

ITEM NO.301

COURT NO.9

SECTION PIL(W)

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

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

E.R. KUMAR & ANR.

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(With appln.(s) for impleadment and office report)

WITH

W.P.(C) No. 572/2003

(With Office Report)

Date : 30/10/2015 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mr. E.R. Kumar,
Petitioner-in-person

Mr. Prashant Bhushan, AOR
Mr. Syed Musaib, Adv.
Mr. T. Sudhakar, Adv.
Ms. Amita Joseph, Adv.
Mr. Aditya Shrivastava, Adv.

For Respondent(s) /
Applicant(s)
Union of India

Ms. Pinky Anand, ASG
Ms. V. Mohana, Sr. Adv.
Ms. Sunita Sharma, Adv.
Ms. Sunita Rani Singh, Adv.
Ms. Rashmi Malhotra, Adv.
Ms. Soumya Rathore, Adv.
Mr. D.S. Mahra, AOR
Ms. Sushma Suri, AOR
Mr. B.V. Balaram Das, Adv.

Signature Not Verified

Digitally signed by
Sanjay Kumar
Date: 2016.11.02
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Reason: —

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

We have heard Mr. E.R. Kumar, petitioner-in-person, Mr. Prashant Bhushan, learned counsel appearing for one of the petitioners and learned Additional Solicitor General.

We have also gone through the affidavit filed by Mr. Sailesh Jogiani, Under Secretary to the Government of India, Ministry of Housing & Urban Poverty Alleviation (UPA Division), Nirman Bhavan, New Delhi.

At the outset, we may note that in spite of several orders passed by us, there has been inadequate compliance.

Today, we are told by learned Additional Solicitor General that in fact an amount of rupees one thousand crores released under the NULM does not pertain only to urban homeless but pertains to other activities also. Since in these petitions, we are concerned only with urban homeless, an affidavit should be filed indicating the amount, out of rupees one thousand crores, that has been given to various States and Union Territories, specifically attributable to urban homeless.

The affidavit should indicate the State-wise distribution of the amount attributable to urban homeless and whether the accounts have been audited or not.

With regard to the progress of shelters for urban homeless under NULM for the year 2014-15 and 2015-16, it is pointed out in the affidavit that 440 proposals have been approved or sanctioned for new construction or refurbishment. The number of shelters that have been completed is only 75. Out of these 75 completed shelters, 70 of them are operational.

We find from the affidavit that 19 States/Union Territories have not sanctioned any proposals for urban homeless shelters under the Shelters for Urban Homeless component of the NULM.

We are told by learned Additional Solicitor General that after filing the affidavit, responses have been received by the concerned Ministry from 11 or 12 States/Union Territories.

We would like the concerned Ministry to file an affidavit in the form of a composite chart indicating the date of completion of the proposals that have been sanctioned or approved by the State Governments/Union Territories and the estimated expenditure to be incurred in the new construction or refurbishment of Shelters for Urban Homeless.

The affidavit should also indicate the steps taken by the Ministry for monitoring the expenditure of these amounts and follow up on the new construction or

refurbishment.

We had also noted in our order dated 18th September, 2015 the submission of Mr. Prashant Bhushan that the basis on which shelters will be provided has not been indicated although the number of proposals approved or sanctioned has been indicated. Learned Additional Solicitor General stated that some guidelines in this respect are available and that they will be placed on record.

We have gone through the guidelines which have been filed along with the affidavit of Mr. Sailesh Jogiani, but we find that they do not address the submission made by Mr. Prashant Bhushan. Learned Additional Solicitor General says that this will also be adverted to specifically in the affidavit to be filed as well as the details with regard to the functioning of the State Level Committees/City Level Committees.

Learned Additional Solicitor General says that the affidavit will be filed positively within four weeks. We make it clear that time for this purpose will not be extended except upon payment of heavy costs since we are dealing with homeless persons. We also make it clear that in case the States/Union Territories do not respond to the request made by the Ministry, we may have to summon the Chief Secretary of the concerned State/Union

Territory so that the facts are made available to us on affidavit.

Learned Additional Solicitor General says that she will communicate this order to all the Chief Secretaries requesting them to respond at the earliest so that the affidavit is filed well within time.

The affidavit should also state in a tabular form the number of shelters for urban homeless that are planned for each State/Union Territory.

List these matters on 4th December, 2015.

(SANJAY KUMAR-I)
AR-CUM-PS

(JASWINDER KAUR)
COURT MASTER