and converting them for use as night shelters to the shelterless people will be done by 30th June, 2010. If required, construction of additional floors will be constructed to accommodate all the homeless.

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Necessary facilities like arrangement of beds, blankets, clothing etc. medical, periodical health check up and psychiatric care, provision of physical amenities and cooking facilities to be created in the identified night shelters by 30th June, 2010. With a view to promote self sustenance and empowerment of the shelterless people, it is contemplated to provide suitable skill development trainings to them as a result of which they may get expected livelihood

opportunities by October, 2010.

The children of the shelterless, after their admission into the night shelter, will be referred

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for admission in the nearby schools for imparting elementary education by 30 June, 2010.

The inmates of the night shelters, both men and women will be separately accommodated with a provision of privacy and amenities.

The food

arrangements as per the recommendations of the dietist will be provided for maintaining the nutritional balance of particularly the pregnant women and lactating mothers in the shelters.

Sensitization through publicity about existence of night shelters in electronic media and print media for information to the homeless people in the city is also taken up on priority.

Corporate institutions and Philanthropic

agencies to be included in this activity for development of night shelters and services as part of their corporate social responsibility.

Launching of the enforcement drive so as to pick up the shelterless people from the highly concentrated areas, i.e., Railway terminals, bus terminals, busy commercial centres/markets, traffic junctions, traffic islands, foot-paths, public parks, below flyovers, along nallas, freight complexes and workstations etc.

The GHMC staff and reputed NGOs for this purpose will be involved in the process.

A periodical vigilance and supervision of the maintenance and function of night shelters is much important with a view to secure the decency, maintenance of discipline. For this purpose an officer will be made in-charge with the responsibility to alert the administration for taking the suitable steps for up-keeping the shelters.

Round the clock security to be provided along with necessary watch and ward and staff.

The role of NGOs is vital with respect to identification, location and maintenance of night shelters. The reputed NGOs of the city who involve in the programmes of social commitment will be identified for counselling the shelterless.

We would like to compliment the State of Andhra Pradesh for filing comprehensive affidavit and demonstrating great sensitivity in dealing with the grave human problem.

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The State has identified a large number of areas to solve the problems of urban families and others. The sensitivity, which has been shown by the State of Andhra Pradesh requires to be emulated by other States and Union Territories.

We direct the State of Andhra Pradesh to file an additional affidavit within two months to indicate the progress made in various fronts.

State of West Bengal:

We have perused the affidavit filed by the Principal Secretary to the Government of West Bengal.

The affidavit has covered various aspects but we would like the Principal Secretary to file an additional affidavit dealing with the problems of urban homeless people in the State of West Bengal.

Let the same be filed within a period of

two months.

State of Chhattisgarh:

The Joint Director, Urban Administration and Development, Government of Chhattisgarh, has filed an affidavit in which it is mentioned that there are ten cities in the States where the population is more than one lakh and in those cities night shelters have been provided.

In view of the above, no further affidavit is required to be filed by the State of Chhattisgarh.

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State of Tripura:

The Additional Resident Commissioner has filed an affidavit. In the affidavit, it is mentioned that only Agartala has more than one lakh of population and after proper survey, night shelters would be provided.

Let an affidavit in compliance be filed within a period of two months.

State of Maharashtra:

We direct the Chief Secretary of the State of Maharashtra to file a comprehensive report regarding problems of the urban homeless in the State of Maharashtra.

Let the same be done within a period of two months.

Place these matters on 21st July, 2010.

xxxxxxxxxx

I.A. No.90:

Place this application on 10th May, 2010.

xxxxxxxxxx

The term of Central Vigilance Committee appointed on Public Distribution System, which is due to expire on 30th June, 2010, is further

extended for another period of six months, i.e.,
upto 31st December, 2010.

Place the matters relating to Hon'ble D.P.
Wadhwa's Committee Report on 22nd July, 2010.

[Alka Dudeja]
A.R.-cum-P.S.

[Neeru Bala Vij]
Court Master

Item No.2

Court No.5
SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

Section PIL

W.P.(Civil) No. 196/2001

PEOPLE'S UNION FOR CIVIL LIBERTIES
Versus
UNION OF INDIA & ORS.

