

ITEM NO.44

COURT NO.14

SECTION PIL-W

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

Writ Petition(s)(Civil) No(s). 55/2003

E.R. KUMAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

IA No. 1/2014 - APPLICATION FOR IMPLEADMENT
IA No. 174070/2018 - APPLICATION FOR PERMISSION
IA No. 163328/2018 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 184603/2022 - EXEMPTION FROM FILING O.T.
IA No. 181960/2022 - EXEMPTION FROM FILING O.T.
IA No. 179243/2022 - EXEMPTION FROM FILING O.T.
IA No. 195428/2022 - EXEMPTION FROM FILING O.T.)

WITH

W.P.(C) No. 413/2020 (PIL-W)
(ALONGWITH RECORD/PAPERS OF W.P(C) NO 55/2003
IA No. 76436/2020 - AMENDMENT OF THE PETITION
IA No. 40224/2020 - EX-PARTE STAY
IA No. 40222/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

W.P.(C) No. 572/2003 (PIL-W)
(FOR ON IA 1/2003 FOR INTERIM DIRECTIONS)

Date : 20-01-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE DIPANKAR DATTA

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

We have heard learned counsel for the parties. It was urged on the behalf of the petitioner that all issues which needed to be addressed in terms of the previous order of this Court dated 11.10.2022 and the note furnished by the petitioner on 27.11.2022 have been in fact dealt with in the affidavits filed by the States. Learned counsel for the petitioner has handed across the Bar the charts containing the inadequacies of the few States. For the sake of clarity, it is hereby directed that the States shall file

affidavit containing specific and pointed details with respect to the following points :-

1. Population of the urban homeless in the State- details of surveys conducted, dates of the surveys and methodology.
2. Number of urban homeless shelters prescribed formula of one 100 bedded permanent shelter for every one lakh population of the city and town in each State/UT (or 2 shelters with capacity of 50); and how many such shelters are operational; with reasons for lesser numbers if any, and a time frame in which the prescribed number will be constructed and made operational.
3. Capacity of shelters, and if these fall below the prescribed capacity, reasons for this, and time frame in which the prescribed capacity will be accomplished.
4. Details of provision of facilities, and if these fall below the minimum facilities that are prescribed capacity, reasons for this, and time frame in which the prescribed facilities will be accomplished.
5. Location of shelters: are these located near railway and bus stations, commercial and industrial hubs, and large public hospitals?
6. Number and type of special shelters: are at least one-third shelters for single women with children? If these fall below the prescribed numbers, reasons for this, and time frame in which the prescribed numbers will be accomplished.
7. Number of recovery shelters for homeless people with TB, HIV AIDS, orthopedic injuries, pregnancy etc?
8. Is there requirement of any ID or other documentary proof required for the homeless to access the shelters? If so, why is this prescribed, in violation of SC guidelines?

9. Entitlements - Has every homeless shelter also been developed as an entitlement centre for provision of Aadhar cards, ration cards voter ID and bank accounts to homeless persons? If so, how many Aadhar cards, ration cards, voter IDs, and bank accounts have been provided to homeless persons from 2020-2022 in each city or town in the State/UT?

10. Details of facilities for women and children, including ICDS and day-care centres for children when the mother go out for work?

11. Staff of the shelter- is there one full time manager and 3 care givers?

12. Are monitoring grievance redressal and social audit systems established? Are there systems in place for regular independent third-party quality audits of the shelters? If so, give details including the members of these audit teams, their findings and actions taken? If not, explain why?

13. District and state level monitoring committees - details of members of the committees and meetings held, decisions taken and consequent actions?

14. Are shelter permanent, well -ventilated and disabled friendly?

15. Has every homeless shelter been converted into a sub-health centre with at least one mulch-purpose health worker and ASHA? If not, why not, and in what time frame will this requirement be fulfilled?

16. key highlights of the State Level Shelter Monitoring Committees established by the Supreme Court.

Having head counsel for the parties, the Court is also of the opinion that following States Uttar Pradesh, Madhya Pradesh, Rajasthan, Haryana, Punjab, Delhi, Jammu & Kashmir, Uttrakhand,

Himachal Pradesh, Bihar and West Bengal should file status report, on the winter plan and temporary measures which have been initiated for the urban homeless as well as for the construction of temporary shelters rescue teams.

It was submitted lastly that some of the service providers and State Shelter Management Agencies have not been paid their dues. The concerned State Government shall look into this aspect and take expeditious action after scrutinising pending bills.

The affidavit on the above aspect shall be filed in two weeks.

List after two weeks.

(DEEPAK JOSHI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)