

People's Union for Civil Liberties

v.

Union of India & Others

(Supreme Court Of India)

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

People's Union for Civil Liberties v. Union of India & Others

Interlocutory Application No. 94 In Wp (C) No. 196 Of 2001 | 20-01-2010

1. Mr. Colin Gonsalves, learned Senior Counsel has drawn our attention to the report of Dr.N.C. Saxena, Commissioner and Harsh Mander, Special Commissioner of the Supreme Court.
2. The reference has been given to the number of deaths which have taken place because of extreme cold whether in Delhi for last few weeks.
3. In the report it is mentioned that it must be realized that malnutrition and hunger which are underlying causes are making people susceptible to extreme weather conditions.
4. There is ample scientific evidence that shows that due to an increase in the basal metabolism rate (BMR) with a fall in temperature, higher calories are required by the body to maintain body temperature. For instance a report of the World Health Organisation on Nutritional Needs in Emergencies states, "a cold environment increases as individual's energy expenditure especially if shelter, clothing and/or heating are inadequate". Current convention uses an average temperature of 20°C as a base, adding an allowance of 100 Kcal for every 5°C below 20°C.
5. It is mentioned that Delhi is witnessing some of the coldest temperatures in the last decade and the Government of Delhi has not taken the required steps to protect the people living on the streets from the extreme weather. While during the last year, there were 46 shelters during winters, which included 17 permanent shelters and 29 temporary shelters, this year the number has been reduced to 33 (17 permanent + 16 temporary shelters). Further, out of these 16 shelters, one was demolished. It is imperative that the Government of Delhi responds to this situation immediately by setting up more shelters and protecting homeless people from the cold.

6. In the report it is also mentioned that in spite of repeated reminders from this Court, the Government of Delhi is yet to distribute ration cards to homeless people in Delhi for nearly three years after these directions. The Commissioners had directed the Delhi State Government in its letter of March 2007, to cover the homeless population by AAY cards in six months from the date of instruction. The Delhi Government decided in the deliberations of the Cabinet that homeless families would be identified among the poorest of the poor.

7. In compliance with these decisions and instructions, the Commissioner of Food and Civil Supplies, Government of Delhi, undertook with the help of civil society organizations a massive survey over the last seven months of homeless families in many corners of the city. Up to now, it completed the survey of around 15,000 urban homeless families. While some of these people were symbolically given ration cards by the Chief Minister in a public function on 15-8-2009, none of them have yet been able to lift any ration using these cards. Further, most of these identified by the survey are yet to even receive ration cards.

8. In this the Commissioners have sought further directions, which are as follows:

1. Direct the Government of Delhi, the Municipal Corporation of Delhi, the New Delhi Municipal Corporation and Cantonment Board to set up at least 100 temporary shelters for people living on the streets within the next one week.

2. Direct the Government of Delhi, the Municipal Corporation of Delhi, the New Delhi Municipal Corporation and Cantonment board to set up at least 140 permanent shelters for people living on the streets by December 2010.

3. Direct the Government of Delhi to set up at least 500 community kitchens across the city, providing nutritious and cheap, cooked food.

4. Issue AAY ration cards for all homeless people in Delhi, with a validity of at least two years renewable if they remain homeless in Delhi, latest by 31-3-2010

5. Direct the Government of Delhi, the Municipal Corporation of Delhi and the New Delhi municipal Corporation and Cantonment Board to file an affidavit in the Supreme Court on the steps undertaken to protect the food and shelter rights of homeless people in the city, by 15-2-2010.

9. Issue notice.

10. Looking to the great urgency of the matter, we request the learned Additional Solicitor General to take instructions in the lunch hour and would take up this matter at 2.00 p.m. again.

11. In pursuance to the notice given at 10.30 a.m., Mr.Mohan Parasaran, learned Additional Solicitor General has taken instructions from the officials of the Delhi Administration. He assured the Court that all those who are without shelters would be provided shelters on priority basis. In the shelter homes they would also ensure that the basic amenities are provided, such as, blankets, water and mobile toilets. Mr. Mohan Parasaran assured us that by this evening the necessary arrangements would be made and, on the electronic media and other modes, the people would be informed about the location of the shelter homes where they could go and take shelter.

12. Mr. Harsh Mander, Special Commissioner of the Supreme Court, is also present in Court. M. Parasaran submits that he would be associated with the whole process and also in the meeting scheduled to be held at 4.30 p.m. We appreciate the immediate steps which have been taken by the Delhi Administration.

13. Mr. Parasaran further submits that regarding the other grievance, which has been articulated by Mr. Colin Gonsalves, learned Senior Counsel, regarding the issuance of AAY cards to the homeless, he requires some more time to take appropriate instructions and would file a short affidavit on or before Tuesday i.e. 26-1-2010. I.A.No.94

14. Issue notice, returnable within next week. Dasti service, in addition, is permitted.

15. Notice be additionally served on Mr. Rajesh Srivastava, Standing Counsel for the State of Chhattisgarh.

16. In the meanwhile, we request Dr. N.C. Saxena, Commissioner and Mr. Harsh Mander, Special Commissioner of the Supreme Court to submit a report about the actual position, particularly which is prevailing in Bijapur District and Dantewada District.

17. Place this matter on 27-1-2010.