

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 55 of 2003

E.R. KUMAR & ANR

.....Petitioner(s)

Versus

UNION OF INDIA & ORS

.....Respondent(s)

With

WRIT PETITION (CIVIL) NO. 572 of 2003

DEEPAN BORA

.....Petitioner(s)

Versus

UNION OF INDIA

.....Respondent(s)

INTERIM REPORT

THE HON'BLE SUPREME COURT WAS CONCERNED ABOUT THE PLIGHT OF PERSONS, LIVING AND SLEEPING ON PAVEMENTS, RAILWAYS STATIONS, ETC. IN AN UNHYGIENIC AND INHUMAN CONDITIONS AND RECOGNIZING THE RIGHT PROVIDED UNDER THE CONSTITUTION TO SUCH PERSONS GAVE DIRECTIONS TO STATES/UT's TO PROVIDE SHELTERS TO THEM.

Constitution of Committee

Noticing that in spite of several directions issued by us, the infrastructure for the shelter homes has not been achieved. Union of India has been constantly claiming steady progress but the NALSA report suggests to the contrary. Providing the requisite infrastructure is only the first step. Thereafter the other facilities have to be ensured. The mission of NULM remains a distant dream even after the lapse of a long period, and a careful consideration of the submissions of the parties and the material on record discloses that the destitute in urban areas continue to suffer without shelters. The Union of India has formulated a Scheme and released huge amounts of money to the State Governments. The State Governments are responsible for the implementation of the Scheme. The reasons for non utilization of funds for the welfare scheme are not forthcoming, and in spite of the

availability of funds and a clear mechanism through which to disburse them, we see an extremely unsatisfactory state of affairs on the ground. This is despite our continuous monitoring of the matter. Yet another winter approaches and enough has not been done for protection of many homeless in our towns/ cities. This Hon'ble Court directed as follows.

A Committee is constituted which will have Mr. Justice Kailash Gambhir, retired Judge, High Court of Delhi as its Chairman with an officer of the Joint Secretary cadre from the Ministry of Housing & Urban Poverty Alleviation to be deputed by the Union of India and an officer, Serving or retired, from the Delhi Judicial Service to be nominated by the Chief Justice of the High Court of Delhi on consultation with the Chairperson of the Committee as Members. The last mentioned shall be the Member Secretary of the Committee.

The Ministry of Housing and Urban Poverty Alleviation shall be the Nodal Ministry to provide all logistical support to the Committee.

The Committee shall cause physical verification of the available shelters for urban homeless in each State/UT.

The Committee shall also verify whether the shelters are in compliance of the operational guidelines for the Scheme of Shelters

for Urban Homeless under the National Urban Livelihoods Mission (NULM).

The Committee shall inquire into the reasons for the slow progress in the setting up shelter homes by the States/UTs.

The Committee shall further inquire about the non-utilization and/ or diversion/ misutilization of the allocated for the Scheme for providing shelters to the urban homeless.

The Committee shall issue suitable recommendations to the State Governments to ensure that at least temporary shelters are provided for the homeless in the urban areas to protect them during the winter season. The State Governments shall ensure compliance with the recommendations along the time frame indicated by the Committee. Any non implementation shall be drawn to the attention of this Court.

The Committee is directed to submit its report within a period of four month and hence this interim report:-

1. After the Constitution of the Committee, the Hon'ble Chief Justice of the Delhi High Court approved the name of Sh. Neeraj Kumar Gupta (Retd.) officer of the Delhi Higher Judicial Service as member secretary of the Committee and thereafter, the Ministry of

Housing and Urban Poverty Alleviation issued a notification regarding constitution of a Committee on 8th December, 2016.

The gazette notification is annexed as **Annexure- A**

2. Letter dated 13.12.2016 was issued by the Deputy Secretary Ministry of HUPA on behalf of the Committee to the Chief Secretaries of all the States intimating them about the appointment of the Committee and notification thereof and that the Committee shall conduct physical verification of the shelters in the States and will have interaction with the concerned authorities. The letter is annexed as **Annexure- B**
3. The Ministry was requested by the Committee to provide an office space at some central place for effective functioning of the Committee and provision for staff. The Ministry through one of its constituents Human Settlement Management Institute (HSMI) has earmarked the space for functioning of the Committee and in fact the Member Secretary and the Committee has been operating from such office space and now recently the same has been made fully operational recently. With regard to provision of staff the Ministry has provided some staff, and steps are reportedly underway to replace some of the inefficient staff.
4. The Member Secretary issued letter dated 16.12.2016 to the Chief Secretaries informing the scope of the Committee in terms of the directions given by this Hon'ble Court and the visit of the

Committee to various States/ UT's for ascertaining the progress made, asking for complete data/details of all permanent shelters, the facilities provided, the nature of shelters and the cost of construction/ cost of refurbishment and to apprise about the present status of the shelters. The letter is annexed as **Annexure-C**

5. Response to the above letter was sent by some of the States namely State of Maharashtra, Andhra Pradesh, Chhattisgarh, Tamil Nadu, Himachal Pradesh, Telangana and Jharkhand.