..Petitioner
..Respondents

WITH I.A.Nos. 27-30, 33,41,42,43,45 in I.A. No.41,46,47,51,52,55-57, 63-74,76,78-90,92-94, 96 & 98 IN WP (C) No.196/2001

(For direction, permission to file the application for direction, permission to place on record addl. Documents, taking on record the documents at annexure "A", permission to allow the applicant, condonation of delay in filing affidavit, modification, exemption from filing O.T., impleadment, permission to file rejoinder affidavit to counter affidavit of State of Maharashtra, modification of Court's Order dated 27.4.2004, 7.10.2004, 13.12.2006 & 22.4.2009, permission to Govt. of Maharashtra to implement Govt. Resolution dated 3.11.2007 in P.D.S. In Maharashtra State, comprehensive report submitted by Special Commissioner, Supreme Court direction to treat as I.A.vide Order dated 27.1.2010)

Contempt Petn. (Civil) No.99/2009 in W.P.(c) 196/2001

Date: 16/3/2010 These petitions were called on for hearing today.

CORAM:

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.,
Ms. Jyoti Mendiratta, Adv.,
Ms. Rajini Soren, Adv.,
Mr. Divya Jyoti, Adv.

For Respondent(s)

Mr. Mohan Parasaran, ASG
Mr. Vivek Tankha, ASG
M/s. SWA Qadri, Manpreet S. Doabia, D.L. Chidanand,
Kiran Bhardwaj, Krishna Kumar, R. Bastian,
Sudarshan Singh Rawat, Sushma Suri,
Saima Bakshi, D.S. Mahra, Advs.

For Haryana

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

For Gujarat

Mrs. Hemantika Wahi, Adv.
Mr. Somanath Padhan, Adv.,
Ms. Renuka Sahu, Adv.,

for Andhra Pradesh

Ms. Anuradha Rustogi, Adv.,
Mrs. D. Bharathi Reddy, Adv.

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

For Manipur Mr.Kh.Nobin Singh,Adv.,
Mr.Girish,Adv.

Mr.Pramod Swarup,Sr.Adv.,
Mr.R.K.Gupta,Adv.,
Mr.Rajiv Kumar Dubey,Adv.

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

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

Mr.A.K. Singh Tarun,Adv.,
Mr.Debasis Misra,Adv.,
Mr.B.P. Yadav,Adv.

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

for West Bengal Mr.Tara Chandra Sharma,Adv.,
Ms.Neelam Sharma,Adv.,
Ms.Pankhuri Shrivastava,Adv.

For Karnataka Mr.Sanjay R. Hegde,Adv.,
M/s.A. Rohan Singh,Ramesh S. Tadhav,
Ramesh K. Mishra, Vikrant Yadav,Advs.

Mr.Parijat Sinha,Adv.,
Ms.Reshmi Rea Sinha,Adv.,Mr.Vikram Ganguly,Adv.

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

Mr.Sanjay Kharde,Adv.,
Mrs.Asha G. Nair,Adv.

For Nagaland Mr.K.N. Balgopal,Sr.Adv.,
M/s.Rituraj Biswas, Balaji Srinivasan,Advs.

For Rajasthan Dr.Manish Singhvi,AAG
M/s.Devanshu Kumar Devesh,Milind Kumar,Advs.

For Jharkhand Mr.Kumar Rajesh Singh,Adv.,
Ms.Prerna Kumari Singh,Adv.,Mr.B.B. Singh,Adv.

Mrs.Aruna Mathur,Adv.
M/s.Amarjeet Singh Gissa, Vimal Dubey,Advs.

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

For Punjab Mrs.Jayshree Anand,Adv.,
Mr.K.K. Mahalik,Adv.,Mr.Ajay Pal,Adv.

Ms.Savitri Pandey,Adv.,
M/s.Sunita Gautam,Pradeep Mishra,S.K.Misra,Advs.

For MCD Mr.Sanjiv Sen,Adv.,
Mr.P.Parmeshwaran,Adv.,Ms.Anuja Chopra,Adv.

For Puducherry Mr.V.G. Pragasam,Adv.,
M/s.S.J. Aristotle, Prabu Rama Subramanian,Advs.

For Tamil Nadu Mr.T.Harish Kumar,Adv.
Mr.P.Prasanh,Adv.,Mr.V. Vasudevan,Adv.

For J & K Mr.Anis Suhrawardy,Adv.
M/s.S.Mehdi Imam, Mohd.Parvez Dabas,
Tabrez Ahmed,Advs.

