

Shahri Adhikar Manch: शहरी अधिकार मंच:
Begharon Ke Liye बेघरों के लिए



Urban Rights Forum: For the Homeless

PRESS RELEASE:

Delhi High Court's Interim Order Reproaches MCD on Night Shelters for Homeless

- Calls for immediate reinstatement of shelter at Pusa Roundabout today with provision of blankets
- Issues moratorium on further evictions in Delhi
- Asks MCD and Delhi Government for policy on shelters and compliance with Delhi Master Plan 2021

New Delhi, 13 January 2010: At the third hearing today of a *suo moto* case initiated by the Chief Justice of the Delhi High Court on 6 January 2010, a bench of Justice Badar Durrez Ahmed and Justice Rajiv Sahai Endlaw strongly pulled up the Municipal Corporation of Delhi (MCD) for its failure to comply with the 7 January 2010 order of the Court to restore the Pusa Roundabout (Rachna Golchakar) night shelter and its inability to provide adequate shelters for Delhi's homeless.

Shahri Adhikar Manch: Begharon Ke Liye – a coalition working on human rights of the homeless in Delhi – commends the Delhi High Court for its order. In particular, it welcomes the Court's assertion that the MCD needs to provide shelter for everyone who needs shelter, even though it has for the short-term limited this demand to the immediate reinstatement of the temporary night shelter at Pusa Roundabout (Rachna Golchakar), which the MCD demolished on 22 December 2009. Despite MCD's claim that it has reinstated the shelter as mandated, the High Court, citing a report submitted by the Secretary, Delhi Legal Services Authority which states that the shelter accommodates only 40-50 people, asked for the MCD to reinstate a shelter by today which covers the entire roundabout and accommodates the 250 people who were originally living there. Further, it asked the MCD to provide blankets wherever people needed them, stating that the Delhi government had enough resources for this. Since the shelter had been put up by the Department of Revenue, Government of National Capital Territory (NCT), the MCD's claim that the original shelter was an encroachment, was dismissed.

The Court also cited the *Delhi Master Plan 2021* requirement of one permanent shelter for every one lakh of the population, which results in the need for 140 permanent shelters for Delhi. While asking the MCD and concerned Delhi government authorities to present their policy on night shelters, the bench also asked about the government's plans to meet the Master Plan provisions, highlighting the great shortfall in the current number of shelters. The Court noted that no person should have to spend a night without shelter. Temporary measures must be immediately set up but meanwhile all the concerned authorities of Delhi should make provisions for alternative shelters. The bench further stressed that the minimum requirement of any civilized society is to take care of its citizens. No citizen should have to die of the cold or heat because he/she does not have a roof over his/her head. The Court stated that it was reminding the State of its responsibility, while also citing newspaper reports of cold-related homeless deaths in Delhi.

Shahri Adhikar Manch strongly supports the Court's assertion that there must be no further evictions in Delhi. On 9 January 2010, officials of the Northern Railway, Delhi Police and MCD forcefully evicted over 400 people at Mithai Pul, near Old Delhi Railway Station. The officials used violence against women and children and also burnt and destroyed their property. The evicted families are still shivering out in the cold without any compensation or provision for rehabilitation.

The MCD appealed for another hearing, which the Court fixed for 19 January. In the meanwhile, *Shahri Adhikar Manch* urges the MCD and relevant Delhi government departments and authorities to immediately respond to the emergency winter conditions and humanitarian crisis with regard to homelessness in the city. Already, 10 cold-related homeless deaths have been reported in Delhi this year. With the continued cold wave, low temperatures and chilly winds, the homeless remain the most vulnerable and threatened. The city administration must take responsibility for the homeless deaths and immediately make available vacant government buildings as emergency shelters with provision of basic services such as clean bedding, warm blankets, water, security, and other essential amenities.

For more information, contact: Raj Bhushan (9711 411204); Shivani Chaudhry (9818 205234)