➤ State of Maharashtra vide its response dated 10th January, 2017 apprised about the coverage by Urban Local Bodies of DAY-NULM, number of permanent shelters, proposal sanctioned under DAY-NULM for new shelters, proposal for refurbishment of shelters, and operational shelters in the State and their location. The response is annexed as **Annexure-D**

➤ The State of Andhra Pradesh sent a response dated 10th January, 2017 informing the number of total urban local out of which 75 are having a population of more than 5 Lacs, and apprised about the number of shelters already running and also about the shelters for which the sanction has been accorded alongwith facilities provided. The response is annexed as **Annexure-E**

- The response dated 9th February, 2017 of Himachal Pradesh is to the effect that there is no operational shelter at present and there are 'Ran Baseras' and temporary shelters under the State sponsored scheme namely EIUS and at present there are 43 'Ran Baseras'. The response is annexed as **Annexure-F**
- The response dated 8th March, 2017 of Chhattisgarh is to the effect that they have permanent, temporary shelters as well as 'Ran Baseras' running in the State for urban homeless and the details as to the body who is managing the shelters, and the facilities provided therein. The response is annexed as **Annexure-G**
- The Tamil Nadu in its response dated 15th February, 2017 has given the details regarding the shelter functioning, their capacity, the body managing it totaling to 46 for 1234 inmates and the details of the shelters completed and under construction and future shelters which are envisaged to be constructed in 2017. The response is annexed as **Annexure- H**
- State of Telangana, in its response dated 04-01-2017, furnished the details of status of shelters functioning as 22, and average numbers of inmates residing there in as 641, alongwith the facilities provided.

The response also mentions about the proposal sanctioned for new construction 17, for refurbishment 11, and Total Projects

sanctioned to be 47. The present status of construction is also mentioned. The response of Telengana is annexed as **Annexure-I**

- State of Jharkhand vide its response dated. 17-03-2017, gave the number of permanent shelters to be 26, under construction as 18, and refurbishment as 12. Target likely to be achieved is in 2017-2018. Details of Infrastructure and facilities provided in the Shelters are also given. The response of Jharkhand is annexed as **Annexure-J**

6. The Committee after due notice held a meeting with the CEO, Delhi Urban Improvement Board which was attended by concerned officials of Delhi Government as well as by Secretary, DLSA to deliberate upon the observations of the Committee qua the shelters visited by it, about unspent funds released by HUPA to Delhi State, regarding formation of monitoring committees, management of the shelters, independent audit regarding the shelters and various suggestions were given regarding the facilities to be provided in the shelters and the purpose to be achieved for the urban homeless through the shelters. Some of the major suggestions were regarding providing clean hygienic conditions, clean blankets, provision for disabled, maintenance of registers, bunker beds, installation of CCTV cameras in every

shelter, seeking help of police to see that unwanted/criminal elements do not visit the shelter, providing of geysers in winters, and all other facilities which are mandatory under the NULM guidelines and also with regard to the setting of helpline and display of hoardings. Minutes of the meetings are annexed as **Annexure-K**

7. The Committee visited various shelters in Delhi at Sarai Kale Khan, Geeta Ghaat, Gandhi Park, Jamuna Bazaar, Bapu Park, Kotla Mubarkpur, Kilokari Gaon, four shelters at Tilak Nagar, two shelters at Dwarka, two shelters at Sai Mandir, Lodhi Road, Nehru Place, Sant Nagar (two shelters), shelter under Nehru Place Flyover (two shelters), Kalkaji Mandir and enlisted the shortcomings which were required to be rectified as well as the various facilities to be provided at the Shelters. The observations regarding each and every shelter as stated herein above are collectively annexed as **Annexure- L (Colly) (L 1 TO L 9)**

8. The Delhi Urban Statement Improvement Board after a meeting and in response to the shortcomings on various aspects submitted, an action taken report enumerating the steps taken in the permanent shelters, porta cabins and tents etc. The category of these shelters also include shelters for drug addicts and for differently abled, persons constitution of various Committees and the facilities provided, constitution of rescue teams who rescue

the poor homeless from streets and roads and to bring them to the shelter homes and running of mohalla clinics and skill development centre etc. Reports about further actions by DUSIB is **Annexure- M**

