

WP(C) No. 196 of 2001

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ITEM NO.71

COURT NO.3

SECTION PIL

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

IA Nos. 94 & 96 in
WRIT PETITION (CIVIL) NO(s). 196 OF 2001

PEOPLE'S UNION FOR CIVIL LIBERTIES

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(For directions and report submitted by Commissioner and Special
Commissioner of Supreme Court directed to be treated as IA vide
order dated 27.01.2010)

[REGARDING STATES OF MAHARASHTRA, ASSAM, PUNJAB, HARYANA
UTTARAKHAND, CHHATTISGARH, GUJARAT, NAGALAND, GOA, TRIPURA,
SIKKIM, JAMMU & KASHMIR AND KERALA]
WITH IA NO. 82/2008 in WP (C) No. 196/2001
[PEOPLE'S UNION FOR CIVIL LIBERTIES V. UNION OF INDIA & ORS.]
[FOR DIRECTIONS]

Date:27/02/2012 These Applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s)

Mr. Colin Gonsalves, Sr. Adv.
Ms. Amey Shukla, Adv.
Ms. Jyoti Mendiratta, Adv.

Mr. Naushad Ahmad Khan, Adv.
Mr. Jaward Hussain Khan, Adv.
Mr. R.C. Kaushik, Adv.

For Respondent (s)

For FCI

Ms. Indra Sawhney, Adv.

For MCD

Mr. Sanjiv Sen, Adv.

Mr. Ujjal Banerjee, Adv.

Mr. P. Parmeswaran, Adv.

For NDMC

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Mr. Sanjiv Sen, Adv.

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Mr. Ujjal Banerjee, Adv.

Ms. Charu Ambwani, Adv.

Mr. Prashant Kumar, Adv.

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For DDA

Mr. Vishnu B. Saharya, Adv.

For M/s. Saharya & Co., Adv.

FOR THE STATES OF

Andhra Pradesh

Ms. D. Mahesh Babu, Adv.

Mr. Mayur R. Shah, Adv.

Ms. Savita Dhanda, Adv.

Mr. Amit K. Nain, Adv.

Ms. Suchitra H., Adv.

Arunachal Pradesh

Mr. Anil Shrivastav, Adv.

Mr. Rituraj Biswas, Adv.

Assam

Mr. Riku Sarma, Adv.

Mr. Navnit Kumar, Adv.

For M/s. Corporate Law Group, Adv.

Bihar

Mr. Gopal Singh, Adv.

Mr. Manish Kumar, Adv.

Chhatisgarh

Mr. Atul Jha, Adv.

Mr. Sandeep Jha, Adv.

Mr. Dharmendra Kumar Sinha, Adv.

Goa

Ms. A. Subhashini, Adv.

Gujarat

Ms. Hemantika Wahi, Adv.

Mr. Rojalin Pradhan, Adv.

Haryana

Mr. Manjit Singh, AAG.

Mr. Tarjit Singh, Adv.

Mr. Kamal Mohan Gupta, Adv.

Himachal Pradesh	Mr. Naresh Kumar Sharma, Adv.
Jammu & Kashmir	Mr. Sunil Fernandes, Adv. Ms. Astha Sharma, Adv. Mr. Krishanu Adhikary, Adv. Ms. Vernika Tomar, Adv.
Jharkhand	Mr. Gopal Prasad, Adv.
Karnataka	Mr V.N. Raghupathy, Adv.
Kerala	Ms. Bina Madhavan, Adv.
Madhya Pradesh WP(C) No. 196 of 2001	Mr. Vikas Upadhyay, Adv.

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	Mr. B.S. Banthia, Adv.
Maharashtra	Mr. Sanjay V. Kharde, Adv. Ms. Asha G. Nair, Adv.
Manipur	Mr. Khwairkham Nobin Singh, Adv. Mr. Sapan Biswajit Meitei, Adv. Mr. Tech Poto, Adv.
Meghalaya	Mr. Ranjan Mukherjee, Adv. Ms. Garima Bose, Adv.
Mizoram	Mr. Pragyan P. Sharma, Adv. Mr. Rupesh Gupta, Adv. Ms. Mandakini Sharma, Adv. Mr. P.V. Yogeswaran, Adv. Mr. Gautam Dhamija, Adv. Mr. K.N. Madhusoodhanan, Adv. Mr. R. Sathish, Adv.
Nagaland	Mr. Edward Belho, Adv. Ms. K. Enatoli Sema, Adv. Mr. Amit Kumar Singh, Adv. Mr. Nimshim Vashum, Adv. Mr. P. Athuimei R. Naga, Adv. Mr. Khusisato Inolu, Adv.
N.C.T. of Delhi	Mr. Mohan Parsaran, ASG.

...3/-

Mr. D.L. Chidanand, Adv.
Ms. Sunita Sharma, Adv.
Mr. S. Wasim A. Qadri, Adv.
Ms. Sushma Suri, Adv.
Mr. D.S. Mahra, Adv.
Ms. Anil Katiyar, Adv.
Mr. B. Krishna Prasad, Adv.
Mr. B.V. Balaram Das, Adv.

Orissa Mr. Suresh Chandra Tripathy, Adv.
Mr. Dilip Kumar Sharma, Adv.

Punjab Mr. Kuldip Singh, Adv.
Mr. R.K. Pandey, Adv.
Mr. H.S. Sandhu, Adv.
Mr. Mohit Mudgil, Adv.
Mr. Vijendra Kumar, Adv.
Mr. Shaikh Chand Saheb, Adv.

Rajasthan Dr. Manish Singhvi, AAG.
Mr. Ashutosh Kumar Singh, Adv.
Mr. Irshad Ahmed, Adv.