Ms.Rachna Srivastava,Adv.
For DDA Mr.V.B. Saharya,Adv.,Mr.Viresh B. Saharya,Adv.
M/s.Milind Kumar,Jana Kalyan Das, BV Balram Das,
Indira Sawhney,Kamini Jaiswal,Ranjan Mukherjee,
Anjana Chandrashekar, Ramesh Babu M.R.,Sumita
Hazarika,A.Subhashini,Kuldip Singh,R.K.Adsure,
Prashant Kumar, Vishwajit Singh,K.V. Mohan,Rajesh
Srivastava, Anuvrat Sharma,R.C. Kaushik,V.R.
Anumolu,G.Prakash, S.M.Jadhav,Anil Kumar Jha,
Vikas Mehta,Naresh K.Sharma,Jatinder Kr.Bhatia,
R.P. Mehrotra,Debasis Misra,Advs.

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

In pursuance to the order dated 10.2.2010
passed by this court, following States and Union
Territories have filed their affidavits:Tamil Nadu, Assam,
Chhatisgarh, Rajasthan, Haryana, Bihar, Kerala, West-
Bengal, Manipur, Uttaranchal, Himachal Pradesh, Guajrat,
Tripura and Maharashtra. One more opportunity is
granted to the remaining States and UTs to file their

respective affidavits failing which concerned Secretary of the State shall remain present in Court. The affidavit shall be filed within two weeks from today with an advance copy to the petitioner, learned counsel for the Union of India. Rejoinder, if any, to the said affidavit be filed within one week thereafter. On the next date of hearing, I.A.No. 90, 94 , 96 and 98 would be taken up for hearing and immediately after conclusion of these I.As. other subject matter would be taken up for hearing. The counsel are directed to complete pleadings and take instructions in those I.As.

Mr. Mohan Parasaran, learned ASG appearing for the Government of Delhi has submitted a compliance report in pursuance to the order of this Court dated 10.2.2010. In the Status Report it is indicated that grant of AAY status to homeless people, the quantity of specified food articles to be supplied is 25 Kgs. of wheat and 10 Kgs. of rice, 6 Kgs. sugar and 22 litres of kerosene oil (if not a gas user). However the rates of wheat and rice are less for AAY card holders but rate of sugar and kerosene oil is the same for both categories. Since AAY card holders for homeless are mostly for a single person, quantity of wheat and rice has been fixed at 10 Kgs. and 5 Kgs. respectively and kerosene oil 10 litres per month. Provision for supply of specified food articles is made for 14850 card holders with effect

from March 2010.

It is also mentioned in the Status Report that the Government of N.C.T. of Delhi has created a Committee for Homeless under "Mission Convergence" and has also appointed NGOs for the purpose of distributing cards for homeless as well as for surveying the further eligible homeless people.

It is further submitted in the Status Report that survey of homeless people was carried out by the Mission Convergence (Samajik Suvidha Sangam) and two phases are already over.

The Chief Secretary in Meeting dated 22.1.2010 desired the survey of homeless people already undertaken by the Mission to be completed by 31.5.2010 so that the cards can be issued to the homeless people. Regarding the issuance of grant of AAY cards to homeless instead of BPL, it is submitted that there is a survey being carried out by the Mission for identifying vulnerable and most vulnerable household. Further homeless would be identified under that survey and whatever benefits are given to them will also be given to 14850 homeless people identified by SAMYA-NGO including those cards already issued. The features of Mission Convergence Scheme have already been highlighted in the affidavit.

It is also mentioned in the Status Report that issue of

AAY cards to Myanmar refugees who fall below the poverty line, the Mission has been requested that while conducting survey of homeless, vulnerable and most vulnerable household living in Delhi, the Myanmar refugees be also surveyed and a separate report will be submitted in respect of those who are found eligible so that their case could be considered for issue of cards. Mr. Parasaran submits that a proper affidavit will also be filed by the concerned Secretary to the Govt. of N.C.T. of Delhi explaining these aspects and other aspects within two weeks.

Learned counsel for the petitioner has placed copy of the extract of main recommendations of Justice Wadhwa Central Vigilance Committee Report. The counsel for the parties would be at liberty to obtain copy of the same from the Registry on usual payment.

I.A.No.90 filed by the State of Maharashtra, copies of the same have been given to the learned counsel for the parties. Reply to this application be filed within two weeks with an advance copy to the learned counsel for the applicant. Rejoinder, if any, to the said reply be filed within a week thereafter.

I.A.No.98 filed by the Ministry of Health and Family Welfare. Reply to the said application shall be filed within two weeks. Rejoinder, if any, within a week

thereafter.

I.A.Nos.90, 94, 96 and 98 would be taken up for hearing and disposal on next date of hearing.

List on 7.4.2010.

(V.K.Sharma)
AR-cum-PS

(Neeru Bala Vij)
Court