9. The Committee visited Union Territory of Chandigarh to have appraisal of the latest position of the shelters at Union Territory of Chandigarh, and states of Punjab and Haryana and a meeting in this regard was held by the Committee with the officials of Union Territory of Chandigarh, Punjab and Haryana at Chandigarh, and it was informed by the Committee about the guidelines of the NULM in respect of the shelters for homeless through a Power Point Presentation and deliberations were held wherein the officers apprised about the number of shelters in their respective States/UT, and during the deliberations stress was laid by the Committee on all the three States /UT, about convergence of various schemes of NULM, the shelters should be strictly compliant of NULM guidelines irrespective of whether the same has been constructed by the funds provided by the Centre or by the State or being run by an NGO, Urban Local Body (ULB) or Trust etc. and all shelters should be monitored by the State/UT, and most importantly the status of the shelter to be uploaded on a web portal. All the three administrations were asked to submit future road map /action plan of the States/UT, regarding the

shelters for urban homeless. The minutes of the meeting dated 06.02.2017 is annexed as **Annexure- N**

10. The Committee also visited various shelters at Union Territory of Chandigarh, Mohali Municipal Corporation of Punjab, shelter established by Punchkula Municipal Corporation. The officials accompanied the Committee and suggestions were given by the committee at the spot to bring various improvements in the shelters to conform to the NULM guidelines. The Committee also visited the shelters, accompanied by officials of the UT at Truck Parking at Chandigarh and noticing the deficiencies suggested the corrective measures there and then.

The Committee also visited shelters at, Punchkula managed by Red Cross Society and the trust of Mansa Devi Mandir, concerning State of Haryana.

The observation notes of the committee regarding the Shelters are **Annexure- O**

11. The State of Haryana sent its response in furtherance to the meeting and its road map /action plan intimating that they have established the requisite bodies and will conduct fresh survey for identification of urban homeless people in respect of the towns in which more than one lakh population and gave 15.02.2017 as a start time line, and 20 to 52 weeks thereafter for completion of work for Yamuna Nagar, Sonopath, Bhivani, Palwal, Kalka,

Pinjore etc. As NULM is to be implemented in all statutory towns, the position has been clarified to Government of Haryana. The road map /action plan is annexed as **Annexure- P**

12. The Punjab also sent its road map /action plan intimating that fresh survey of urban homeless has been carried out by the Urban Local Bodies and there are 2302 homeless persons and has sent the list of fresh initiatives which would be taken. The road map /action plan is annexed as **Annexure-Q**

13. The Union Territory of Chandigarh also sent its road map /action plan whereby the period for completion of project enumerated will be five years i.e. till 2021 and also guidelines adopted for mapping the homeless in the urban areas. The road map /action plan is annexed as **Annexure-R**

14. The Committee also visited Jaipur and held meeting with the officials of Rajasthan State on 28.02.2017 wherein deliberations were held with all the concerned officials and in the meeting the Principal Secretary, Urban Development Department, Rajasthan apprised that there are 83 shelters sanctioned by SULM out of which construction in respect of 50 shelters is complete, and 33 are functional and the remaining will be made functional by September, 2017. He also apprised about the estimated population in Rajasthan and that further survey shall be conducted in 9 major cities by March, 2017.

It was impressed by the Committee that locations to be identified where there are homeless concentration, regarding proper and effective management of such shelters, to give due publicity and provide linkage as well as third party audit to be done. The Hon'ble Chairperson expressed his concern about the affairs of the shelters by reading a newspaper cutting based on the report submitted by the Court Commissioners appointed by Hon'ble Rajasthan High Court. Action points to be taken were suggested and the State was asked to submit their future road map. The minutes are annexed as **Annexure -S**

15. The Committee also visited shelters at Dausa as well as Jaipur and observed that though efforts have been made to provide shelters to homeless but still there were many shortcomings and inadequacies specially the toilets which were not clean and hygienic, at the shelter home at Jaipur Railway Station, and neither there was any proper First Aid Kit. The observations of the committee are annexed as **Annexure-T** – alongwith the local newspaper report annexed as **Annexure-U**
16. State of Rajasthan sent a complete road map enumerating July, 2017 for survey of 9 major cities, December, 2017 for survey in 23 District Head quarts and 7 big cities and December, 2018 about survey in remaining cities and lastly April, 2021 to be date of

completion of construction work after doing all the needful. The road map /action plan is annexed as **Annexure-V**

17. From the data discerned by the Committee and assimilated from the information provided/affidavits filed by the various States before this Hon'ble Court, the number of existing shelters as per Union of India vis-à-vis the number of shelters provided by the States existing in those States is annexed here as **Annexure-W**

18. The Hon'ble Chairperson sent detailed letter to all the States addressed to the Chief Secretaries of the States taking into consideration the data provided by them regarding status of shelters in their particular State as per the affidavits filed by them before this Hon'ble Court or provided otherwise and called upon them to supply the latest details in respect of all shelters whether temporary, permanent or seasonal, survey if any conducted, the shelters constructed, the parameters and targets achieved, reasons for non-completion, submission of road maps, the infrastructure provided in the shelters, and impressed upon that all the shelters should be NULM 'guidelines compliant. The information was also called for supplying the amount received by them from the centre for construction of shelters and the amount spent and the reasons if any, for non-utilization of the same. The letters issued collectively are **Annexure- X (Colly). X-1 to X-25**

19. The Committee has plans to visit Maharashtra and U.P. during the month of April and due to advent of summer it also proposes to visit the States/areas which suffer from extreme heat and hot conditions and to apprise the respective States to take remedial measures accordingly.