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Sikkim Ms. Aruna Mathur, Adv.
Mr. Yusuf Khan, Adv.
For M./s. Arputham, Aruna & Co., Advs.

Tamil Nadu Mr. B. Balaji, Adv.

...4/-

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

Uttarakhand Mr. Rahul Verma, Adv.
Ms. Rachna Srivastava, Adv.

Uttar Pradesh Mr. Pramod Swarup, Sr. Adv.
Mr. Raj Kumar Gupta, Adv.
Mr. Rajeev Dubey, Adv.
Mr. Kamlendra Mishra, Adv.

West Bengal Mr. Soumitra G. Chaudhuri, Adv.
Mr. Abhijit Sengupta, Adv.

Ms. Sampa Sengupta Ray, Adv.
Mr. Piyush, Adv.

FOR THE UNION TERRITORIES

Andaman & Nicobar Mr. Rituraj Biswas, Adv.
Mr. D.S. Mahra, Adv.

Chandigarh Mr. Manpreet Singh Doabia, Adv.
Ms. Sudarshan Singh Rawat, Adv.

Dadra & Nagar Haveli Mr. S.W.A. Qadri, Adv.
Mr. Rituraj Biswas, Adv.
Mr. D.S. Mahra, Adv.

Daman & Diu Mr. S.W.A. Qadri, Adv.
Mr. Rituraj Biswas, Adv.
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Lakshadweep Mr. S.W.A. Qadri, Adv.
Mr. Rituraj Biswas, Adv.
Mr. D.S. Mahra, Adv.

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

WP(C) No. 196 of 2001 Mr. T.V. George, Adv. (NP)

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Mr. Aruneshwar Gupta, Adv. (NP)

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

Mr. Anis Suhrawardy, Adv. (NP)

Ms. Kamini Jaiswal, Adv. (NP)

Mr. Pradeep Misra, Adv. (NP)

...5/-

Mr. Tara Chandra Sharma, Adv. (NP)

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

Ms. D. Bharathi Reddy, Adv. (NP)
Mr. Shivaji M. Jadhav, Adv. (NP)
Mr. Anil K. Jha, Adv. (NP)
Mr. Chander Shekhar Ashri, Adv. (NP)
Mr. Ramesh Babu M.R., Adv. (NP)
Mr. Sanjay R. Hegde, Adv. (NP)
Mr. Vishwajit Singh, Adv. (NP)
Mr. Rajesh Srivastava, Adv. (NP)
Mr. Jatinder Kumar Bhatia, Adv. (NP)
Mr. Ravi Prakash Mehrotra, Adv. (NP)
Ms. Sumita Hazarika, Adv. (NP)
Mr. Ravindra Keshavrao Adsure, Adv. (NP)
Mr. S. Thananjayan, Adv. (NP)
Mr. Vikas Mehta, Adv. (NP)
Ms. Anjana Chandrashekar, Adv. (NP)
Mr. Anuvrat Sharma, Adv. (NP)
Mr. Chandra Bhushan Prasad, Adv. (NP)
Mr. G. Venkateswara Rao Anumolu, Adv. (NP)

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

Mr. Colin Gonsalves, learned Senior Counsel
appearing for the petitioner has placed before

this court a report of Joint Inspection of Homeless Shelters in the States of Bihar, Chhattisgarh, Gujarat, Jharkhand, Madhya Pradesh, Rajasthan, Tamil Nadu, Uttar Pradesh, West Bengal and Karnataka. The Reports regarding remaining States would be submitted within two weeks from today.

A number of deficiencies have been pointed out in the functioning of the shelter homes which were jointly inspected by the parties. The States and the Union Territories are directed to rectify those deficiencies as expeditiously as possible.

Mr. Gonsalves has also pointed out some fundamental shortcomings in the night shelters provided by some States. This Court has repeatedly mentioned in a number of orders that basic facilities must be provided in the night shelters. It must be the endeavour of each State to ensure that in compliance of Article 21 of the

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Constitution of India, life of homeless people must be properly protected and preserved.

We are of the opinion that proper Rules and Regulations for monitoring night shelters must be enacted by each State and the Union Territories which would have some statutory force.

Learned Senior Counsel appearing for the petitioner, Mr. Mohan Parasaran, learned Additional Solicitor General and other learned counsel representing the States and Union Territories have agreed that for long terms solution of the problem it is imperative to have proper rules and Regulations.

Mr. Gonsalves, learned Senior Counsel has undertaken to prepare a Draft Manual within one week and give it to the learned Additional Solicitor General and other counsel who may carefully look into it and give their suggestions within four weeks thereafter. Learned Senior Counsel for the petitioner is granted one week's time thereafter to respond to the suggestions given by the States and Union Territories. It is

further directed that the learned counsel for the

States and the Union Territories are at liberty to involve concerned officials of the Government and other authorities and design shelter homes according to the particular geographical or other requirements of each State/Union Territory. Comprehensive Rules and Regulations be prepared by the various States and the Union Territories.

We direct all the States and Union Territories to file additional affidavit giving upto date position regarding night shelters in the respective States and Union Territories. Let it be filed within three weeks with an advance copy to the learned counsel for the petitioner.

List the matter on Monday, the 9th April, 2012.

IA NO. 82

Reply has not been filed by all the States and Union Territories. We direct concerned States and Union Territories to file their replies within three weeks with an advance copy to the learned

counsel for the petitioner who would be at liberty

to file rejoinder, if any, within a week

thereafter.

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List the application on Monday, the 9th
April, 2012.

[KALYANI GUPTA]
COURT MASTER

[INDU SATIJA]
COURT MASTER