

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 Girsal,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.

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

Mr. Sunil Fernandes,Adv.
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Mr. Ramesh Babu M.R.,Adv.

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Mr. K.K. Mahalik,Adv.
Mr. Ajay Pal,Adv.

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

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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.

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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.
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Ms. Beena Prakash,Adv.
Mr. V. Senthil,Adv.

Mr. Navneet Kumar,Adv.

Mr. Anil Kumar Jha,Adv.

Mr. Vikas Mehta,Adv.

Mr. Pramod Swarup,Sr.Adv.

Mr. Raj Kumar Gupta,Adv.

Mr. Rajiv Dubey,Adv.

Mr. Prakash Kumar Gupta,Adv.

Mr. Kamendra Mishra,Adv.

Mr. Naresh K. Sharma,Adv.

Mr. Anis Suhrawardy,Adv.

Mr. S. Mehdi Imam,Adv.

Mr. Tabrooz Ahmed,Adv.

Mr. S.M. Jadhav,Adv.

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

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