General observations of the Committee after assessing the state of affairs in various States.

As per the NULM the time granted to various States/UT, to construct/ Refurbish, Shelters for Homeless to be NULM Guidelines Compliant is till the year 2022.

The work has been done by States with regard to establishment and to operationalize the shelters under NULM during the last three years period (2014-15, 15-16 & 16-17). So far 1251 shelters have been sanctioned in 24 States under NULM, out of which 658 shelters are functional and about 871 shelters are reported as functional by State under other than NULM.

Few States Viz, Andhra Pradesh, Madhya Pradesh, Telangana, Tamil Nadu, Kerala, Mizoram and, Rajasthan also have taken efforts for the establishment and to operationalise the shelters as per NULM guidelines either through construction of new shelters or by refurbishing the existing buildings.

And few other States such as Punjab, Odisha, West Bengal, Chhattisgarh, and Uttarakhand have also taken efforts for establishment of shelters. However the completion of construction of new shelters in the above States have taken long course of time. In Gujarat already 98 shelters are functional with the State Government support.

As per NULM guidelines shelters may be established adjacent to homeless concentrations and worksites, preferably close to the location, where the poorest congregate like railway stations, bus depots, and markets yards etc.

Even though, few of the States like Maharashtra and Bihar are not forthcoming to construct shelters; at such places on the ground that there is scarcity of land, secondly cost of land also.

On one hand State like Uttar Pradesh is making expenditure by construction of shelters: however the State needs to take efforts to operationalise the shelters at the earliest.

On the other hand NULM have funds but the States like Haryana and Chandigarh reportedly have not utilized the money as it is the responsibility of States only to make suitable land available. So directions are to be given to States to make land available for Shelters, at the very place, where Homeless are located, irrespective of the cost.

To meet the scarcity of Land, they can build / refurbish Shelters, vertically, comprising of 2 or more floors. For better utilization of space in the Shelter one can have bunker beds, and even bunker beds with lockers for families.

From the data collected and assimilated by the committee, the position which emerged is that about 23 States have constructed / refurbishment shelters after availing funds from the centre. Delhi has not constructed or refurbished any shelter till date out of the funds provided by Centre.

Generally States have raised shelters for Homeless, funded by the State itself or by Municipal bodies or Municipal Boards, etc, or by

NGO's with a without assistance of the State Machinery or by Independent bodies or trust etc. Very few shelters are of Permanent Nature and are mostly by Temporary ones.

The Committee is of the considered view that all the shelters, should have managerial Control of the State Administration, may be run by NGO's, Private bodies, or trust or Red Cross etc. and irrespective of its source of funding, should comply with NULM, guidelines only then it can be termed as shelters for Homeless, Maintaining the dignity of the inmates, and ultimately enabling the inmates to be Independent in life, having an identity of his/her family.

Providing one benefit or other, by different management bodies, will lead to chaos and will remain a charity only till it is given, without generating will and hope in the inmate that he can himself become self sufficient and meet his/her needs and that of its family.

State wise SUH Progress Report (on 28-02-17)

S. No	Name of the state	Shelters Sanctioned for under DAY-NULM(2016-17)	Total shelter sanctioned under DAY-NULM (As28-02-2017)	Capacity of shelters	Shelter Functional under NULM	Shelter Functional other than NULM	Capacity of shelters-other than NULM
		Total					
1	Andhra Pradesh	11	58	3178	37	0	
2	Bihar		114	5700	31	0	
3	Chhattisgarh	5	16	825	3	26	432
4	Gujarat		10	1557	5	98	3378
5	Himachal Pradesh	2	9	549		49	
6	Jammu & Kashmir		2	100			
7	Jharkhand	10	45	1089	26	21	767
8	Karnataka		40	1066	11	4	80
9	Kerala		14	1054	10	34	1432
10	Madhya Pradesh		133	7923	128	0	
11	Maharashtra	10	39	895	14	22	
12	Mizoram	6	41	1110	33		
13	Megalaya		3	150			
14	Odisha		26	1360	2		
15	Punjab	4	20	1012	4	138	2760
16	Rajasthan	55	142	6806	86	201	6856
17	Tamil Nadu	46	141	6110	46		
18	Telangana	4	47	2540	22	0	
19	Tripura		5	250			
20	Uttarakhand	1	11	880	2		
21	Uttar Pradesh	18	90	5960	0	146	5324
22	West Bengal	15	28	1400	1	44	2033

23	NCT of Delhi	216	216	17174	197		
24	Nagaland	1	1				
25	Assam		0			25	1235
26	Haryana		0			59	5722
27	Manipur		0				
28	Puducherry		0			2	
29	Goa		0				
30	A&N Islands		0				
31	Chandigarh		0			2	150
32	D&Haveli		0				
33	Daman&Diu		0				
	Total	404	1251	68688	658	871	30169

Funding by NULM and its nature scope and procedure alongwith the NULM fund utilized by the States as per the Centre.

