

People's Union for Civil Liberties (Night Shelter Matters)

v.

Union of India & Others

(Supreme Court Of India)

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

Interlocutory Application No. 94 & 96 In Wp (C) No. 196 Of 2001 With Ia No. 82 Of 2008  
In Wp (C) No. 196 Of 2001 | 27-02-2012

1. 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 the 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.

2. 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 with Article 21 of the 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.

3. The 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-term solution of the problem it is imperative to have proper rules and regulations.

4. 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. The learned Senior Counsel for the petitioner is granted one week's time thereafter to respond to the suggestions given by the States and the Union Territories. It is further directed that the learned counsel for the States and the Union Territories are at liberty to involve the officials concerned 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.

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

6. List the matter on Monday, 9-4-2012.

IA No. 82

7. Reply has not been filed by all the States and the Union Territories. We direct the States and the Union Territories concerned 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.

8. List the application on Monday, 9-4-2012.