Committees

National Level

(i) Governing Council—

Policy making body.

Meeting held on June 24th, 2015 and

19th July, 2016,

modifications in operational guidelines made.

- (ii) Executive Committee - Oversees the activities of Mission. Linkages with different Missions Meetings held on 29th Dec 2014, 22nd Sept, 2015, 22nd February, 2016, 9th September, 2016 and 28th March, 2017.

State Level

- (i) Governing Council:--- A policy making body chaired by the Chief Minister of State.
- (ii) Executive Committee:- To oversee activities of Mission in States, chaired by Secretary of State.
- (iii) Project sanction Committee:- Approval of Proposals Submitted by ULB.
Formed in 31 states Balance (Sikkim, A&N Islands, D&N Haveli and Daman & Diu) Sikkim, enough shelters run by NGO, no need to construct further.

City Level

Executive Committee:- Planning, implementation and management.

- Seven Components of NULM
 - i. Social Mobilization and Institution Development (SM & ID)
 - ii. Capacity Building and Training (CB & T)
 - iii. Employment through Skills Training and Placement (EST & P)

- iv. Self-Employment Programme (SEP)
- v. Scheme of Shelter for Urban Homeless (SUH)
- vi. Support to Urban Street Vendors (SVSV)
- vii. Innovative and Special Projects (I & SP)

- It is a participatory Scheme.
- Shelter proposals are sanctioned by the Project Sanction Committee, constituted under Chairmanship of Principal Secretary/ Secretary of Urban Development Department of State. A representative of HUPA is a member of the Committee. HUDCO Regional Chief has been nominated by HUPA to attend the PSC meetings on behalf of HUPA.
- Necessary procedure for verification of utilization of funds released for O&M is finalized by SULM.
- Funds released to the states only after audit report and utilization certificate of the funds released earlier in accordance in the guidelines laid in GFR 2005.
- Audit reports and utilization certificate submitted by states are examined by the Internal Finance Division of the Ministry in each case, before the release of funds, which are released taking in account the unspent balance of Central Funds with them.

- System of monitoring and evaluation of the performances of States which are required to send online, Monthly Progress Report, which are examined.
- Consolidated funds are released to the States / UTs for all the seven components of NULM. The States / UTs can apportion appropriate amount of money for each component of NULM taking into account the actual requirement for each component.
- **State/UT wise Shelters Sanctioned under NULM and Basis of Sanction**

Annexed- Annexure "Y"

NULM FUNDS UTILIZATION

(Amount in Rs. Lakhs)

S.No.	Name of the States	Unspent Balance as on 29.03.2017-latest MPR
1	Andhra Pradesh	0.00
2	Bihar	3299.31
3	Chhattisgarh	0.00
4	Goa	13.58
5	Gujarat	5203.00
6	Haryana	2348.85
7	Himachal P	405.24
8	J & K	552.08

9	Jharkhand	0.00
10	Karnataka	3004.60
11	Kerala	23.53
12	Madhya P	78.37
13	Maharashtra	10916.38
14	Odisha	0.00
15	Punjab	1031.68
16	Rajasthan	16.36
17	Tamil Nadu	7744.47
18	Telangana	282.32
19	Uttar Pradesh	212.08
20	Uttarakhand	3420.67
21	West Bengal	0.00
Sub Total		38552.52
22	Delhi	2127.46
23	Puducherry	287.51
Sub Total		2414.97
24	A&N Islands	106.31
25	Chandigarh	0.00
26	D & N Haveli	40.59
27	Daman & Diu	0.00
Sub Total		146.90
28	Arunachal P	217.92
29	Assam	4829.64
30	Manipur	966.74
31	Meghalaya	554.91
32	Mizoram	1851.92
33	Nagaland	823.07
34	Sikkim	0.00
35	Tripura	740.04
Sub Total		9984.24
Grand Total		9984.24

Suggestions by the Committee:

Identification of Homeless

Identification of Homeless is the basic requirement, for providing shelters: unless the exact requirement is known, one cannot plan as to how many shelters are required, at which location, and the capacity of each shelter.

The Identification, and Location of Homeless persons, govern the location of the shelter, as nobody can be supposed to visit or remain in a shelter which is far away from his / her source of earning, otherwise lot of money, energy and time get wasted, and the very purpose of having a shelter, would stand defeated.

The identification, should be an ongoing process, because of seasonal labour visiting States, at particular time of the Year, migration of persons from one State to another etc.

This data is to be further validated from information available in public domain.

Identification to be done by the concerned Urban Local Bodies. Who may take help of other agencies, in such exercise, if required.

Non identification and simply raising structures, on the basis of the criteria that for one lakh population, one shelter for hundred person, will fulfill the norm, as is the practice adopted by some States is meaning less and can defeat the very purpose of a shelter. Hence the States are advised to conduct comprehensive survey of Urban Homeless where ever either the survey has not been conducted so far, or the survey done in the remote past has lost its efficacy.

Since its constitution, the Committee has been noting the lack of availability of basic data, of all concerned, about the shelters established by various States/ UTs under support from various sources. The issue was given a consideration in its various formal/ informal meetings and it emerged that the data about all shelters, whether under support from DAY-NULM, or otherwise be made available in a compiled form at one place. After considering various options it was decided that a specific space may be created at the portal of Ministry of Housing and Urban Poverty Alleviation, DAY-NULM. Therefore, for ensuring this, the Ministry of HUPA was given direction by the Committee to develop a proforma and direct the States/ UTs to upload the information about shelters in their respective jurisdictions on the DAY-NULM portal.

Based on the suggestion of the Committee, a centralised Proforma has been developed by Ministry of HUPA to capture the city wise status of shelters and the profile of each of them. The provision thus has been made allowing the States/ UTs to upload the above details in the online portal of DAY-NULM.

The states should send/ upload, the details of all the shelters, whether under NULM or not, a whether Permanent or Temporary or seasonal, whether run and managed by State, Municipal Corporation, Municipal Board, Municipal Council or by NGO, Private body or Trust etc, on the portal of NULM, and

The relevant information to be uploaded on NULM Portal is as under:

Proforma

Profile of the Shelter for Homeless

State : Name of the City : Name of
the ULB:

Name of the Shelter : Plot No: Street:

Ward No:

Landmark: Type: Name of the SMA:

Category : Capacity : Date of Operational :

Funding Source : No of inmates in shelter

:

Shelter Management Committee in Position : Yes ☒ No ☐

Staff in position for shelter Management :

Sl.NO.	Name	Designation	Contact No
01		Coordinator	
02		Care Taker	
03			

Detail of Inmates:

General Shelter	Special shelter:
No of Families	No of Aged:
No of men	No. of Single women:
No of women	No. Physically Challenged :
No of children	No. of Mentally Challenged :
Other if any	Other category if any:

Infrastructure/amenities in the shelter:

Well ventilated rooms/dormitories	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Adequate space for each inmates (@ 50 Sq.ft.)	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Lighting	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Fan facilities	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Kitchen with vessels and Gas connectivity	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Piped Water Supply	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Cloak room/ Personal Lockers	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Space for recreation /library /others	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Toilet/ Bath Rooms	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Provision for Hot water- Geyser/solar device	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Purified water facility-ROs etc	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Cots /Bunker Beds with shelter	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
(If yes) :		<input type="text"/>
Sleeping mats /blankets	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
(If yes) :		<input type="text"/>
Washing provisions- Blankets/ Bed Sheets	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
(If yes) :s :	Dis	<input type="text"/>
Display Board at entrance of shelter	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
CCTV Camera Installed	: Yes : <input checked="" type="checkbox"/>	No : <input checked="" type="checkbox"/>
Fire protection Measures	: Yes <input checked="" type="checkbox"/>	No <input checked="" type="checkbox"/>
Food Arrangements: Yes/No : <input checked="" type="checkbox"/> (If Yes by):	<input type="text"/>	
▪ Health Care:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
▪ First aid kit is with emergency medicines	Yes	: No
▪ Periodicity of Medical check ups	<input type="text"/>	
▪ Number of children enrolled with- ICDS	<input type="text"/>	Regular School <input type="text"/>
		<input type="text"/>

▪ Number of inmates issued - Indentity cards Aadhar
Cards

▪ Records with Shelter :

Computerised : ☒

Manual ☐

Profile of inmates/Enrollment Register

: Yes : ☒ No ☒

Staff Attendance

: Yes : ☒ No : ☒

Stock/Asset Register

: Yes : ☒ No : ☒

Books of Accounts

: Yes : ☒ No : ☒

Minutes book of SMC

: Yes : ☒ No : ☒

Additional (Services/entitlements

/convergences) information's if any :

[e.g.- Linkages with other scheme benefits -Skill Training/Placement , Social
housing etc]

Shelter Photographs [\(Click Here\)](#)

Shelter for Urban Homeless :City Status

1.Name of the City

2. Population as per 2011 census:

3. Shelters required as per SUH guidelines

4. Homeless survey conducted : Yes/No .

4.a. If Not :Staus of survey :Progress/planned to conduct

4.b :If yes; Number of homeless enumerated :

5. Shelters established :No of shelter functional/Under construction:

5.a.Functional: DAY-NULM Capacity Non -NULM Capacity

5.b. Construction/Refurbishment:DAY-NULM Capacity Non-NULM

Capacity

6.Help line service-Number provided to Homeless :

7. Funding: Allocated & Utilised

Financial year	Allocated (in Lakh)	Utilised (in Lakh)
2013-14		
2014-15		
2015-16		
2016-17		

Additional Informations:

Type: New/ Refurbishment/O&M only

Category: General/ men/women/family/special

Funding source:DAY-NULM/ otherthan NULM

(Additional provisions):

Toilet/ Bath Rooms : Yes : ☐ No : ☐ If yes: provision for women: yes ☐ ☐
☐ ☐

No

Disabled:Yes

No

This will enable to have an informed view of each and every shelter located any where in India ,regarding, the facilities made available, scope for further improvement etc, at one go, while being at one place, and all the data will be available. The relevant direction can be issued and compliance / Non Compliance could be noticed.

The information has to be uploaded once in each month and if not uploaded, then it will be treated that, no new Construction has been

made, nor any improvement has been carried out, and no future action has been thought about

- **Minutes of Meeting dt 17-1-2017 are annexed as Annexure-Z**

Profiles of Inmates to be made available in the

shelters:

All the shelters should maintain – a Biometric Data, of the inmates who visit the Shelter.

This will in due Course of time, be helpful in determining the number of homeless in a particular State and the neighbouring States, from where such inmates migrates or arrives as Casual Labour.

It will create a Data Bank, and once a unique identification No. is assigned to each and every such inmate, the identity of each inmate will also be established.

The inmate should be asked, as to the nature of work done by him, and about possessing any special Skill. From such information one can ascertain as to the nature of skill required to be imparted, which will enhance his own natural skills. This will help in finding / Providing a suitable job for him. The determination of Identity will be a step for issuance of Aadhar Card , Voter I card etc. to the inmates.

Background of an inmates, and his/her family, will give bird's eye view about his/her past and remedial measures to be taken by the Managerial staff of the shelter.

Mobilization of Resources and Publicity

It has been observed that many State functionaries, complain, that no doubt there are Urban Homeless and they sleep beneath the flyovers, or on pavements etc. but still inspite of Coaxing, they are not willing to live in the shelters, for reasons best known to them.

The Most common reason given is that various persons out of Charity, provide them food and money and at times blankets etc., which the dwellers sell and thus earn money which they cannot earn while living in the Shelter.

To overcome this hurdle persons / groups, NGO's are to be involved, who by counseling can prevail upon such street dwellers, that the Charity given is in the shape of Alms only and for whole of their life they will remain dependent on others and continue to live a life of misery, without any self identification or dignity, of their own.

At the shelter, in due course of time they will have their own identity and right from day one will be provided with the basic needs, i.e clean water to drink, to bath, to wash, privacy of toilets, neat and clean environment, enough space to maintain their privacy while sleeping, sufficient space to keep their belongings, hygienic food, sufficient breathing space, etc and more importantly making them self sufficient

and independent to earn their livelihood, enabling to lead a life of dignity and Contentment.

Moreover, wide publicity should be given regarding location of a shelter, the facilities available at the shelter by various means of communications viz. Display Sign boards, Helpline No's, Google map etc. and the purpose of a shelter and facilities available at the shelter.

Construction of a shelter, which remain unoccupied is not going to serve any purpose. Some of the shelters visited by the Committee has less occupancy, so due publicity and awareness is a must.

Management of Shelters:

Providing Shelter is not the end. The approach towards Construction and maintenance of Shelter, should not be just by providing a shelter but to ensure that the shelter has been provided at a safe and secure place not vulnerable to any kind of road accidents or other hazards and the caretakers, staff and managers managing the shelters, should have a holistic approach, towards the inmates. They should also be capable of providing counseling to them, if need be.

Maintenance of registers, Provision of CCTV, First Aid Box, are mandatory. The Caretakers should have sufficient deft and qualifications to maintain and operate them. If the Caretaker is not knowing the basics of First aid and the need and manner of providing the same, there will be no utility of First Aid Box, even if the same is available.

Similarly the Caretakers/managers, should be adept in maintaining the discipline at the shelter and intense relationship between the inmates.

He has to assure that no person enters the shelter, in an intoxicated, state, as such person is likely to vitiate the atmosphere of the shelter.

Similarly no person should be able to consume alcohol or drug etc inside the shelter. So the staff has to act as watchdog, as counsellor, and sympathiser, deft in handling situations, and for that training should be imparted to the entire staff from time to time so that they are able to understand, rectify and solve the happenings at the shelter.

This is the biggest issue and most of the shelters are lacking in this regard.

Most importantly, uploading the relevant details regarding each and every shelter, irrespective of its nature or the body managing it, on a portal of Ministry of Urban Housing, detailing each and every aspect regarding the shelter alongwith photographs will facilitate to ascertain

all the facts regarding a shelter by a click of a mouse. The information to be given in a proforma with details of each and every aspect.

Further Suggestions

- All shelters to be NULM Guidelines Compliant irrespective of its nature, whether Permanent or Temporary or being run by State/Municipal Body /NGO /Turst/ Red Cross etc.
- Early clearance of DPRs to establish shelters under NULM.
- Formation of Local / Social Audit Committee for Shelters including representatives of SLSA
- Expedite land approval for construction of shelters under NULM.
- Mobilization camps at city for enrolling homeless in shelters
- Providing ID cards/Adhar linkage/Bank Accounts for Homeless

- To conduct city wise homeless survey accordingly to prepare plan for establishment of shelters in a phased manner by 2022.
- Converge all possible scheme benefits of the Govt. schemes for mainstreaming the homeless.
- Shelters to be established either through new construction or by refurbishing the existing buildings/ shelters
- To ensure that non NULM shelters are refurbished as per guidelines of NULM
- Helpline may be started in the towns in which shelters are functional
- To match the identified locations of homeless concentrations with the neighbouring shelters/ Municipal buildings through geotagging and to submit a plan of action for the establishment of shelters in a phased manner , including refurbishment of existing shelters making them to comply with NULM guidelines, by 2022;
- The State is required to design Capacity building programmes for shelter management staff, so that they are able to discharge their duties as envisaged in mission guidelines.

- To display hoardings and to conduct IEC-Events/ programmes, mobilization camps with the participation of NGOs/ CBOs to enroll the homeless;
- The DLBs to make efforts for providing entitlements such as Aadhar cards, bank accounts for homeless and to converge with other scheme benefits of the line departments such as social security benefits/pensions, skill training, suitable provisions in social housing scheme;
- To conduct third party quality audit on a quarterly basis by engaging reputed institutions to assess the performance of shelters;
- Installation of display board exhibiting available facilities in the shelter home, CCTV camera and individual lockers is to be ensured;
- Essential facilities must be ensured in each shelter which includes drinking water (RO), sanitation, separate toilets for men & women, bedding, first aid kit with proper medicines & its description, recreation facilities, vector control, kitchen facility, etc
- The state may converge the services with Health and Education Departments to conduct periodic health camps/check-ups in the shelters and to enroll the dropout children in schools

- To engage NGOs/ CBOs/ ALFs / trained staff for Operation and Management of shelters;
- Some jobs, suitable as per their vocation.
- Maintenance of Registers etc. is also a mandate. It helps in keeping profile.
- The shelters may be converged with nearby skill development centres to impart skills to eligible homeless.
- In the light of the foregoing, it is most humbly prayed that this Hon'ble Court may be pleased to give following directions to the Chief Secretaries/Administrators of various states/UT's for effective implementation of the same in a time bound schedule or any other or further directions as this Hon'ble Court may deem just and proper in the best interest of the poor and shelter less urban people.
- The States be directed to provide the complete details of the funds earmarked by them for construction of a shelters from the funds of NULM i.e. the quantum of funds received and utilization thereof by the states/UT's.
- Creation of State Portal to upload the latest position of the existing shelters maintained by the state of

irrespective of its category, whether permanent, temporary or seasonal, the infrastructure there of and the amenities provided to the inmates and also to specify the nature of shelter that is men, women, children, general, or special & in case special shelter the special category to be maintained with the photograph of the shelters as per the Proforma.

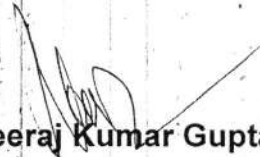
- States/UT's should make Land available for Shelters for Urban Homeless, at the very place, where such persons are found in large numbers, irrespective of the costs involved.
- Third party quality Audit & Social Audit of Shelters to be done.
- To computerize the enrolment and the profile of the inmates.
- To create State Portal, request already been made.
- To carry out Time Bound Survey for mapping total number of homeless people in all statutory towns covered by NULM.
- Road map for construction of permanent shelters till 2022.

- To upload the profiles of each and every shelter in a State/UT whether permanent or temporary on the centralized NULM Portal.




Justice Kailash Gambhir

(Chairperson)



Neeraj Kumar Gupta

(Member Secretary)



Sanjay Kumar

(Joint Secretary)

Dated:

New Delhi

Annexures